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 Superior Court of California
 County of Fresno
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Attorneys for Plaintiff
RAGINA BELL, individually and as
Successor in Interest to
RASHAD AL-HAKIM, JR.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF FRESNO**

RAGINA BELL, Individually and as Success in
 Interest to RASHAD AL-HAKIM, JR.;

Plaintiff,

vs.

LISA ELLEN SPOORS, an Individual;
 FRESNO UNIFIED SCHOOL DISTRICT, a
 public entity; and DOES 1 through 100,
 inclusive,

Defendants.

CASE NO. **23CECG01010**

COMPLAINT FOR DAMAGES FOR:

- 1. NEGLIGENCE – WRONGFUL DEATH;**
- 2. NEGLIGENCE PER SE – WRONGFUL DEATH;**
- 3. NEGLIGENT SUPERVISION OF STUDENTS [Government Code §§815.2, 815.6, 820] – WRONGFUL DEATH;**
- 4. NEGLIGENT HIRING, TRAINING, SUPERVISION, RETENTION OF EMPLOYEES [Government Code §§815.2, 820] – WRONGFUL DEATH;**
- 5. SURVIVAL ACTION.**

DEMAND FOR JURY TRIAL

Action Filed:

Trial Date:

1 **NOTICE TO DEFENDANTS OF DUTIES TO RETAIN EVIDENCE:**

2 TO ALL DEFENDANTS: Note and adhere to your duties to retain, and not delete or
3 destroy, all documents, emails, databases, electronic records, electronically stored information,
4 and all other evidence that may be pertinent to this lawsuit, and to cease any destruction or deletion
5 of such evidence that might otherwise take place in the ordinary course of your business or affairs.

6 **COMES NOW**, Plaintiff RAGINA BELL, Individually, and as Successor in interest to
7 RASHAD AL-HAKIM, JR., for causes of action against Defendants, complaints and alleges as
8 follows:

9 **JURISDICTION AND VENUE**

10 1. This Court has jurisdiction over this action pursuant to California Code of
11 Civil Procedure §410.10.

12 2. Venue is proper in this Court pursuant to California Code of Civil Procedure
13 §395, because the personal injuries complained of herein occurred and at least one of the
14 Defendants is located in the County of Fresno, State of California.

15 **PARTIES**

16 3. Plaintiff, RAGINA BELL (hereinafter referred to as “PLAINTIFF” or
17 “BELL”), is, and at all times relevant hereto was, a resident of the County of Fresno, State
18 of California.

19 4. PLAINTIFF is and was at all times relevant hereto the biological mother of
20 the decedent, RASHAD AL-HAKIM, JR. (hereinafter referred to as “RASHAD” or
21 “DECEDENT”), whose untimely death occurred on October 12, 2022. PLAINTIFF brings
22 this action individually as the natural mother of RASHAD and as RASHAD’s successor in
23 interest.

24 5. Defendant LISA ELLEN SPOORS (hereinafter “SPOORS”) is, and at all times
25 relevant hereto was, a resident of the County of Fresno, State of California. At all times
26 relevant to this Complaint, Defendant SPOORS was the driver of a motor vehicle (hereinafter
27 “SUBJECT VEHICLE”).
28

1 6. Defendant FRESNO UNIFIED SCHOOL DISTRICT (hereinafter “FUSD”),
2 is, and at all times relevant hereto was, a public entity as defined by *Government Code*
3 §811.2. PLAINTIFF is informed and believes, and upon such information and belief alleges,
4 that FUSD is now, and at all times relevant herein, a public school district duly organized
5 and existing under the laws of the State of California, which governing board, officers,
6 employees, and staff, operated, managed, supervised, and controlled Hoover High School
7 (hereinafter referred to as “HHS”), located at 5550 N. First Street, Fresno, California 93710.
8 PLAINTIFF alleges on information and belief that FUSD’s principal place of business is
9 located at 2309 Tulare Street, Fresno, California 93721.

