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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

ROBERTA TALLEY, individually and as
surviving spouse and successor in interest to
the Estate of Decedent BRIAN KIPTON
SHAW; BRADLEY SHAW, individually and as
surviving adult child of Decedent BRIAN
KIPTON SHAW; MACKENZIE SHAW,
individually and as surviving adult child of
Decedent BRIAN KIPTON SHAW; MARK
ALEXANDER REYNOLDS; JAIME REYNOLDS;
MICHAEL ROLAND REYNOLDS; JULIANA
REYNOLDS; RANDAL JAMES GLEATON;
CORINA GLEATON; DANIEL JASON LASAGE;
CHARITY COBLEIGH; COREY DORAN
SHORES; LINDSAY SHORES;
MICHAEL JOHN FEHN; WENDY CERVANTES;
JAMES WAYNE KRIEBEL; MELISSA KRIEBEL;
DARRYL RALPH WHITAKER; HALEY
WHITAKER; BRYAN KEITH KRACK; JENNIFER
KRACK; FRANKLIN DELANO JR ACKERMAN;
SHERI ACKERMAN; JASON ALLEN JAY;
THOMAS RICHARD LOVE; NICOLE LOVE;
MATTHEW WAGNER; LESLEY WAGNER;
THOMAS PLICZKA; CHARLES JOUAN;
TIMOTHY BURKETT; JARRAD DONABEDIAN;
BRIAN HALEY; BONNIE HAWK; and
ANNA ROBINSON,

Plaintiffs,

v.

Case No.: 25CV031473

**COMPLAINT FOR WRONGFUL DEATH,
PERSONAL INJURIES, NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS,
LOSS OF CONSORTIUM, AND
DECEDENT'S CAUSE OF ACTION -
SURVIVOR'S CLAIM**

STATE OF CALIFORNIA, CALIFORNIA
DEPARTMENT OF TRANSPORTATION;
FLATIRON CONSTRUCTION CORP.;
FLATIRON DRAGADOS USA, INC.;
TEICHERT, INC.; TEICHERT, INC. DBA
TEICHERT CONSTRUCTION; A. TEICHERT &
SON, INC.; CORAL CONSTRUCTION
COMPANY; WSP USA INC.; KNIGHT CM
GROUP DBA KNIGHT CONSTRUCTION
MANAGEMENT; YUNPING LIN; and
DOES 1 through 60, inclusive,

Defendants.

Plaintiffs ROBERTA TALLEY, individually and as surviving spouse and successor in interest to the Estate of Decedent BRIAN KIPTON SHAW; BRADLEY SHAW, individually and as surviving adult child of Decedent BRIAN KIPTON SHAW; MACKENZIE SHAW, individually and as surviving adult child of Decedent BRIAN KIPTON SHAW; MARK ALEXANDER REYNOLDS; JAIME REYNOLDS; MICHAEL ROLAND REYNOLDS; JULIANA REYNOLDS; RANDAL JAMES GLEATON; CORINA GLEATON; DANIEL JASON LASAGE; CHARITY COBLEIGH; COREY DORAN SHORES; LINDSAY SHORES; MICHAEL JOHN FEHN; WENDY CERVANTES; JAMES WAYNE KRIEBEL; MELISSA KRIEBEL; DARRYL RALPH WHITAKER; HALEY WHITAKER; BRYAN KEITH KRACK; JENNIFER KRACK; FRANKLIN DELANO JR ACKERMAN; SHERI ACKERMAN; JASON ALLEN JAY; THOMAS RICHARD LOVE; NICOLE LOVE; MATTHEW WAGNER; LESLEY WAGNER; THOMAS PLICZKA; CHARLES JOUAN; TIMOTHY BURKETT; JARRAD DONABEDIAN; BRIAN HALEY; BONNIE HAWK; and ANNA ROBINSON ("Plaintiffs") complain against Defendants STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION; FLATIRON CONSTRUCTION CORP.; FLATIRON DRAGADOS USA, INC.; TEICHERT, INC.; TEICHERT, INC. DBA TEICHERT CONSTRUCTION; A. TEICHERT & SON, INC.; CORAL CONSTRUCTION COMPANY; WSP USA INC.; KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION MANAGEMENT; YUNPING LIN; and DOES 1 through 60, inclusive, ("Defendants") and allege as follows:

PARTIES AND JURISDICTION

1. Plaintiffs are now, and at all times herein mentioned were, citizens of and residents within the State of California.

1 2. Plaintiff ROBERTA TALLEY is the surviving spouse, heir, and successor in interest to
2 the Estate of Decedent BRIAN KIPTON SHAW. Plaintiffs BRADLEY SHAW and MACKENZIE SHAW
3 are the surviving adult biological children of and heirs to Decedent BRIAN KIPTON SHAW.

4 3. Plaintiffs allege that Defendant STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT
5 OF TRANSPORTATION ("CALTRANS") is a government entity headquartered and doing business
6 within the State of California, including in Sacramento County, California.

7 4. Plaintiffs allege that a timely government claim was filed with the State of California
8 on July 10, 2025, which was rejected by operation of law on August 24, 2025. Pursuant to
9 Government Code sections 945.6, this complaint against Defendant CALTRANS is timely filed.

10 5. Plaintiffs allege that Defendants FLATIRON CONSTRUCTION CORP. and FLATIRON
11 DRAGADOS USA, INC. (collectively, "FLATIRON") are corporations having their principal places of
12 business in the State of California and/or doing business throughout the State of California,
13 including in Sacramento County, California.

14 6. Plaintiffs allege that Defendants that TEICHERT, INC., TEICHERT, INC. DBA
15 TEICHERT CONSTRUCTION, and A. TEICHERT & SON, INC. ("TEICHERT") are corporations having
16 their principal places of business in the State of California and/or doing business throughout the
17 State of California, including in Sacramento County, California.

18 7. Plaintiffs allege that Defendant CORAL CONSTRUCTION COMPANY ("CORAL") is a
19 corporation or entity having its principal place of business in the State of California and/or doing
20 business throughout the State of California, including in Sacramento County, California.

21 8. Plaintiffs allege that Defendant WSP USA INC. ("WSP") is a corporation or entity
22 having its principal place of business in the State of California and/or doing business throughout
23 the State of California, including in Sacramento County, California.

24 9. Plaintiffs allege that Defendant KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION
25 MANAGEMENT ("KNIGHT") is a corporation or entity having its principal place of business in the
26 State of California and/or doing business throughout the State of California, including in Sacramento
27 County, California.

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1 10. Plaintiffs allege that Defendant YUNPING LIN and DOES 51-60 were citizens and
2 residents of, or was doing business within, the State of California, including in Sacramento County,
3 California. Defendant YUNPING LIN and DOES 51-60 were the owners and/or operators of the 2022
4 white Toyota Camry that was involved in the incident.

5 11. The true names and capacities -- whether individual, corporate, associate or
6 otherwise -- of Defendants DOES 1 through 60, are unknown to Plaintiffs, who therefore sue such
7 DOES by such fictitious names. Plaintiffs will amend this Complaint to show their true names and
8 capacities when the same have been ascertained. Each of the Defendants, and DOES 1 through
9 60, are legally responsible in some manner -- negligently, in warranty, strictly, or otherwise -- for
10 the incident that is the subject of this Complaint.

11 12. The incident occurred in the County of Sacramento, State of California.

12 13. The amount in controversy is in excess of the minimal jurisdictional limits of this
13 Court.

14 **FACTS COMMON TO ALL CAUSES OF ACTION**

15 14. As of the filing of this Complaint, Plaintiffs have not received either a MAIT report or a
16 completed Traffic Collision Report, although nearly 12 months have passed since the incident.
17 Plaintiffs have fully cooperated with CHP officials, including coordinating interviews by CHP/MAIT
18 investigators of all VITUSCAN riders and providing complete and unrestricted access to all
19 motorcycles involved for inspection and scanning. Plaintiffs have not yet received any of the scans
20 or other data that CHP/MAIT acquired during these inspections. Plaintiffs note that because they
21 have not had the benefit of the MAIT report or final CHP Traffic Collision Report, they are unable to
22 include details from those reports that might shed additional light on the causes of the collision.
23 Plaintiffs were not able to delay filing of this Complaint beyond December 31, 2025, due to the
24 sunset of the statute permitting recovery of pre-death pain and suffering in wrongful death
25 actions on behalf of Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW.

26 15. At all relevant times, Defendants California Department of Transportation
27 ("CALTRANS"), and Defendants FLATIRON; TEICHERT; CORAL; WSP; KNIGHT; (collectively,
28 "CONSTRUCTION DEFENDANTS"), and DOES 1-50 were the agents, employees, or contractors of

1 each other and were acting within the course and scope of said agency, employment, or contract
2 with the permission, knowledge, and consent of each remaining Defendant. Defendants YUNPING
3 LIN and DOES 51-60 were the agents, employees, or contractors of each other and were acting
4 within the course and scope of said agency, employment, or contract with the permission, knowledge,
5 and consent of each remaining Defendant.

