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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SANTA CRUZ**
15

16 Case No.: 24CV03428

17 KAYA CHESTER, RAHUL NADKARNI
18 AND KYLE HINAGA,

19 Plaintiffs,

20 v.

21 THE REGENTS OF THE UNIVERSITY OF
22 CALIFORNIA, a public entity; and DOES 1
23 through 20, inclusive,

24 Defendants.
25

26 **COMPLAINT FOR DAMAGES FOR:**

27 **1. NEGLIGENCE PURSUANT TO**
28 **CALIFORNIA GOVERNMENT**
CODE SECTION 815.2

DEMAND FOR JURY TRIAL

Plaintiffs, KAYA CHESTER, RAHUL NADKARNI, and KYLE HINAGA file this complaint against THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a public entity; and DOES 1 through 20, inclusive, and each of them, hereby alleges as follows:

I.

INTRODUCTION

1. This action is brought by Plaintiffs, KAYA CHESTER, RAHUL NADKARNI and KYLE HINAGA, to recover damages for injuries caused by Daniel Theodore Stevenson, while in the course and scope of his employment as a bus driver for Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, on December 12, 2023.

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2. Pursuant to California Government Code § 905.6, Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA is exempt from the claim-filing provisions of the Tort Claims Act.

II.

PARTIES

3. Plaintiff, KAYA CHESTER (“CHESTER”), is an individual and at all relevant times a resident of the City of Oakland, County of Alameda, State of California.

4. Plaintiff, RAHUL NADKARNI (“NADKARNI”), is an individual and at all relevant times a resident of the City of Pleasanton, County of Alameda, State of California.

5. Plaintiff, KYLE HINAGA (“HINAGA”), is an individual and at all relevant times a resident of Sunnyvale, County of Santa Clara, State of California.

6. Plaintiffs are informed and believe and thereon allege that Defendant, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (“UC REGENTS”) is, and at all times herein mentioned was, a California Public Entity, lawfully operating in Santa Cruz County, California. Defendant UC REGENTS is a public entity pursuant to California Government Code § 811.2 and Daniel Theodore Stevenson was an employee of Defendant UC REGENTS pursuant to California Government Code § 810.2 and a public employee pursuant to California Government Code § 811.4.

7. The true names or capacities, whether individual, corporate, associate or otherwise of Defendants named herein as DOES 1 through 20, inclusive, are unknown to Plaintiffs, who are informed and believe, and thereon allege that each of the fictitiously named Defendants is in some way liable to Plaintiffs, and Plaintiffs therefore sue said Defendants by such fictitious names. Plaintiffs will amend this Complaint to show the true and correct names and capacities of said fictitiously named Defendants when the same has been ascertained.

III.

AGENCY ALLEGATIONS

8. Plaintiffs are informed and believe, and based upon such information and belief allege, that at all times relevant herein, each of the Defendants herein, including any predecessor, successor, parent, subsidiary, and or/closely related business partner therefore, including the DOE Defendants herein, was acting as an agent/or employee for each of the other Defendants, and in doing the things

1 alleged herein, was acting within the scope of such agency or employment in furtherance of common
2 business interests. At all relevant times set forth herein, all Defendants acted in concert and as the
3 agents of one another.

4 **IV.**

5 **JURISDICTION AND VENUE**

6 9. This Court has proper jurisdiction and venue over this matter because all events referred
7 to herein occurred within the boundaries of Santa Cruz County and because Defendant UC REGENTS
8 operates and conducts business within the boundaries of Santa Cruz County.

9 **VI.**

10 **FACTUAL ALLEGATIONS**

11 10. On December 12, 2023, Plaintiffs, CHESTER, NADKARNI and HINAGA, all students
12 at University of California, Santa Cruz, were passengers on a 1993 Gillig multi-passenger, full size
13 passenger bus, California License Plate 1345629 (“BUS”), owned by Defendant UC REGENTS and
14 being driven by Defendant UC REGENTS’s employee Daniel Theodore Stevenson while in the course
15 and scope of his employment for Defendant UC REGENTS.

16 11. At approximately 8:30 p.m., UC REGENTS’s employee Daniel Theodore Stevenson
17 drove the BUS southbound on Coolidge Drive, while transporting Plaintiffs, CHESTER, NADKARNI
18 and HINAGA. As the roadway turned left, UC REGENTS’s employee Daniel Theodore Stevenson
19 failed to navigate the curve of the road, allowing the BUS to exit the roadway and causing the BUS to
20 strike a metal sign, paddle marker, metal/wood fence, and stone wall before the BUS came to a rest.

21 12. Plaintiff CHESTER was seated in the BUS, facing forward. Plaintiff CHESTER saw
22 everything go black and woke up on the floor of the BUS. Plaintiff CHESTER was taken by ambulance
23 to Santa Clara Valley Hospital and hospitalized for seven days. After the crash, Plaintiff CHESTER told
24 officers that during the ride, driver Daniel Theodore Stevenson seemed bothered by Plaintiff
25 CHESTER’s question about the route of the bus and so Plaintiff CHESTER rang the bell to exit the bus
26 at the next stop due to her interaction with the driver. Regarding the crash, Plaintiff CHESTER said that
27 Daniel Theodore Stevenson did not make the turn with the road and then the BUS left the roadway.
28 Plaintiff CHESTER suffered multiple blunt force trauma injuries, including but not limited to, a right

1 hip dislocation and associated posterior wall acetabular fracture, which required surgical intervention
2 while hospitalized. Plaintiff CHESTER suffered and continues to suffer from significant physical
3 injuries and physical pain, emotional pain, and emotional suffering. The full extent of Plaintiff
4 CHESTER's injuries is not yet known.