10 7. At all times mentioned herein, Defendant FUSD owned, managed, controlled,
11 maintained, operated, administered, and otherwise was responsible for HHS, through its
12 agents and employees, including but not limited to those working at HHS. Plaintiff alleges
13 that FUSD, acting by and through their authorized agencies, agents, servants, and employees,
14 was charged with the responsibility of operating FUSD, operating HHS, and/or supervising,
15 caring, and/or monitoring students at HHS. At all times mentioned herein, the agents and
16 employees were acting within the course and scope of their employment with FUSD.

17 8. Plaintiff submitted timely claims for damages pursuant to California
18 *Government Code* §910, et seq., to Defendant FUSD. Attached hereto as Exhibit 1 is the true
19 and correct copy of such timely claim. The true and correct copy of the acknowledgements
20 and/or rejections to Plaintiff’s field claims are attached hereto as Exhibit 2.

21 9. Defendants SPOORS, FUSD, and DOES 1 through 100, inclusive, are
22 sometimes jointly referred to as “Defendants”.

23 10. The true names or capacities, whether individual, corporate, associate or
24 otherwise of Defendants designated herein as DOES 1 through 100, inclusive, and each of
25 them, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names,
26 and Plaintiff will ask for leave to amend this Complaint at such time as the true names and/or
27 capacities are ascertained. Plaintiff is informed and believes, and thereon alleges, that each
28 of the Defendants designated herein as a DOE is responsible in some manner for the events

1 and happenings herein referred to and negligently caused the injuries and damages to Plaintiff
2 as herein alleged.

3 **GENERAL ALLEGATIONS**

4 11. Plaintiff re-alleges and incorporates by reference herein each and every
5 allegation contained herein above as though fully set forth and brought herein.

6 12. At all times relevant to this Complaint, RASHAD was a minor student at HHS
7 within FUSD and was under Defendant FUSD's complete control and supervision.

8 13. On or about October 04, 2022, RASHAD, a minor student at HHS in the FUSD,
9 was dismissed from basketball practice early. Employees, staff members, and/or volunteers
10 of Defendant FUSD, whose true identities are unknown at this time but shall be ascertained
11 via discovery, requested all students who remained on HHS campus, including RASHAD, to
12 exit the HHS campus immediately.

13 14. Despite RASHAD's attempts to stay on school grounds, he was told by
14 FUSD's employees that he cannot stay and he was, again, instructed to leave the campus.

15 15. Upon the dismissal, the students of HHS, including RASHAD, were left
16 unattended and unsupervised. Further, RASHAD's parents and/or guardians, including
17 PLAINTIFF, were not notified of RASHAD's early dismissal from HHS on October 04,
18 2023.

19 16. Upon exiting the school grounds, as instructed by the employees, staff
20 members, and/or volunteers of Defendant FUSD, and as he was crossing the street to head
21 home, Defendant SPOORS, driving under the influence and at a high speed on First Street
22 directly in front of the HHS campus, struck RASHAD and fled the scene.

23 17. RASHAD, suffering from traumatic and catastrophic injuries, was left on the
24 scene of the collision until medical personnel arrived – as a result of a phone call made by a
25 fellow student at HHS.

26 18. No FUSD or HHS personnel were at the scene of this tragic collision, despite
27 the fact that the collision occurred directly in front of HHS.
28

1 19. Upon Emergency Medical Services arrival, RASHAD was deemed
2 unresponsive. RASHAD was transported to the hospital where he was admitted as an acute
3 level 1 trauma case. Over the next few days, RASHAD's health continued to deteriorate. On
4 October 12, 2022, about a week after the subject collision, RASHAD succumbed to his
5 injuries from the subject collision and passed away.

6 20. PLAINTIFF lost the love, care, and companionship of her child, RASHAD,
7 due to Defendants' careless, reckless, despicable, negligent, and wanton acts and/or
8 omissions.