6 16. CONSTRUCTION DEFENDANTS and DOES 1-50 negligently hired, trained, supervised,
7 and/or retained Defendants FLATIRON, TEICHERT, CORAL, WSP, KNIGHT, and DOES 1-50 in such a
8 fashion as to cause and/or contribute to the occurrence of the incident described herein.

9 17. On January 12, 2025, at approximately 8:40 a.m., a collision occurred between a 2022
10 Toyota Camry driven by Defendant YUNPING LIN and 13 motorcycles operated by Plaintiffs belonging
11 to the Vituscan Motorcycle Club ("VITUSCAN"). The collision occurred in the No. 1 lane of westbound
12 Highway 50 approximately 75 feet west of 39th Street in Sacramento County, which is located within
13 CALTRANS' Fix 50 project.

14 18. Plaintiffs sustained injuries because of the failure of the employees, agents, and
15 representatives of Defendants and DOES 1-50 charged with the responsibility of designing,
16 constructing, placing, maintaining, signing, managing, directing, controlling, and supervising safe
17 public roadways at the Fix 50 location.

18 19. Defendant CALTRANS' Fix 50 project ("FIX 50") is a multimodal corridor enhancement
19 and rehabilitation construction project on U.S. Highway 50 from the U.S. Highway 50/I-5 Interchange
20 to the U.S. Highway 50/Watt Avenue Interchange. The FIX 50 project has been ongoing since early
21 2021 and continues to this day. CALTRANS' Fix 50 project focuses on widening and improving U.S.
22 Highway 50, including sound wall construction, pavement rehabilitation, and HOV lane additions.
23 Defendant CALTRANS retained FLATIRON, which specializes in building roads, highways, bridges, rail
24 transit, dams, and other large-scale infrastructure projects, as the contractor on this project. On
25 information and belief, Defendants CALTRANS and/or FLATIRON retained TEICHERT, CORAL, WSP,
26 KNIGHT, and DOES 1-50 to work on the project.

27 20. On January 12, 2025, westbound U.S. Highway 50 approaching the incident location
28 had five westbound lanes of travel. The posted speed limit at this location along Highway 50 is 55

1 miles per hour. As vehicles approached the incident location, the five westbound thru lanes reduced
2 to four thru lanes as lane No. 5 transitioned to the Stockton Boulevard offramp.

3 21. The California Manual on Uniform Traffic Control Devices (California MUTCD), published
4 by CALTRANS, sets uniform standards and specifications for all official traffic control devices in
5 accordance with Section 21400 of the California Vehicle Code. This includes traffic control devices for
6 the movement of traffic during roadway construction projects. The California MUTCD requires that
7 traffic control devices command attention, convey a clear, simple meaning, and give adequate time
8 for proper response from roadway users. The MUTCD includes specific provisions related to line-of-
9 sight, high-visibility, adequate and clearly marked advance warnings, dedicated traffic control
10 devices and personnel, specific layouts, and automated warnings to ensure that drivers receive timely
11 and easily interpreted information to facilitate safe passage through roadway hazards. The California
12 MUTCD includes an entire chapter, Chapter 6 Temporary Traffic Control, which details how to design,
13 plan, and construct traffic control plans through temporary conditions, including construction
14 projects, to provide all roadway users with the necessary information to safely traverse the
15 temporary condition.

16 22. In addition to MUTCD, CALTRANS publishes the Highway Design Manual ("HDM"),
17 which "establishes uniform policies and procedures to carry out the State highway design functions
18 of the Department." The HDM's design provisions are mandatory for projects on State highway
19 systems and set the official design standards, policies, and procedures for CALTRANS and any
20 contractors retained to do work on State highways.

21 23. On January 12, 2025, the conditions of the roadway at the incident location, and in
22 particular the roadway designated for westbound traffic on Highway 50, violated key MUTCD and
23 HDM standards that apply to the management of freeway traffic during construction projects. Those
24 violations include, without limitation, Sections California MUTCD Chapter 1, Principles of Traffic
25 Control Devices; Chapter 2C, Warning Signs and Object Markers; Chapter 2L, Changeable Message
26 Signs; Chapter 3B, Pavement and Curb Markings; Chapter 3F, Delineators; Chapter 6B, Fundamental
27 Principles of Temporary Traffic Control; Chapter 6C, Temporary Traffic Control Elements; Chapter
28 6F, Temporary Traffic Control Zone Devices; and Chapter 6G, Type of Temporary Traffic Control Zone

Activities; CALTRANS HDM Chapter 200, Geometric Design and Structure Standards; and HDM Chapter 300, Geometric Cross Section.

24. On the date of the collision, Plaintiff motorcycle riders were operating their motorcycles in a staggered formation ensuring a safe distance between their bikes and maximizing space for maneuverability in the No. 1 lane of westbound Highway 50. This local motorcycle club was participating in a club event, and the riders were enroute to visit historic sites in and around Chico. The group was comprised of 13 motorcycles, two of which carried passengers. In addition, four vehicles driven by other club members followed the group, carrying food, water, and supplies for the trip.

25. The group entered westbound Highway 50 from the Watt Avenue on-ramp, then moved to the No. 1 westbound lane, traveling at freeway speeds. On information and belief, no sound walls, K-rails, or other devices separated the westbound No. 1, No. 2, and possibly the No. 3 lanes until the group approached the Stockton Boulevard off-ramp, three lanes to the north of the No. 1 lane.

26. As the group approached the Stockton Boulevard off-ramp, still in the westbound No. 1 lane, the riders observed that K-rails had been placed to segregate certain lanes from each other, including the No. 1 and No. 2 westbound lanes. The placement of these K-rails created narrow alleys that straddled the lane lines to either side of each lane. These K-rail alleys commenced approximately 75 feet west of 39th Street. A small gore point separated the two lanes. Orange plastic delineators had been placed along the small gore point between the No. 1 and No. 2 lanes.

27. The sudden appearance of these K-rail lanes, without proper signage, delineation, or lane labeling, were part of a construction scheme that failed to adequately alert drivers as to whether all westbound lanes allowed for continued westbound travel or shunted vehicles to other routes, such as northbound I-5 or the Stockton Boulevard off-ramp, creating confusion for motorists in Lane Nos. 1 and 2, and possibly Lane 3. The placement of the K-rails, without context, proper signage, or proper labeling, also made it appear as though motorists who entered the No. 2 lane might run straight into a K-rail barrier due to the configuration of the roadway and placement of the barriers. The K-rail barriers also reduced the ability of westbound motorists to adequately visualize traffic to

1 their left or right. Without proper, clear, and advance signage or other directional controls or
2 advisories, in violation of CALTRANS' own safety standards for such freeway construction, motorists
3 traveling westbound at or near the posted speed limit could easily be confused by what appeared to
4 be an abrupt change in the roadway design that required an instant decision about which lanes
5 allowed for continued safe travel on westbound 50 and which might (or did) lead to other destinations
6 or even a potential impact with K-rails if a driver made the wrong decision.

7 28. Just as the lead VITUSCAN riders started to enter the concrete alley between the
8 concrete wall to their left and the K-rail to their right, some of the riders observed a small white
9 sedan driven by Defendant YUNPING LIN in the No. 2 lane to their right. Without warning, the sedan
10 suddenly veered left in what appeared to be a panicked move towards the No. 1 westbound lane.
11 The sedan crossed the gore point, running over several delineators, then barely missed the leading
12 edge of the southside K-rail for the No. 2 lane, before crossing directly into the midst of the VITUSCAN
13 riders in the No. 1 lane. The sedan clipped the front right handlebar of the lead motorcycle driven by
14 Plaintiff THOMAS RICHARD LOVE. Plaintiff THOMAS RICHARD LOVE, whose wife NICOLE LOVE was
15 seated behind him, was able to keep control of his motorcycle as he reacted to the contact, then
16 veered slightly to his left, stopping by the concrete wall on the south side of the No. 1 lane.

17 29. As the remaining riders continued westbound in the No. 1 lane, the sedan driver
18 slammed on the brakes, causing an immediate pile-up of the remaining motorcycles, whose drivers
19 reacted by hitting their brakes and rapidly gearing down in their best attempts at controlled stops.
20 Chaos reigned as lead riders plowed into the back of the sedan, and trailing riders collided with each
21 other and/or with the concrete wall to their left or the concrete K-rails to their right.

22 30. Defendant YUNPING LIN was the driver of the white 2022 Toyota Camry that veered
23 into the motorcycle group. On information and belief, Defendant YUNPING LIN was attempting to
24 change from the No. 2 lane to the No. 1 lane in what appeared to be a confused move. The VITUSCAN
25 riders had no escape route because all involved motorists were trapped within the tightly conscribed
26 single-lane concrete alley designed, constructed, erected, controlled, monitored, situated,
27 supervised, and maintained by CONSTRUCTION DEFENDANTS and DOES 1-50, leading to a series of
28 unavoidable collisions.