5 13. Plaintiff NADKARNI was seated in the rear of the BUS. A few minutes before the crash,
6 Plaintiff NADKARNI texted his friend: "Night time loop drivers have a death wish." After the crash,
7 Plaintiff NADKARNI told officers that Daniel Theodore Stevenson had been driving the BUS fast and
8 braking hard the entire trip. Plaintiff NADKARNI was taken by ambulance to Dominican Hospital
9 where he was treated for multiple injuries including to the right and left hips, lower back, and forehead.
10 This is not the full extent of Plaintiff NADKARNI'S injuries but the injuries for which he required
11 emergency care. Plaintiff NADKARNI suffered and continues to suffer from significant physical
12 injuries and physical pain, emotional pain, and emotional suffering. The full extent of Plaintiff
13 NADKARNI's injuries is not yet known.

14 14. Plaintiff HINAGA does not remember where he was seated on the bus and has little
15 memory of the events leading up to the crash or thereafter. After the crash, Plaintiff HINAGA was
16 taken by ambulance to Santa Clara Hospital and hospitalized for multiple blunt force trauma including
17 injuries to the scalp, forehead, thumb laceration, head, right forearm, bilateral knees, right thigh,
18 shoulder and neck. Plaintiff HINAGA suffered and continues to suffer from significant physical
19 injuries and physical pain, emotional pain, and emotional suffering. The full extent of Plaintiff
20 HINAGA's injuries is not yet known.

21 **V.**

22 **FIRST CAUSE OF ACTION**

23 **NEGLIGENCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 815.2**

24 **AGAINST ALL DEFENDANTS**

25 15. Plaintiffs hereby reallege and incorporate by reference, Paragraphs 1 through 14,
26 inclusive, as if set full herein.

27 16. Defendant UC REGENTS is and was, at all times relevant to this complaint, a public
28 entity operating under the laws of the State of California. Pursuant to Government Code § 811.2 a

1 “Public entity” includes the state, the Regents of the University of California, the Trustees of the
2 California State University and the California State University, a county, city, district, public authority,
3 public agency, and any other political subdivision or public corporation in the State. Pursuant to
4 Government Code § 815.2, “A public entity is liable for injury proximately caused by an act or omission
5 of an employee of the public entity within the scope of his employment if the act or omission would,
6 apart from this section, have given rise to a cause of action against that employee or his personal
7 representative.”

8 17. Daniel Theodore Stevenson was in the course and scope of his employment for UC
9 REGENTS as a bus driver operating the BUS at the time of the accident in question.

10 18. Daniel Theodore Stevenson operated said BUS in a negligent manner failing to remain on
11 the roadway, violating California Vehicle Codes, and causing the BUS to leave the roadway and crash,
12 causing injuries to the Plaintiffs. As a direct result of the negligence of Daniel Theodore Stevenson,
13 Plaintiffs suffered injuries.

14 19. Defendant UC REGENTS is vicariously liable for the acts and omissions of its employee,
15 Daniel Theodore Stevenson.

16 20. As a legal result of said incident, Plaintiffs suffered, and continue to suffer from, physical
17 and emotional injuries, including disfigurement.

18 21. As a legal result of said incident, Plaintiffs were compelled to and did employ the
19 services of hospitals, physicians, nurses, and other health care professionals to care for and treat their
20 conditions and did incur hospital, medical, professional, and incidental expenses which will be stated
21 according to proof.

22 22. As a legal result of the said incident, Plaintiffs will require future medical and emotional
23 care and treatment.

24 23. As a legal result of said incident, Plaintiffs lost income and/or were prevented from
25 gainful employment and will continue to suffer loss of income and earning capacity in the future in an
26 amount according to proof.

27 24. As a legal result of their injuries, Plaintiffs suffered general damages in an amount within
28 the jurisdiction of the Superior Court.

PRAYER FOR DAMAGES

WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of them, as follows:

1. For general damages, including, but not limited to, past and future pain and suffering and emotional distress, in an amount in excess of the jurisdictional minimum, according to proof;
2. For special damages, including, but not limited to, past and future hospital, medical, professional, and incidental expenses as well as past and future loss of earnings, loss of opportunity, and loss of earning capacity, in excess of the jurisdictional minimum, according to proof;
3. For prejudgment interest, according to proof;
4. For attorneys' fees and costs of suit incurred herein, according to proof; and
5. For such other and further relief as the Court may deem just and proper.

DATED: December 6, 2024

INFINITY LAW GROUP LLP



By: _____

Ilya Filmus, Esq.
Scott H. Levy, Esq.
Attorney for Plaintiffs,
Kaya Chester, Rahul Nadkarni and Kyle Hinaga


DEMAND FOR TRIAL BY JURY

Plaintiffs KAYA CHESTER, RAHUL NADKARNI and KYLE HINAGA hereby demand a trial by jury as to all causes of action.

DATED: December 6, 2024

INFINITY LAW GROUP LLP

By: _____


Ilya Filmus, Esq.
Scott H. Levy, Esq.
Attorney for Plaintiffs,
Kaya Chester, Rahul Nadkarni and Kyle Hinaga