9 **FIRST CAUSE OF ACTION**

10 **NEGLIGENCE – WRONGFUL DEATH**

11 **[As to Defendant SPOORS and DOES 1 through 100, Inclusive]**

12 21. Plaintiff re-alleges and incorporates by reference herein each and every
13 allegation contained herein above as though fully set forth and brought herein.

14 22. PLAINTIFF is, and was, at all times relevant to this Complaint, the natural
15 mother of the decedent, RASHAD, whose untimely death occurred on October 12, 2022.
16 PLAINTIFF brings this action as the mother of RASHAD.

17 23. At all times herein mentioned, Defendants SPOORS and DOES 1 through 100,
18 Inclusive, had a duty to use reasonable care in the ownership, inspection, control, selection,
19 driving, operation, management, repair, entrustment, and maintenance of the SUBJECT
20 VEHICLE.

21 24. At all times herein mentioned, Defendant SPOORS and DOES 1 through 100,
22 Inclusive, reached the aforementioned duties by:

- 23 a. Negligently, carelessly, and recklessly driving the SUBJECT VEHICLE;
24 b. Negligently, carelessly, and recklessly driving the SUBJECT VEHICLE at an
25 unsafe speed;
26 c. Failing to keep and/or maintain the SUBJECT VEHICLE under proper control;
27 d. Failing to maintain the SUBJECT VEHICLE in a reasonably safe condition;
28 e. Failing to obey applicable traffic signals and warnings;

- 1 f. Failing to maintain and control the space around the SUBJECT VEHICLE;
2 g. Failing to perceive potential hazards and keep a proper lookout on the road;
3 h. Driving while intoxicated; and/or
4 i. Otherwise acting without the reasonable care required under the
5 circumstances.

6 25. Each of the above actions and/or inactions affirmatively contributed to, was a
7 substantial factor in, and proximately caused the injuries and the subsequent death of
8 RASHAD, as well as the injuries and damages alleged by PLAINTIFF herein.

9 26. Each of the above actions and/or inactions affirmatively contributed to, was a
10 substantial factor in, and proximately caused PLAINTIFF's pecuniary losses and injuries due
11 to the loss of love, society, comfort, attention, affection, solace, companionship, services,
12 and financial and moral support of her child, all to her economic and general damage in an
13 amount to be proven at the time of trial.

14 27. Each of the above actions and/or inactions affirmatively contributed to, was a
15 substantial factor in, and proximately caused Plaintiff to incur funeral and burial expenses in
16 an amount to be proven at the time of trial.

17 28. Each of the above actions and/or inactions affirmatively contributed to, was a
18 substantial factor in, and proximately caused the damages sustained by RASHAD before his
19 death, including medical expenses.

20 29. As a direct and proximate result of the conduct of Defendants, PLAINTIFF
21 alleges that she is entitled to prejudgment interest pursuant to California *Code of Civil*
22 *Procedure* §3288 from the date of the collision on October 04, 2022.

23 **SECOND CAUSE OF ACTION**

24 **NEGLIGENCE PER SE – WRONGFUL DEATH**

25 **[As to Defendant SPOORS and DOES 1 through 100, Inclusive]**

26 30. Plaintiff re-alleges and incorporates by reference herein each and every
27 allegation contained herein above as though fully set forth and brought herein.
28

1 31. At all times material hereto, Defendants SPOORS and DOES 1 through 100,
2 and each of them, owed members of the public a duty to follow the laws and statutes of the
3 State of California.

4 32. At all times material hereto, there were in effect laws and statutes, including
5 Vehicle Code §23153, prohibiting a person from driving under the influence of alcohol and
6 drugs and negligently causing bodily injury and harm to another person; and Penal Code §
7 191.5 prohibiting the unlawful killing of a human being while intoxicated and driving a
8 vehicle.