1 31. At all relevant times the area where the subject incident occurred was a Temporary
2 Traffic Control Zone. At all relevant times CALTRANS was responsible for the safe operation of this
3 Temporary Traffic Control Zone. At all relevant times CALTRANS was negligent in its operation of this
4 Temporary Traffic Control Zone, rendering the Zone unsafe for motor vehicle traffic at the time of
5 the subject incident. CALTRANS' negligence in its unsafe operation of the subject Temporary Traffic
6 Control Zone was a direct and proximate cause of the subject incident.

7 32. Defendants' negligence includes failing to follow applicable standards for temporary
8 traffic control zones during construction projects, including without limitation a negligent failure to
9 establish, maintain, and enforce Transportation Management Plans ("TMPs") intended to protect
10 motorists from risks created by the Fix 50 project; failure to properly use, set-up, and deploy signs,
11 cones, barricades, delineators, and channelizers to facilitate the safe movement of traffic through
12 the subject Temporary Traffic Control Zone; negligent failure to implement reduced speed limits
13 approaching and within the subject Temporary Traffic Control Zone; negligent failure to create safe
14 transitions, buffers, and clear paths for motorists; and negligent failure to eliminate conditions which
15 would foreseeably cause motorists to become confused or agitated while attempting to negotiate the
16 subject Temporary Traffic Control Zone at freeway speeds. Defendants negligently performed
17 construction activities in a manner that created a hazard to motorists, including without limitation a
18 failure to focus on safety planning, design and implementation of systems to maximize safe
19 interactions between motorists and the subject Temporary Traffic Control Zone and prevent crashes
20 and injuries.

21 33. As a direct and proximate result of the collision, decedent BRIAN KIPTON SHAW was
22 killed and has a survivor's claim. Plaintiffs BRADLEY SHAW, MACKENZIE SHAW, and ROBERTA
23 TALLEY, decedent BRIAN KIPTON SHAW's heirs, bring wrongful death claims against CONSTRUCTION
24 DEFENDANTS and DOES 1-50. Other Plaintiffs have personal injury claims and either economic
25 damages, including past and future medical expenses, past and future income or earning capacity
26 loss, and other out-of-pocket and ancillary expenses, or non-economic damages as prescribed by
27 law, or both. Multiple Plaintiffs sustained negligent infliction of emotional distress as a result of
28 / / /

1 contemporaneously witnessing the collision and its aftermath, and several Plaintiffs have loss of
2 consortium claims.

3 **FIRST CAUSE OF ACTION – WRONGFUL DEATH**

4 **DANGEROUS CONDITION OF PUBLIC PROPERTY (CALTRANS)**

5 Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW, individually and as heirs
6 and successors-in-interest to the Estate of BRIAN KIPTON SHAW, Deceased, complain against
7 Defendants CALTRANS, and DOES 1-50 and allege as follows:

8 34. Plaintiffs incorporate by reference each and every allegation contained above as
9 though fully set forth herein.

10 35. At all times herein mentioned, Defendants CALTRANS and DOES 1-50 owned,
11 operated, maintained, designed, constructed, supervised, monitored, inspected, controlled, signed,
12 and/or managed the public roadway known as U.S. Highway 50 in Sacramento County, California,
13 including the incident location at westbound U.S. Highway 50 approximately 75 feet west of 39th
14 Street.

15 36. At all times herein mentioned, Defendants CALTRANS and DOES 1-50 created and/or
16 maintained a dangerous condition of public property at the incident location in violation of California
17 Government Code sections 815.2, 820(a), 835, 835.2, and 830.8. The dangerous condition existed
18 at the time of the collision on January 12, 2025.

19 37. CALTRANS is vicariously liable for the actions of its employees involved in the design,
20 construction, supervision, maintenance, direction, and control of the Fix 50 project, including the
21 area where the incident occurred, pursuant to Government Code Section 815.2, which provides that
22 a government entity is liable for injuries caused by its employees' negligent acts or omissions within
23 the scope of their employment if that act or omission would lead to a lawsuit against the employee.
24 The negligence of CALTRANS employees led to the wrongful death of BRIAN KIPTON SHAW and
25 personal injuries to dozens of others, each of which would lead to a lawsuit against each CALTRANS
26 employee responsible in any way for conditions at the incident location, including those in a
27 supervisory capacity. In addition, each such CALTRANS employee is liable for the death and injuries
28 caused by their negligence under Government Code Section 820(a), which holds entity employees

1 personally liable for their negligence. At the time of the filing of this Complaint, and despite their
2 diligent efforts to obtain such information from MAIT/CHP officials, Plaintiffs are not aware of the
3 names of CALTRANS employees involved in the Fix 50 project or in the design, construction,
4 supervision, management, direction, or control of the incident location, but reserve their right to
5 amend this Complaint to name such persons once they have been identified.

6 38. Government Code Section 830(a) defines a "dangerous condition" as "a condition of
7 property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of
8 injury when such property or adjacent property is used with due care in a manner in which it is
9 reasonably foreseeable that it will be used." Section 830(b) defines "protect against" to include
10 "repairing, remedying or correcting a dangerous condition, providing safeguards against a dangerous
11 condition, or warning of a dangerous condition." A dangerous condition existed at the site of the
12 incident that was created by CALTRANS' negligence in its design, construction, management,
13 supervision, direction, and control of the roadway, and by its negligent failure to protect against the
14 risk of harm to motorists created by that dangerous condition.

15 39. Government Code Section 835 provides as follows: "Except as provided by statute, a
16 public entity is liable for injury caused by a dangerous condition of its property if the plaintiff
17 establishes that the property was in a dangerous condition at the time of the injury, that the injury
18 was proximately caused by the dangerous condition, that the dangerous condition created a
19 reasonably foreseeable risk of the kind of injury which was incurred, and that either: (a) A negligent
20 or wrongful act or omission of an employee of the public entity within the scope of his employment
21 created the dangerous condition; or (b) The public entity had actual or constructive notice of the
22 dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures
23 to protect against the dangerous condition." Defendant CALTRANS is liable for the wrongful death
24 and injuries caused by its breach of Government Code Section 835.

25 40. The dangerous condition at the incident location was the result of CALTRANS' negligent
26 operation of the Temporary Traffic Control Zone. The dangerous condition consisted of defects in the
27 number, positioning, location, and/or orientation of K-rails and delineators; inadequate visibility,
28 absence of clear messaging, and insufficient distances in the use, distribution, and selection of

1 warning or other traffic directional signs and devices related to traffic management; failure to provide
2 appropriate traffic control signals, warning signals, signs, or markings; inappropriate roadway design
3 and/or construction; unsafe, inadequate, and/or inappropriate traffic controls; inadequate and
4 misleading signage; and a failure to warn of a dangerous roadway condition at the incident location,
5 all resulting from Defendants' departure from their own approved design standards for such roadway
6 construction sites, including violations of the California Manual on Uniform Traffic Control Devices
7 (California MUTCD) and Highway Design Manual (HDM).

8 41. The dangerous condition created a substantial risk of injury when the property or
9 adjacent property was used with due care in a manner in which it was reasonably foreseeable that it
10 would be used.

11 42. Pursuant to Government Code Section 835.2, Defendants CALTRANS and DOES 1-50
12 had actual and/or constructive notice of the dangerous condition within a sufficient time prior to
13 January 12, 2025, to have taken measures to protect against the dangerous condition. Defendants
14 had clear prior notice of dangerous roadway conditions associated with the Fix 50 project, resulting
15 in deaths and significant injuries along the construction corridor, including in proximity to the incident
16 location. From the date that Defendants started construction of this project in 2021, there has been
17 a significant increase in vehicle collisions in the area resulting in a corresponding extreme spike in
18 serious injuries and deaths of motorists.

19 43. According to The Transportation Injury Mapping System (TIMS), from January 1, 2022,
20 to January 13, 2024, at least 194 collisions occurred in this general area of the project. As a result,
21 five persons sustained fatal injuries, and 292 persons were seriously injured. Notably, 28
22 motorcyclists had been involved in collisions along the Fix 50 construction zone prior to the incident
23 date.

24 44. At all relevant times, Defendants CALTRANS and DOES 1-50 had ready access to, and
25 in fact were in the business of harvesting, collating, and evaluating records of traffic collisions along
26 this construction project through a variety of sources, including California Highway Patrol's Statewide
27 Integrated Traffic Records System (SWITRS). This is evidence that the incident location itself, and
28 the larger Fix 50 project, is a known problem created by Defendants that is a magnet for collisions,

1 injuries, and fatalities. A substantial number of these collisions were related to the inability of
2 motorists to perceive and avoid dangers created by conditions like the ones that existed at the time
3 and location of the incident.

4 45. In addition, the incident location constituted a highway trap for purposes of
5 Government Code Section 830.8 in that it was necessary for Defendants CALTRANS to warn of a
6 dangerous condition that endangers the safe movement of vehicles on a public roadway yet failed to
7 do so. To further complicate things for motorists, Defendants CALTRANS, by and through their
8 employees, agents, and representatives, periodically and unpredictably altered the conditions along
9 this construction route, so that lane conditions were in a constant state of flux. Said conditions would
10 not have been reasonably or readily apparent to, nor have been reasonably anticipated by, a person
11 exercising due care, especially at freeway speeds. Defendants CALTRANS failed to provide adequate
12 warnings to convey the risks associated with attempts to negotiate this section of the construction
13 project.

14 46. As a result of the above acts of negligence, a dangerous condition existed at the time
15 of the incident that created a foreseeable risk of collision. Said condition was directly attributable to
16 negligent acts by Defendant CALTRANS by and through its employees. At all relevant times,
17 CALTRANS personnel associated with the Fix 50 project had the authority to implement alternative
18 actions that would have safeguarded motorists and avoided the dangerous condition through simple
19 compliance with existing CALTRANS safety standards for such construction areas. It was the
20 responsibility of such CALTRANS personnel to protect motorists from such a dangerous condition at
21 CALTRANS' expense. CALTRANS had ample notice of the dangerous condition it created, and its
22 personnel are liable for failure to take any steps to correct this danger. Given this was an ongoing
23 construction project that involved continual changes to the roadway conditions, CALTRANS personnel
24 had ready access to any additional funds that might have been required to protect the public from
25 the foreseeable risks of collision due to improper signage, K-rail deployment, and departure from
26 CALTRANS' own safety standards, as anticipated by Government Code Sections 840.2 and 840.4.

27 47. The dangerous condition of the incident location was a substantial factor in causing
28 the death of BRIAN KIPTON SHAW on January 12, 2025. As a direct result of CALTRANS' negligent

1 design, maintenance, construction, supervision, monitoring, inspection, control, signage, and
2 management of the incident location by employees and representatives of Defendants CALTRANS,
3 and due to inadequate supervision, direction, management, and control of public and private sector
4 employees and contractors by Defendants CALTRANS, including the remaining CONSTRUCTION
5 DEFENDANTS, all of whom were acting in the course and scope of their employment at all relevant
6 times, a dangerous condition of public property was created pursuant to Government Code Sections
7 830(a) and 835, et seq., that rendered the roadway unsafe for the passage of vehicles on the public
8 highway through the incident location, including Defendants' failure to establish, maintain, and
9 enforce Transportation Management Plans and failure to implement appropriate traffic control
10 measures and reduced speed limits.

11 48. As a direct and proximate result of the dangerous condition of public property created
12 and maintained by Defendants CALTRANS and DOES 1-50, and as a result of Defendants' failure to
13 remedy said dangerous condition despite actual and constructive notice thereof, decedent BRIAN
14 KIPTON SHAW died on January 12, 2025.

15 49. Plaintiffs BRADLEY SHAW and MACKENZIE SHAW are the surviving adult children of
16 decedent BRIAN KIPTON SHAW, born June 9, 1982. At the time of his death, BRIAN KIPTON SHAW
17 was 42 years old. Plaintiff ROBERTA TALLEY is the surviving widow of decedent BRIAN KIPTON SHAW.

18 50. As a direct and proximate result of the death of BRIAN KIPTON SHAW, Plaintiffs
19 ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW have suffered and will continue to suffer
20 damages, including loss of love, companionship, comfort, care, assistance, protection, affection,
21 society, moral support, training, and guidance. Plaintiffs have also suffered and will continue to suffer
22 loss of financial support and economic contributions that decedent would have provided. Plaintiffs
23 have also incurred and will continue to incur funeral and burial expenses.

24 WHEREFORE, Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW pray for
25 judgment against Defendants CALTRANS, and DOES 1-50 as follows:

- 26 a. Economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW as
27 permitted by law, and in excess of the minimum jurisdictional requirements of this
28 Court;

- b. Non-economic damages for pre-death pain, suffering, and disfigurement suffered by Decedent BRIAN KIPTON SHAW prior to his death, pursuant to CCP Section 377.34(b).
- c. Non-economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW in excess of the minimum jurisdictional requirements of this Court, including without limitation the loss of Decedent's love, comfort, care, society, companionship, mentoring, and all other statutory damages permitted by law and according to proof;
- c. All funeral, burial and other expenses according to proof;
- d. Interest to the extent allowed by law;
- e. All costs of suit; and
- f. Such other and further relief as this Court may deem just and proper.

SECOND CAUSE OF ACTION – WRONGFUL DEATH

NEGLIGENCE (CALTRANS)

Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW, individually and as heirs and successors-in-interest to the Estate of BRIAN KIPTON SHAW, Deceased, complain against Defendants CALTRANS, and DOES 1-50 and allege as follows:

51. Plaintiffs incorporate by reference each and every allegation contained above as though fully set forth herein.

52. Under Government Code Section 815.2, "A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative."

53. On January 12, 2025, Defendants CALTRANS and DOES 1-50, and each of them, and their agents, servants, and employees, were negligent in the design, maintenance, construction, supervision, monitoring, inspection, control, signage, and management of the incident location at westbound U.S. Highway 50 approximately 75 feet west of 39th Street, Sacramento County, California, including the negligent operation of the Temporary Traffic Control Zone.

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1 54. Pursuant to Government Code section 815.2, Defendant CALTRANS and DOES 1-50
2 are vicariously liable to Plaintiffs for said negligence, which includes, but is not limited to, the
3 following acts and omissions:

4 a. Failing to design, construct, and maintain a safe roadway configuration at the
5 incident location;

6 b. Failing to provide adequate, clear, and timely warning signs, traffic control
7 devices, and lane markings to alert motorists of the temporary traffic control conditions ahead;

8 c. Failing to comply with the California Manual on Uniform Traffic Control Devices
9 (California MUTCD) standards for temporary traffic control zones, including Chapters 1, 2C, 2L, 3B,
10 3F, 6B, 6C, 6F, and 6G;

11 d. Failing to comply with the Highway Design Manual (HDM) standards, including
12 Chapters 200 and 300;

13 e. Improperly designing, placing, and configuring K-rails and temporary traffic
14 control devices in a manner that created confusion and danger for motorists traveling at the posted
15 speed limit of 55 miles per hour;

16 f. Failing to provide adequate visibility and sight distances for motorists
17 approaching the temporary traffic control zone;

18 g. Failing to provide adequate delineation between travel lanes;

19 h. Creating a roadway configuration that gave the appearance that certain lanes
20 might lead to destinations other than continued westbound travel on Highway 50, without adequate
21 signage or warnings to clarify the actual traffic pattern;

22 i. Failing to warn motorists of the dangerous roadway condition despite having
23 actual and constructive knowledge of numerous prior collisions, injuries, and fatalities in the area;

24 j. Failing to take corrective measures to remedy the known dangerous condition
25 despite having sufficient time and opportunity to do so;

26 k. Inadequately supervising, directing, managing, and controlling public and
27 private sector employees and contractors working on the Fix 50 project;

28 l. Negligently hiring, training, and supervising employees and contractors;

- m. Failing to conduct adequate inspections of the temporary traffic control zone;
- n. Failing to establish, maintain, and enforce Transportation Management Plans intended to protect motorists from risks created by the Fix 50 project and failing to implement reduced speed limits and safe transitions through the Temporary Traffic Control Zone.
- o. Other acts of negligence to be proven at trial.

55. Under Government Code Section 820, "a public employee is liable for injury caused by his act or omission to the same extent as a private person." As detailed herein, employees, agents, and/or representatives of CALTRANS and DOES 6 through 10, were negligent in the design, maintenance, construction, supervision, monitoring, inspection, control, signage and management of the incident location. Said employees, whose identities are as yet unknown, were acting in the course and scope of their employment by CALTRANS at all relevant times. Accordingly, CALTRANS and DOES 1-50, are vicariously liable to Plaintiffs pursuant to Government Code section 815.2(a) for the negligence of these employees, agents, and/or representatives.

56. As a direct and proximate result of the death of BRIAN KIPTON SHAW, Plaintiffs ROBERTA TALLEY, BRADLEY SHAW and MACKENZIE SHAW have suffered and will continue to suffer damages, including but not limited to, loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, training, and guidance. Plaintiffs have also suffered and will continue to suffer loss of financial support and economic contributions that decedent would have provided. Plaintiffs have also incurred and will continue to incur funeral and burial expenses.

WHEREFORE, Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW pray for judgment against Defendants CALTRANS, and DOES 1-50 as follows:

- a. Economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW as permitted by law, and in excess of the minimum jurisdictional requirements of this Court;
- b. Non-economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW in excess of the minimum jurisdictional requirements of this Court, including without limitation the loss of Decedent's love, comfort, care, society, companionship, mentoring, and all other statutory damages permitted by law and according to proof;

- 1 c. Non-economic damages for pre-death pain, suffering, and disfigurement suffered by
2 Decedent BRIAN KIPTON SHAW prior to his death, pursuant to CCP Section 377.34(b).
3 d. All funeral, burial and other expenses according to proof;
4 e. Interest to the extent allowed by law;
5 f. All costs of suit; and
6 g. Such other and further relief as this Court may deem just and proper.