9 33. On information and belief, at all times material hereto, Defendants SPOORS
10 and DOES 1 through 100, and each of them, were in violation of the aforesaid statutes,
11 making them negligent per se.

12 34. Each of the above actions and/or inactions affirmatively contributed to, was a
13 substantial factor in, and proximately caused the injuries and the subsequent death of
14 RASHAD, as well as the injuries and damages alleged by PLAINTIFF herein.

15 35. Each of the above actions and/or inactions affirmatively contributed to, was a
16 substantial factor in, and proximately caused PLAINTIFF's pecuniary losses and injuries due
17 to the loss of love, society, comfort, attention, affection, solace, companionship, services,
18 and financial and moral support of her child, all to her economic and general damage in an
19 amount to be proven at the time of trial.

20 36. Each of the above actions and/or inactions affirmatively contributed to, was a
21 substantial factor in, and proximately caused Plaintiff to incur funeral and burial expenses in
22 an amount to be proven at the time of trial.

23 37. Each of the above actions and/or inactions affirmatively contributed to, was a
24 substantial factor in, and proximately caused the damages sustained by RASHAD before his
25 death, including medical expenses.

26 38. As a direct and proximate result of the conduct of Defendants, PLAINTIFF
27 alleges that she is entitled to prejudgment interest pursuant to California *Code of Civil*
28 *Procedure* §3288 from the date of the collision on October 04, 2022.

1 **THIRD CAUSE OF ACTION**

2 **NEGLIGENT SUPERVISION OF STUDENTS – WRONGFUL DEATH**

3 **[Government Code §§815.2, 815.6, 820]**

4 **[As to Defendant FUSD and DOES 1 through 100, Inclusive]**

5 39. Plaintiff re-alleges and incorporates by reference herein each and every
6 allegation contained herein above as though fully set forth and brought herein.

7 40. Plaintiff brings this cause of action against Defendants FUSD and DOES 1
8 through 100, and each of them, based on Government Code §815.6, which provides that
9 “where a public entity is under a mandatory duty imposed by an enactment that is designed
10 to protect against a risk of a particular type of injury, the public entity is liable for injury of
11 that kind proximately caused by its failure to discharge the duty unless the public entity
12 establishes that it used reasonable diligence to discharge the duty.” *See* Gov. Code §815.6.

13 41. Plaintiff’s claim for negligent supervision of students against Defendants
14 FUSD and DOES 1 through 100, and each of them, is based upon Education Code §44807
15 and Code of Regulations §§5531 and 5552, which provide for supervision of students at
16 school, during recess, before and after school, and at school-sponsored events and activities.

17 42. Plaintiff’s claim for negligent supervision of students against Defendants
18 FUSD and DOES 1 through 100, and each of them, is further based upon Education Code
19 §44808, which provides that Defendants FUSD and DOES 1 through 100, and each of them,
20 may be held liable for injuries that occur off campus and after hours if Defendants FUSD and
21 DOES 1 through 100, and each of them, if Defendants (a) have undertaken to provide
22 transportation for the pupil to and from the school premises; or (b) undertaken a school
23 sponsored activity off premises of HHS; or (c) otherwise specifically assumed such
24 responsibility. *See* Education Code §44808; *Eric M. v. Cajon Valley Union School Dist.*
25 (2009) 174 Cal.App.4th 285, 294. Furthermore, PLAINTIFF alleges that Defendants FUSD
26 and DOES 1 through 100, and each of them, are under a duty to exercise reasonable care in
27 permitting students, including RASHAD, to leave school premises. *See Brownell v. Los*
28 *Angeles Unified School District* (1992) 4 Cal. App.4th 787, 796, fn. 3.

1 43. Defendants FUSD's and DOES 1 through 100, and each of their, mandatory
2 duties pursuant to Education Code §§44807 and 44808, Code of Regulations §§5531 and
3 5552, and FUSD's policies, procedures, and regulations are in place to prevent the type of
4 injuries and/or death to students, including RASHAD.