7 **THIRD CAUSE OF ACTION -WRONGFUL DEATH**

8 **NEGLIGENCE (CONSTRUCTION DEFENDANTS)**

9 Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW, individually and as heirs
10 and successors-in-interest to the Estate of BRIAN KIPTON SHAW, Deceased, complain against
11 Defendants FLATIRON, TEICHERT, CORAL CONSTRUCTION COMPANY, WSP USA INC., KNIGHT CM
12 GROUP DBA KNIGHT CONSTRUCTION MANAGEMENT ("CONSTRUCTION DEFENDANTS") and DOES
13 1-50 and allege as follows:

14 57. Plaintiffs incorporate by reference each and every allegation contained above as
15 though fully set forth herein.

16 58. CONSTRUCTION DEFENDANTS and DOES 1-50 were the general contractor,
17 subcontractors, and/or agents responsible for the construction, design, installation, maintenance,
18 and management of the temporary traffic control zone at the incident location on westbound U.S.
19 Highway 50 as part of the Fix 50 project.

20 59. Up to and including January 12, 2025, CONSTRUCTION DEFENDANTS and DOES 1-50
21 and each of them, and their agents, servants, and employees, were negligent in the construction,
22 design, installation, maintenance, and management of the temporary traffic control zone at the
23 incident location at westbound U.S. Highway 50 approximately 75 feet west of 39th Street,
24 Sacramento County, California.

25 60. Said negligence includes, but is not limited to, the following acts and omissions:

26 a. Failing to properly design, install, and maintain K-rails and temporary traffic
27 control devices at the incident location;

28 / / /

- 1 b. Improperly placing K-rails in a configuration that created a dangerous condition
2 for motorists traveling at the posted speed limit;
- 3 c. Failing to provide adequate and compliant signage, delineators, and traffic
4 control devices in accordance with the California Manual on Uniform Traffic Control Devices (California
5 MUTCD);
- 6 d. Failing to provide adequate warnings to motorists of the temporary traffic
7 control zone configuration;
- 8 e. Creating a confusing roadway configuration that failed to adequately alert
9 drivers as to whether all westbound lanes allowed for continued westbound travel;
- 10 f. Placing K-rails, delineators, and other devices in a manner that reduced
11 motorists' ability to adequately visualize traffic to their left or right;
- 12 g. Failing to provide adequate delineation between travel lanes;
- 13 h. Failing to conduct adequate inspections of the work zone;
- 14 i. Failing to follow applicable standards for temporary traffic control zones during
15 construction projects, including without limitation a negligent failure to establish, maintain, and
16 enforce Transportation Management Plans ("TMPs") intended to protect motorists from risks created
17 by the Fix 50 project; failure to properly use, set-up, and deploy signs, cones, barricades, delineators,
18 and channelizers to facilitate the safe movement of traffic through the subject Temporary Traffic
19 Control Zone; negligent failure to implement reduced speed limits approaching and within the subject
20 Temporary Traffic Control Zone; negligent failure to create safe transitions, buffers, and clear paths
21 for motorists; and negligent failure to eliminate conditions which would foreseeably cause motorists
22 to become confused or agitated while attempting to negotiate the subject Temporary Traffic Control
23 Zone at freeway speed;
- 24 j. Negligently performing construction activities in a manner that created a hazard
25 to motorists, including without limitation a failure to focus on safety planning, design and
26 implementation of systems to maximize safe interactions between motorists and the subject
27 Temporary Traffic Control Zone and prevent crashes and injuries; and
- 28 k. Other acts of negligence to be proven at trial.

61. As a direct and proximate result of the negligence of Defendants FLATIRON, TEICHERT, CORAL CONSTRUCTION COMPANY, WSP USA INC., KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION MANAGEMENT, and DOES 26 through 50, decedent BRIAN KIPTON SHAW died on January 12, 2025.

62. As a direct and proximate result of the death of BRIAN KIPTON SHAW, Plaintiffs ROBERTA TALLEY, BRADLEY SHAW and MACKENZIE SHAW have suffered and will continue to suffer damages, including but not limited to, loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, training, and guidance. Plaintiffs have also suffered and will continue to suffer loss of financial support and economic contributions that decedent would have provided. Plaintiffs have also incurred and will continue to incur funeral and burial expenses.

WHEREFORE, Plaintiffs BRADLEY SHAW, MACKENZIE SHAW, and ROBERTA TALLEY pray for judgment against Defendants FLATIRON, TEICHERT, CORAL CONSTRUCTION COMPANY, WSP USA INC., KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION MANAGEMENT, and DOES 1-50 as follows:

- a. Economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW as permitted by law, and in excess of the minimum jurisdictional requirements of this Court;
- b. Non-economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW in excess of the minimum jurisdictional requirements of this Court, including without limitation the loss of Decedent's love, comfort, care, society, companionship, mentoring, and all other statutory damages permitted by law and according to proof;
- c. Non-economic damages for pre-death pain, suffering, and disfigurement suffered by Decedent BRIAN KIPTON SHAW prior to his death, pursuant to CCP Section 377.34(b);
- d. All funeral, burial and other expenses according to proof;
- e. Interest to the extent allowed by law;
- f. All costs of suit; and
- g. Such other and further relief as this Court may deem just and proper.

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1 **FOURTH CAUSE OF ACTION - WRONGFUL DEATH – NEGLIGENCE**

2 **(DEFENDANT YUNPING LIN)**

3 Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW, individually and as heirs
4 and successors-in-interest to the Estate of BRIAN KIPTON SHAW, Deceased, complain against
5 Defendant YUNPING LIN, and DOES 51-60 and allege as follows:

6 63. Plaintiffs incorporate by reference each and every allegation contained above as
7 though fully set forth herein.

8 64. On January 12, 2025, Defendant YUNPING LIN, and DOES 51-60 owned and/or was
9 the permissive user of a white 2022 Toyota Camry, License No. 9BYA097, VIN No.
10 4T1K61AK9NU703234.

11 65. Defendant YUNPING LIN was the driver of the white 2022 Toyota Camry, License No.
12 9BYA097, VIN No. 4T1K61AK9NU703234, that negligently veered into the motorcycle group.

13 66. Defendant YUNPING LIN negligently attempted to change from the No. 2 lane, to the
14 No. 1 lane westbound U.S. Highway 50 approximately 75 feet west of 39th Street, Sacramento
15 County, California, in what appeared to be a confused move. Unfortunately, the VITUSCAN riders
16 had no escape route, because all involved motorists were trapped within the tightly conscribed single-
17 lane concrete alley designed, erected, and maintained by CALTRANS and/or the CONSTRUCTION
18 DEFENDANTS, and/or DOES 1-50, leading to a series of unavoidable collisions.

19 67. As a direct and proximate result of the negligence of Defendant YUNPING LIN, and
20 DOES 51-60, decedent BRIAN KIPTON SHAW died on January 12, 2025.

21 68. As a direct and proximate result of the death of BRIAN KIPTON SHAW, Plaintiffs
22 ROBERTA TALLEY, BRADLEY SHAW and MACKENZIE SHAW have suffered and will continue to suffer
23 damages, including but not limited to, loss of love, companionship, comfort, care, assistance,
24 protection, affection, society, moral support, training, and guidance. Plaintiffs have also suffered and
25 will continue to suffer loss of financial support and economic contributions that decedent would have
26 provided. Plaintiffs have also incurred and will continue to incur funeral and burial expenses.

27 WHEREFORE, Plaintiffs BRADLEY SHAW, MACKENZIE SHAW, and ROBERTA TALLEY pray for
28 judgment against Defendant YUNPING LIN, and DOES 51-60 as follows:

- 1 a. Economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW as
2 permitted by law, and in excess of the minimum jurisdictional requirements of this
3 Court;
- 4 b. Non-economic damages for the wrongful death of Decedent BRIAN KIPTON SHAW in
5 excess of the minimum jurisdictional requirements of this Court, including without
6 limitation the loss of Decedent's love, comfort, care, society, companionship,
7 mentoring, and all other statutory damages permitted by law and according to proof;
- 8 c. Non-economic damages for pre-death pain, suffering, and disfigurement suffered by
9 Decedent BRIAN KIPTON SHAW prior to his death, pursuant to CCP Section 377.34(b);
- 10 d. All funeral, burial and other expenses according to proof;
- 11 e. Interest to the extent allowed by law;
- 12 f. All costs of suit; and
- 13 g. Such other and further relief as this Court may deem just and proper.

14 **FIFTH CAUSE OF ACTION – SURVIVOR'S CLAIM**

15 **DECEDENT BRIAN KIPTON SHAW (ALL DEFENDANTS)**

16 Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW, individually and as heirs
17 and successors-in-interest to the Estate of BRIAN KIPTON SHAW, Deceased, complain against
18 Defendants and DOES 1 through 60 and allege as follows:

19 69. Plaintiffs incorporate by reference each and every allegation contained above as
20 though fully set forth herein.

21 70. Plaintiff ROBERTA TALLEY is the surviving widow and heir of decedent BRIAN KIPTON
22 SHAW. Plaintiffs BRADLEY SHAW and MACKENZIE SHAW are the surviving adult children and heirs
23 of decedent BRIAN KIPTON SHAW. Pursuant to California Code of Civil Procedure section 377.30 et
24 seq., Plaintiffs bring this cause of action as successors-in-interest to the Estate of BRIAN KIPTON
25 SHAW. Plaintiffs will comply with all requirements of Section 377.30 et seq.

26 71. Prior to his death, Decedent BRIAN KIPTON SHAW was required to and did employ
27 emergency and medical personnel to examine, treat, and care for him as a result of the injuries

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1 sustained in the subject incident, and Decedent did incur medical and incidental expenses in
2 connection therewith. The exact amount of such expense is unknown to Plaintiffs at this time.

3 72. Prior to his death, Decedent BRIAN KIPTON SHAW experienced pain, suffering, and
4 disfigurement in an amount to be determined by the trier of fact.

5 73. Prior to his death, Decedent BRIAN KIPTON SHAW sustained damage to his personal
6 property. The exact amount of such damage is unknown to Plaintiffs at this time.

7 74. As a result of the aforementioned conduct of Defendants, decedent BRIAN KIPTON
8 SHAW sustained pre-death pain and suffering, emotional distress, and mental anguish, which
9 damages are recoverable by Plaintiffs as successors-in-interest to his estate.

10 Plaintiffs ROBERTA TALLEY, BRADLEY SHAW, and MACKENZIE SHAW, individually and as heirs
11 and successors-in-interest to the Estate of BRIAN KIPTON SHAW, deceased, pray for judgment
12 against all Defendants for:

- 13 a. All past medical expenses incurred by the decedent, according to proof;
- 14 b. All pain, suffering, and disfigurement (C.C.P. § 377.34), according to proof;
- 15 c. All past personal property damage incurred by the decedent, according to
16 proof;
- 17 d. All prejudgment interest;
- 18 e. Costs of suit incurred herein; and,
- 19 f. Such other and further relief as the Court may deem just and proper.

20 **SIXTH CAUSE OF ACTION – DANGEROUS CONDITION OF PUBLIC PROPERTY**

21 **ALL PERSONAL INJURY PLAINTIFFS (CALTRANS)**

22 Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
23 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
24 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
25 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE complain against
26 Defendants CALTRANS, and DOES 1-50 and allege as follows:

27 75. Plaintiffs incorporate by reference each and every allegation contained above as
28 though fully set forth herein.

1 76. At all times herein mentioned, Defendants CALTRANS and DOES 1-50 owned,
2 operated, maintained, designed, constructed, supervised, monitored, inspected, controlled, signed
3 and/or managed the public roadway known as U.S. Highway 50 in Sacramento County, California,
4 including the incident location at westbound U.S. Highway 50 approximately 75 feet west of 39th
5 Street.

6 77. At all relevant times Defendants CALTRANS and DOES 1-50 were responsible for
7 operation of the Temporary Traffic Control Zone where the subject incident occurred.

8 78. For the reasons set forth in this Complaint Defendant CALTRANS and DOES 1-50
9 owned, controlled, created, and was responsible for the safe operation of the Temporary Traffic
10 Control Zone where the subject collision occurred. The Temporary Traffic Control Zone's condition
11 posed a substantial risk of injury when used with due care in a foreseeable way. All Plaintiffs were
12 using the Temporary Traffic Control Zone in a foreseeable way and with due care at the time the
13 subject collision occurred.

14 79. At all relevant times, Defendants CALTRANS, CALTRANS employees acting in the
15 course and scope of their employment, and DOES 1-50 designed, created, located, constructed,
16 operated, managed, and controlled the Temporary Traffic Control Zone at all relevant times. Due to
17 defects in design, layout, operation, and control of the Temporary Traffic Control Zone, it posed a
18 substantial risk of a collision when used with due care in a foreseeable way. Defendant CALTRANS,
19 its employees, and DOES 1-50 had actual and constructive prior notice of said dangerous condition,
20 with ample time and resources to remedy it prior to the subject incident.

21 80. The dangerous condition of the westbound approach to the Temporary Traffic Control
22 Zone, and of the Zone itself, were both substantial factors in causing the injuries of all Plaintiffs.

23 81. As a result of the dangerous condition of public property created and maintained by
24 CALTRANS, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
25 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
26 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
27 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE suffered personal
28 injuries and emotional distress, resulting in economic and noneconomic damages. Economic damages

1 include past and future medical and ancillary related expenses, past and future income and/or
2 earning capacity loss, loss of ability to provide household services, and incidental and consequential
3 damages and/or property damage and loss of use. Noneconomic damages include past and future
4 physical and mental suffering, loss of enjoyment of life, physical impairment, inconvenience, anxiety,
5 emotional distress, disfigurement, and grief.

6 WHEREFORE, MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
7 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
8 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
9 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE pray for judgment
10 against Defendants CALTRANS, and DOES 1-50 as follows:

- 11 a. Noneconomic damages in excess of the jurisdictional limit of this Court;
- 12 b. All medical and incidental expenses according to proof;
- 13 c. All loss of earnings and/ or earning capacity according to proof;
- 14 d. Prejudgment interest to the extent permitted by law;
- 15 e. All costs of suit; and
- 16 f. Such other and further relief as this Court may deem just and proper.

17 **SEVENTH CAUSE OF ACTION - NEGLIGENCE**

18 **ALL PERSONAL INJURY PLAINTIFFS (CALTRANS)**

19 Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
20 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
21 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
22 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE complain against
23 Defendants CALTRANS, and DOES 1-50 and allege as follows:

24 82. Plaintiffs incorporate by reference each and every allegation contained above as
25 though fully set forth herein.

26 83. On January 12, 2025, Defendants CALTRANS, and each of them, and their agents,
27 servants, and employees, were negligent in the design, maintenance, construction, supervision,
28 monitoring, inspection, control, signage, and management of the incident location at westbound U.S.

Highway 50 approximately 75 feet west of 39th Street, Sacramento County, California, including the negligent operation of the Temporary Traffic Control Zone.

84. Pursuant to Government Code Sections 815.2, 820(a), 835, 835.2, and 830.8 Defendant CALTRANS and DOES 1-50 are vicariously liable to Plaintiffs for said negligence, which includes, but is not limited to, the following acts and omissions:

a. Negligent failure to design, construct, and maintain a safe roadway configuration at the incident location;

b. Negligent failure to provide adequate, clear, and timely warning signs, traffic control devices, and lane markings to alert motorists of the temporary traffic control conditions ahead;

c. Negligent failure to comply with the California Manual on Uniform Traffic Control Devices (California MUTCD) standards for temporary traffic control zones, including but not limited to Chapters 1, 2C, 2L, 3B, 3F, 6B, 6C, 6F, and 6G;

d. Negligent failure to comply with the Highway Design Manual (HDM) standards, including but not limited to Chapters 200 and 300;

e. Negligent design, placement, and configuration of K-rails, signage, delineators, gore points, and temporary traffic control devices in a manner that created confusion and danger for motorists traveling at freeway speeds;

f. Negligent failure to provide adequate visibility and sight distances for motorists approaching the temporary traffic control zone;

g. Negligent failure to provide adequate delineation between travel lanes;

h. Negligently designing, constructing, operating, and supervising a roadway configuration that gave the appearance that certain lanes might lead to destinations other than to continued westbound travel on Highway 50, without adequate signage or warnings to clarify the intended traffic pattern;

i. Negligent failure to warn motorists of the dangerous roadway condition despite possessing actual and constructive knowledge of significant numbers of prior collisions, injuries, and

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1 fatalities along the Fix 50 corridor in general, and in the area where the subject incident occurred in
2 particular;

3 j. Negligent failure to take corrective measures to remedy the known dangerous
4 condition despite having sufficient time, resources, and opportunity to do so;

5 k. Inadequately supervising, directing, managing, and controlling public and
6 private sector employees and contractors working on the Fix 50 project;

7 l. Negligence in the hiring, training, and supervision of CALTRANS employees and
8 contractors, including without limitation the CONSTRUCTION DEFENDANTS herein;

9 m. Negligent failure to conduct adequate inspections of the temporary traffic
10 control zone;

11 n. Negligent failure to establish, maintain, and enforce Transportation
12 Management Plans intended to protect motorists traveling in foreseeable manner along westbound
13 50, including a negligent failure to implement reduced speed limits and safe transitions through the
14 subject Temporary Traffic Control Zone;

15 o. Negligent operation of both the westbound approach to the Temporary Traffic
16 Control Zone and the Temporary Traffic Control Zone where the subject incident occurred;

17 p. Negligent failure to comply with applicable construction standards of care for
18 the design, construction, management, and operation of intrastate and/or interstate highway
19 construction projects; and

20 q. Other acts of negligence to be proven at trial.