5 44. Plaintiff's claim for negligent supervision of students against Defendants
6 FUSD and DOES 1 through 100, and each of them, is also based upon Government Code
7 §815.2 and the ample case law holding that as a school district, FUSD is vicariously liable
8 for injuries proximately caused by the negligence of school personnel responsible for student
9 supervision. *See Hoyem v. Manhattan Beach City Sch. Dist.* (1978) 22 Cal.3d 508, 523
10 [student stated claim against school district based on failure to exercise due care in
11 supervision on school premises], and *see Dailey v. Los Angeles Unified Sch. Dist.* (1970) 2
12 Cal.3d 741, 747-751 [sufficient evidence to support verdict against school district for
13 negligent supervision even where another student's misconduct was the immediate,
14 precipitating cause of injury]. Plaintiff's claim for negligent supervision of students against
15 FUSD is based upon the California Supreme Court's holding in *C.A. v. William S. Hart Union*
16 *School District* (2012) 53 Cal.4th 861, 866, 138 Cal.Rptr.3d 1, 270 P.3d 699 which holds
17 that under Government Code Section 815.2, a school district may be held vicariously liable
18 for the negligent hiring, retention, and supervision of an employee who harms a student, even
19 if the employee's conduct is deemed outside the scope of employment.

20 45. California law has long imposed on schools an "affirmative duty to supervise
21 at all times" the conduct of children on school grounds and to enforce the rules and
22 regulations necessary to protect students. *See Dailey v. Los Angeles Unified School Dist.*
23 (1970) 2 Cal.3d 741, 747. Where the public entity is a school district such as FUSD, a special
24 relationship is formed between the FUSD and its students, including RASHAD, imposing
25 "an affirmative duty on the school district to take all reasonable steps to protect its students."
26 *See M. W. v. Panama Buena Vista Union School District* (2003) 110 Cal.App.4th 508, 517.

27 46. This cause of action pertains to Defendants' supervisory responsibilities over
28 the school premises and students, including RASHAD, to prevent foreseeable harm and

1 death. Public school authorities are responsible for the safety of children during the hours
2 of school and after-school activities and “bound to exercise an amount of care for their safety
3 during that period commensurate with the immaturity of their charges and the importance of
4 their trust.”

5 47. On or about October 04, 2022, RASHAD, a minor student at HHS in the FUSD,
6 was dismissed from basketball practice early. Employees, staff members, and/or volunteers
7 of Defendant FUSD, whose true identities are unknown at this time but shall be ascertained
8 via discovery, instructed all students who were on HHS campus, including RASHAD, to exit
9 the HHS campus immediately.

10 48. Upon the dismissal, the students of HHS, including RASHAD, were left
11 *unattended* and *unsupervised*. Further, RASHAD’s parents and/or guardians, including
12 PLAINTIFF, were not notified of RASHAD’s early dismissal from HHS on October 04,
13 2023.

14 49. Upon exiting the school grounds, as requested by the employees, staff
15 members, and/or volunteers of Defendant FUSD, RASHAD was hit by the SUBJECT
16 VEHICLE driven by Defendant SPOORS, who was traveling on northbound First Street,
17 directly in front of HHS campus.

18 50. RASHAD, suffering from traumatic and catastrophic injuries, was left on the
19 scene of the collision until medical personnel arrived – as a result of a phone call made by a
20 fellow student at HHS.

21 51. No FUSD or HHS personnel were at the scene of this tragic collision, despite
22 the fact that the collision occurred directly in front of HHS.