21 85. As a direct and proximate result of the negligence of Defendants CALTRANS, Plaintiffs
22 MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES GLEATON, DANIEL
23 JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL, DARRYL
24 RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN JAY,
25 THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE suffered personal injuries, resulting
26 in economic and non-economic damages. Economic damages include past and future medical and
27 ancillary related expenses, past and future income and/or earning capacity loss, loss of ability to
28 provide household services, and incidental and consequential damages and/or property damage and

1 loss of use. Noneconomic damages include past and future physical and mental suffering, loss of
2 enjoyment of life, physical impairment, inconvenience, anxiety, emotional distress, disfigurement,
3 and grief.

4 WHEREFORE, MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
5 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
6 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
7 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE pray for judgment
8 against Defendants CALTRANS, and DOES 1-50 as follows:

- 9 a. Noneconomic damages in excess of the jurisdictional limit of this Court;
- 10 b. All medical and incidental expenses according to proof;
- 11 c. All loss of earnings and/ or earning capacity according to proof;
- 12 d. Prejudgment interest to the extent permitted by law;
- 13 e. All costs of suit; and
- 14 f. Such other and further relief as this Court may deem just and proper.

15 **EIGHTH CAUSE OF ACTION – NEGLIGENCE - ALL PERSONAL INJURY PLAINTIFFS**
16 **(CONSTRUCTION DEFENDANTS)**

17 Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
18 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
19 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
20 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE complain against
21 Defendants FLATIRON, TEICHERT, CORAL CONSTRUCTION COMPANY, WSP USA INC., KNIGHT CM
22 GROUP DBA KNIGHT CONSTRUCTION MANAGEMENT ("CONSTRUCTION DEFENDANTS"), and DOES
23 1-50 and allege as follows:

24 86. Plaintiffs incorporate by reference each and every allegation contained above as
25 though fully set forth herein.

26 87. At all relevant times CONSTRUCTION DEFENDANTS and DOES 1-50 were the general
27 contractor, subcontractors, and/or agents responsible for the design, construction, installation,

28 / / /

1 supervision, maintenance, and management of the subject Temporary Traffic Control Zone at the
2 incident location on westbound U.S. Highway 50, as part of the Fix 50 project.

3 88. At all relevant times, including January 12, 2025, CONSTRUCTION DEFENDANTS and
4 DOES 1-50, and each of them, and their agents, servants, and employees, were negligent in the
5 construction, design, installation, maintenance, and management of the temporary traffic control
6 zone at the incident location at westbound U.S. Highway 50 approximately 75 feet west of 39th
7 Street, Sacramento County, California.

8 89. Said negligence includes, but is not limited to, the following negligent acts and
9 omissions:

10 a. Negligent design, installation, and maintenance of K-rails and temporary traffic
11 control devices on the westbound approach to, and at, the incident location;

12 b. Negligent placement of K-rails in a configuration that created a dangerous
13 condition for motorists traveling at the posted speed limit;

14 c. Negligent failure to provide adequate and compliant signage, delineators, and
15 traffic control devices in accordance with the California Manual on Uniform Traffic Control Devices
16 (California MUTCD) and industry safety standards for interstate/intrastate roadway construction
17 projects;

18 d. Negligent failure to provide adequate, meaningful and readily recognizable
19 warnings to motorists of the temporary traffic control zone configuration in violation of CALTRANS
20 and industry standards;

21 e. Creating a confusing roadway configuration that failed to adequately alert
22 drivers as to whether all westbound lanes allowed for continued westbound travel;

23 f. Negligently positioning K-rails, delineators, barriers, signage, and other devices
24 in a manner that reduced motorists' ability to adequately visualize traffic to their left or right;

25 g. Negligent failure to provide adequate delineation between travel lanes;

26 h. Negligent failure to conduct adequate inspections of the work zone;

27 i. Failing to follow applicable standards for temporary traffic control zones during
28 construction projects, including without limitation a negligent failure to establish, maintain, and

1 enforce Transportation Management Plans ("TMPs") intended to protect motorists from risks created
2 by the Fix 50 project; failure to properly use, set-up, and deploy signs, cones, barricades, delineators,
3 and channelizers to facilitate the safe movement of traffic through the subject Temporary Traffic
4 Control Zone; negligent failure to implement reduced speed limits approaching and within the subject
5 Temporary Traffic Control Zone; negligent failure to create safe transitions, buffers, and clear paths
6 for motorists; and negligent failure to eliminate conditions which would foreseeably cause motorists
7 to become confused or agitated while attempting to negotiate the subject Temporary Traffic Control
8 Zone at freeway speeds;

9 j. Negligently performing construction activities in a manner that created a hazard
10 to motorists, including without limitation a failure to focus on safety planning, design and
11 implementation of systems to maximize safe interactions between motorists and the subject
12 Temporary Traffic Control Zone and prevent crashes and injuries; and

13 k. Other acts of negligence to be proven at trial.

14 90. As a direct and proximate result of the negligence of Defendants FLATIRON, TEICHERT,
15 CORAL CONSTRUCTION COMPANY, WSP USA INC., KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION
16 MANAGEMENT, and DOES 26 through 50, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND
17 REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL
18 JOHN FEHN, JAMES WAYNE KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN
19 DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD
20 LOVE sustained serious personal injuries on January 12, 2025.

21 91. As a result of the negligence of Defendants FLATIRON, TEICHERT, CORAL
22 CONSTRUCTION COMPANY, WSP USA INC., KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION
23 MANAGEMENT, and DOES 1-50, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND
24 REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL
25 JOHN FEHN, JAMES WAYNE KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN
26 DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD
27 LOVE suffered personal injuries, resulting in economic and noneconomic damages. Economic
28 damages include past and future medical and ancillary related expenses, past and future income

1 and/or earning capacity loss, loss of ability to provide household services, and incidental and
2 consequential damages and/or property damage and loss of use. Noneconomic damages include past
3 and future physical and mental suffering, loss of enjoyment of life, physical impairment,
4 inconvenience, anxiety, emotional distress, disfigurement, and grief.

5 WHEREFORE, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS,
6 RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN,
7 JAMES WAYNE KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR
8 ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE pray
9 for judgment against Defendants FLATIRON, TEICHERT, CORAL CONSTRUCTION COMPANY, WSP
10 USA INC., KNIGHT CM GROUP DBA KNIGHT CONSTRUCTION MANAGEMENT, and DOES 1-50 as
11 follows:

- 12 a. Noneconomic damages in excess of the jurisdictional limit of this Court;
- 13 b. All medical and incidental expenses according to proof;
- 14 c. All loss of earnings and/ or earning capacity according to proof;
- 15 d. Prejudgment interest to the extent permitted by law;
- 16 e. All costs of suit; and
- 17 f. Such other and further relief as this Court may deem just and proper.

18 **NINTH CAUSE OF ACTION - PERSONAL INJURY – NEGLIGENCE**

19 **(DEFENDANT YUNPING LIN)**

20 Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES
21 GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE
22 KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN,
23 JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE complain against
24 Defendants YUNPING LIN, and DOES 51-60 and allege as follows:

25 92. Plaintiffs incorporate by reference each and every allegation contained above as
26 though fully set forth herein.

27 93. On January 12, 2025, Defendant YUNPING LIN, and DOES 51-60 owned and was the
28 driver of a white 2022 Toyota Camry, License No. 9BYA097, VIN No. 4T1K61AK9NU703234.

1 94. Defendant YUNPING LIN negligently attempted to change from the No. 2 lane to the
2 No. 1 lane westbound U.S. Highway 50 approximately 75 feet west of 39th Street, Sacramento
3 County, California, in what appeared to be a confused move. The VITUSCAN riders had no escape
4 route because all involved motorists were trapped within the tightly conscribed single-lane concrete
5 alley designed, erected, and maintained by CALTRANS and/or its agents and the Construction
6 Defendants, leading to a series of unavoidable collisions.

7 95. As a direct and proximate result of the negligence of YUNPING LIN, and DOES 51-60,
8 Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, RANDAL JAMES GLEATON,
9 DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL,
10 DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN
11 JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD suffered personal / bodily injuries,
12 resulting in economic and noneconomic damages. Economic damages include past and future medical
13 and ancillary related expenses, past and future income and/or earning capacity loss, loss of ability
14 to provide household services, and incidental and consequential damages and/or property damage
15 and loss of use. Noneconomic damages include past and future physical and mental suffering, loss
16 of enjoyment of life, physical impairment, inconvenience, anxiety, emotional distress, disfigurement,
17 and grief.