23 52. Upon Emergency Medical Services arrival, RASHAD was deemed
24 unresponsive. RASHAD was transported to the hospital where he was admitted as an acute
25 level 1 trauma case. Over the next few days, RASHAD’s health continued to deteriorate. On
26 October 12, 2022, six days after the subject collision, RASHAD succumbed to the injuries
27 he suffered as a result of the subject collision.
28

1 53. At all relevant times, Defendants FUSD and DOES 1 through 100, and each of
2 them, had a duty, and failed to:

- 3 a. Supervise students, including RASHAD, at, before and after school hours;
- 4 b. Supervise students, including RASHAD, while on HHS school grounds;
- 5 c. Supervise students, including RASHAD, at, before, and after school-
- 6 sponsored events and activities;
- 7 d. Exercise reasonable care in supervising students, including RASHAD;
- 8 e. Provide adequate supervision to ensure students', including RASHAD's,
- 9 safety and wellbeing;
- 10 f. Take all reasonable steps to protect its students, including RASHAD;
- 11 g. Exercise reasonable care in permitting students, including RASHAD, to leave
- 12 school premises;
- 13 h. Exercise reasonable care in ensuring that parents are notified of any changes
- 14 in students' schedules, including any early dismissals;
- 15 i. Exercise reasonable care in instructing and/or directing students, including
- 16 RASHAD, to exit HHS school grounds;
- 17 j. Implement and exercise reasonable measures to ensure students, including
- 18 RASHAD, are released to leave school in the custody of the student's parent,
- 19 guardian, or authorized person;
- 20 k. Exercise reasonable care in supervising students, including RASHAD, after an
- 21 early dismissal from school;
- 22 l. Use reasonable measures to protect students, including RASHAD, from
- 23 foreseeable injury.

24 54. Defendants FUSD and DOES 1 through 100, and each of them, are responsible
25 for the conduct and safety of students, including RASHAD, from the time they come under
26 HHS supervision until they leave HHS supervision, whether on school premises or not.

1 55. As a direct and proximate result of Defendant FUSD and DOES 1 through
2 100's failure to discharge mandatory duties as alleged herein, RASHAD sustained
3 catastrophic injuries and eventually succumbed to his injuries.

4 56. Defendants FUSD and DOES 1 through 100, and each of them, knew or should
5 have known that students of HHS, including RASHAD, should be supervised, monitored,
6 and controlled after an early dismissal from school.

7 57. Defendants FUSD and DOES 1 through 100, and each of them, knew or should
8 have known that students of HHS, including RASHAD, would be subjected to foreseeable
9 injuries if Defendants fail or delay notification to parents and/or guardians regarding early
10 dismissals from school or changes in students' schedules.

11 58. Each of the above actions and/or inactions affirmatively contributed to, was a
12 substantial factor in, and proximately caused the injuries and the subsequent death of
13 RASHAD, as well as the injuries and damages alleged by PLAINTIFF herein.

14 59. Each of the above actions and/or inactions affirmatively contributed to, was a
15 substantial factor in, and proximately caused PLAINTIFF's pecuniary losses and injuries due
16 to the loss of love, society, comfort, attention, affection, solace, companionship, services,
17 and financial and moral support of her child, all to her economic and general damage in an
18 amount to be proven at the time of trial.

19 60. Each of the above actions and/or inactions affirmatively contributed to, was a
20 substantial factor in, and proximately caused Plaintiff to incur funeral and burial expenses in
21 an amount to be proven at the time of trial.

22 61. Each of the above actions and/or inactions affirmatively contributed to, was a
23 substantial factor in, and proximately caused the damages sustained by RASHAD before his
24 death, including medical expenses.

25 **FOURTH CAUSE OF ACTION**

26 **NEGLIGENT HIRING, TRAINING, SUPERVISION, RETENTION OF**

27 **EMPLOYEES – WRONGFUL DEATH**

28 **[Government Code §§815.2, 820]**

1 **[As to Defendant FUSD and DOES 1 through 100, Inclusive]**

2 62. Plaintiff re-alleges and incorporates by reference herein each and every
3 allegation contained herein above as though fully set forth and brought herein.

4 63. PLAINTIFF is informed and believes and thereon alleges that the negligence
5 of Defendants FUSD and DOES 1 through 100, and each of their employee and/or agent,
6 caused the injuries and death of RASHAD, and that Defendants FUSD and DOES 1 through
7 100, and each of them, is responsible for that harm because Defendant FUSD failed to
8 discharge its mandatory duties to supervise and provide protection to students, including
9 RASHAD, at HHS school grounds, and to provide a safe campus, pursuant to Government
10 Code §815.6, California Education Code §482000 et. seq., Article 1 §28(c) of the California
11 Constitution, and FUSD's policies, procedures, and regulations are in place to prevent the
12 type of injuries and/or death to students, including RASHAD.

13 64. Defendants FUSD and DOES 1 through 100, and each of them, had an
14 affirmative duty towards students of HHS, including RASHAD, to provide adequate
15 supervision, monitoring, and protection to students at or near school grounds, during, before,
16 and after school, based on the compulsory nature of attendance, importance to society of
17 learning, and constitutional provision and statute creating the right to safe schools.

18 65. At all relevant times, Defendants FUSD and DOES 1 through 100, each of
19 them, and the had a duty, and failed to:

- 20 a. Provide adequate staff, employees, and/or agents to ensure safety measures are
21 carried out;
- 22 b. Take all reasonable steps to protect its students;
- 23 c. Exercise reasonable care in permitting students, including RASHAD, to leave
24 school premises;
- 25 d. Exercise reasonable care in ensuring that parents are notified of any changes
26 in students' schedules, including any early dismissals;
- 27 e. Exercise reasonable care in instructing and/or directing students, including
28 RASHAD, to exit HHS school grounds;

- 1 f. Implement and exercise reasonable measures to ensure students, including
2 RASHAD, are released to leave school in the custody of the student's parent,
3 guardian, or authorized person;
4 g. Exercise reasonable care in supervising students, including RASHAD, after an
5 early dismissal from school;
6 h. Use reasonable measures to protect students, including RASHAD, from
7 foreseeable injury.

8 66. Defendants FUSD and DOES 1 through 100, and each of them, are responsible
9 for the conduct and safety of students, including RASHAD, from the time they come under
10 HHS supervision until they leave HHS supervision, whether on school premises or not.

11 67. Defendants FUSD and DOES 1 through 100, and each of them, knew or should
12 have known that in failing to exercise due care in the supervision of its employees, agents,
13 and students, including RASHAD, at HHS after an early dismissal, students, including
14 RASHAD, would suffer serious injuries or death.

15 68. PLAINTIFF further alleges that Defendants FUSD and DOES 1 through 100,
16 and each of them, stand in a special relationship with RASHAD due to the compulsory nature
17 of attendance, importance to society of learning, constitutional provision and statute creating
18 right to safe schools, and FUSD's policies, procedures, and regulations are in place to prevent
19 the type of injuries and/or death to students, including RASHAD.

20 69. PLAINTIFF further alleges that Defendants FUSD and DOES 1 through 100,
21 and each of them, stand in a special relationship with RASHAD as Defendants created the
22 peril and/or changed the risk to RASHAD when it reduced the number of employees charged
23 with making the HHS campus safe.

24 70. PLAINTIFF further alleges that Defendants FUSD's and DOES 1 through 100,
25 and each of their, employees charged with ensuring students' safety were incompetent or
26 unfit and that this incompetence or unfitness created a particular risk to the students at HHS,
27 including RASHAD.