18 WHEREFORE, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS,
19 RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN,
20 JAMES WAYNE KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR
21 ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, and THOMAS RICHARD LOVE pray
22 for judgment against YUNPING LIN, and DOES 51-60 as follows:

- 23 a. Noneconomic damages in excess of the jurisdictional limit of this Court;
- 24 b. All medical and incidental expenses according to proof;
- 25 c. All loss of earnings and/ or earning capacity according to proof;
- 26 d. Prejudgment interest to the extent permitted by law;
- 27 e. All costs of suit; and
- 28 f. Such other and further relief as this Court may deem just and proper.

TENTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS- BYSTANDER

(ALL DEFENDANTS)

Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, JAIME REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL, MELISSA KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, THOMAS RICHARD LOVE, MATTHEW WAGNER, LESLEY WAGNER, CHARLES JOUAN, TIMOTHY BURKETT, JARRAD DONABEDIAN, BRIAN HALEY, BONNIE HAWK, and ANNA ROBINSON, complain against All Defendant, and DOES 1 through 60 and allege as follows:

96. Plaintiffs incorporate by reference each and every allegation contained above as though fully set forth herein.

97. Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, JAIME REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL, MELISSA KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, THOMAS RICHARD LOVE, MATTHEW WAGNER, LESLEY WAGNER, CHARLES JOUAN, TIMOTHY BURKETT, JARRAD DONABEDIAN, BRIAN HALEY, BONNIE HAWK, and ANNA ROBINSON were members of the Vituscan Motorcycle Club traveling together as a close-knit group of companions on January 12, 2025, when the subject collision occurred.

98. As a direct and proximate result of the dangerous condition of public property created and maintained by Defendants CALTRANS and negligent conduct by all Defendants, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, JAIME REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL, MELISSA KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, THOMAS RICHARD LOVE, MATTHEW WAGNER, LESLEY WAGNER, CHARLES JOUAN, TIMOTHY BURKETT, JARRAD DONABEDIAN, BRIAN HALEY, BONNIE HAWK, and ANNA ROBINSON contemporaneously witnessed

the violent collision, the multi-motorcycle pile-up, and the death and serious injury to their fellow club members and close companions on January 12, 2025.

99. Each of these Plaintiffs observed the chaotic scene as fellow club members were struck, thrown from their motorcycles, collided with each other, and crashed into the concrete walls and K-rails. Plaintiffs observed their fellow club members lying injured on the roadway, including BRIAN KIPTON SHAW, and were contemporaneously aware of BRIAN KIPTON SHAW's death, and the serious injuries sustained by multiple other club members. All Plaintiffs suffered serious emotional distress as a result of these observations. The dangerous condition of the subject Temporary Traffic Control Zone, and the negligence of Defendant CALTRANS, the CONSTRUCTION DEFENDANTS, Defendant YUNPING LIN, and DOES 1-60 were each a substantial factor in causing this serious emotional distress to Plaintiffs.

100. As a direct and proximate result of contemporaneously observing the collision and witnessing the death and serious injury to their fellow club members and close companions, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, JAIME REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL, MELISSA KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, THOMAS RICHARD LOVE, MATTHEW WAGNER, LESLEY WAGNER, CHARLES JOUAN, TIMOTHY BURKETT, JARRAD DONABEDIAN, BRIAN HALEY, BONNIE HAWK, and ANNA ROBINSON have suffered and continue to suffer severe emotional distress, including but not limited to, severe shock, horror, anguish, anxiety, worry, nervousness, grief, PTSD, nightmares, depression, and fear of riding and driving.

WHEREFORE, Plaintiffs MARK ALEXANDER REYNOLDS, MICHAEL ROLAND REYNOLDS, JAIME REYNOLDS, RANDAL JAMES GLEATON, DANIEL JASON LASAGE, COREY DORAN SHORES, MICHAEL JOHN FEHN, JAMES WAYNE KRIEBEL, MELISSA KRIEBEL, DARRYL RALPH WHITAKER, BRYAN KEITH KRACK, FRANKLIN DELANO JR ACKERMAN, JASON ALLEN JAY, THOMAS PLICZKA, NICOLE LOVE, THOMAS RICHARD LOVE, MATTHEW WAGNER, LESLEY WAGNER, CHARLES JOUAN, TIMOTHY BURKETT, JARRAD DONABEDIAN, BRIAN HALEY, BONNIE HAWK, and ANNA ROBINSON pray for judgment against Defendants, and DOES 1 through 60 as follows:

- a. Noneconomic damages in excess of the jurisdictional limit of this Court;
- b. All medical and incidental expenses according to proof;
- c. All loss of earnings and/or earning capacity according to proof;
- d. Prejudgment interest to the extent permitted by law;
- e. All costs of suit; and
- f. Such other and further relief as this Court may deem just and proper.

ELEVENTH CAUSE OF ACTION - LOSS OF CONSORTIUM

(ALL DEFENDANTS)

As a separate eleventh cause of action, Plaintiffs ROBERTA TALLEY, JAIME REYNOLDS, JULIANA REYNOLDS, CORINA GLEATON, CHARITY COBLEIGH, LINDSAY SHORES, WENDY CERVANTES, MELISSA KRIEBEL, HALEY WHITAKER, JENNIFER KRACK, SHERI ACKERMAN, NICOLE LOVE, and THOMAS RICHARD LOVE complains against Defendants, and DOES 1 through 60 and allege as follows:

101. Plaintiffs incorporate by reference each and every allegation contained above as though fully set forth herein.

102. Plaintiff ROBERTA TALLEY was the wife of Decedent BRIAN KIPTON SHAW at all times relevant to this action.

Plaintiff JAIME REYNOLDS is the wife of Plaintiff MARK ALEXANDER REYNOLDS and has been married to him at all times relevant to this action.

103. Plaintiff JULIANA REYNOLDS is the wife of Plaintiff MICHAEL ROLAND REYNOLDS and has been married to him at all times relevant to this action.

104. Plaintiff CORINA GLEATON is the wife of Plaintiff RANDAL JAMES GLEATON and has been married to him at all times relevant to this action.

105. Plaintiff CHARITY COBLEIGH is the domestic partner of Plaintiff DANIEL JASON LASAGE and has been in a domestic partnership with him at all times relevant to this action.

106. Plaintiff LINDSAY SHORES is the wife of Plaintiff COREY DORAN SHORES and has been married to him at all times relevant to this action.

///

1 107. Plaintiff WENDY CERVANTES is the domestic partner of Plaintiff MICHAEL JOHN FEHN
2 and has been in a domestic partnership with him at all times relevant to this action.

3 108. Plaintiff MELISSA KRIEBEL is the wife of Plaintiff JAMES WAYNE KRIEBEL and has been
4 married to him at all times relevant to this action.

5 109. Plaintiff HALEY WHITAKER is the wife of Plaintiff DARRYL RALPH WHITAKER and has
6 been married to him at all times relevant to this action.

7 110. Plaintiff JENNIFER KRACK is the wife of Plaintiff BRYAN KEITH KRACK and has been
8 married to him at all times relevant to this action.

9 111. Plaintiff SHERI ACKERMAN is the wife of Plaintiff FRANKLIN DELANO JR ACKERMAN
10 and has been married to him at all times relevant to this action.

11 112. Plaintiff NICOLE LOVE is the wife of Plaintiff THOMAS RICHARD LOVE and has been
12 married to him at all times relevant to this action.

13 113. Plaintiff THOMAS RICHARD LOVE is the husband of Plaintiff NICOLE LOVE and has been
14 married to her at all times relevant to this action.

15 114. As a direct result of the injuries and damages suffered by their spouses, Plaintiffs
16 ROBERTA TALLEY, JAIME REYNOLDS, JULIANA REYNOLDS, CORINA GLEATON, CHARITY COBLEIGH,
17 LINDSAY SHORES, WENDY CERVANTES, MELISSA KRIEBEL, HALEY WHITAKER, JENNIFER KRACK,
18 SHERI ACKERMAN, NICOLE LOVE, and THOMAS RICHARD LOVE have suffered a loss of their spouse's
19 companionship and services, including loss of companionship, comfort, care, assistance, protection,
20 affection, society, and moral support, and loss of enjoyment of sexual relations.

21 Plaintiffs ROBERTA TALLEY, JAIME REYNOLDS, JULIANA REYNOLDS, CORINA GLEATON,
22 CHARITY COBLEIGH, LINDSAY SHORES, WENDY CERVANTES, MELISSA KRIEBEL, HALEY WHITAKER,
23 JENNIFER KRACK, SHERI ACKERMAN, NICOLE LOVE, and THOMAS RICHARD LOVE prays for
24 judgment against Defendants for:

25 a. Noneconomic damages in excess of the jurisdictional limits of this Court;

26 b. Prejudgment interest to the extent permitted by law;

27 ///

28 ///


1 c. All costs of suit; and

2 d. Such other and further relief as this Court may deem just and proper.

3
4 DATED: December 29, 2025

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP

5
6 By:


7 ROBERT B. BALE