1 71. Defendants FUSD and DOES 1 through 100, and each of them, knew or should
2 have known that the employees and/or agents were not fit to maintain the safety of students.
3 Employees and/or agents of Defendants:

- 4 a. failed to recognize that students, including RASHAD, must be released to a
5 parent, guardian, or authorized party's custody;
- 6 b. failed to implement reasonable measures to ensure students, including
7 RASHAD, are safe after school, specifically, after an early dismissal;
- 8 c. failed to exercise reasonable care in instructing or directing students, including
9 RASHAD, in exiting the HHS campus grounds;
- 10 d. failed to exercise reasonable care in supervising students, including RASHAD;
- 11 e. failed to implement and exercise reasonable measures to ensure students,
12 including RASHAD, are released to the appropriate party after dismissal from
13 school;
- 14 f. failed to notify parents and/or guardians of students, including PLAINTIFF,
15 of the changes in students' schedules, including early dismissals from school
16 or after-school activities;
- 17 g. failed to supervise students, including RASHAD, during and after school
18 hours.

19 72. Defendants FUSD's and DOES 1 through 100, and each of their, negligence
20 in supervision and training of its employees in maintaining a safe campus and ensuring the
21 safety of its students, including RASHAD, including but not limited to their failure to notify
22 PLAINTIFF of HHS's early dismissal on the subject date, the failure to ensure that students
23 are supervised after an early dismissal, and the failure to exercise reasonable care in ensuring
24 that students, including RASHAD, are released to a parent, guardian, or other authorized
25 responsible party, were all substantial factors in causing RASHAD's injuries and death.

26 73. Each of the above actions and/or inactions affirmatively contributed to, was a
27 substantial factor in, and proximately caused the injuries and the subsequent death of
28 RASHAD, as well as the injuries and damages alleged by PLAINTIFF herein.

1 74. Each of the above actions and/or inactions affirmatively contributed to, was a
2 substantial factor in, and proximately caused PLAINTIFF's pecuniary losses and injuries due
3 to the loss of love, society, comfort, attention, affection, solace, companionship, services,
4 and financial and moral support of her child, all to her economic and general damage in an
5 amount to be proven at the time of trial.

6 75. Each of the above actions and/or inactions affirmatively contributed to, was a
7 substantial factor in, and proximately caused Plaintiff to incur funeral and burial expenses in
8 an amount to be proven at the time of trial.

9 76. Each of the above actions and/or inactions affirmatively contributed to, was a
10 substantial factor in, and proximately caused the damages sustained by RASHAD before his
11 death, including medical expenses.

12 **FIFTH CAUSE OF ACTION**

13 **FOR SURVIVAL ACTION**

14 **[As to Defendants SPOORS, FUSD, and DOES 1 through 100, Inclusive]**

15 77. Plaintiff re-alleges and incorporates by reference herein each and every
16 allegation contained herein above as though fully set forth and brought herein.

17 78. Defendant SPOORS owed RASHAD a duty to use reasonable care in operating
18 and controlling the SUBJECT VEHICLE.

19 79. Defendant SPOORS breached her duty owed to RASHAD when she failed to
20 use reasonable care in operating her vehicle when she collided into RASHAD, and fled the
21 scene.

22 80. Defendants FUSD and DOES 1 through 100, and each of them, had a duty to
23 adequately supervise students in their care and custody, including RASHAD, and failed to
24 do so as alleged by PLAINTIFF in this Complaint.

25 81. Defendants, and each of them, were the direct and proximate cause of
26 RASHAD's injuries and death. As a result of the subject collision, RASHAD suffered severe
27 injuries and on October 12, 2022, RASHAD succumbed to his injuries and was pronounced
28 dead.

1 82. As a direct and proximate result of Defendants' breach of their duties owed to
2 RASHAD, RASHAD suffered conscious pain and suffering until he was pronounced dead on
3 October 12, 2022.

4 83. By RASHAD's death, decedent left various relatives, including PLAINTIFF
5 herein, whom is the decedent's successor in interest and entitled to step into decedent's shoes
6 and to pursue an action in his place, and for damages. As a result, PLAINTIFF is entitled to
7 proceed, and hereby proceeds, as RASHAD's successor in interest for all damages set forth
8 herein above which were sustained by RASHAD pre-death, including but not limited to
9 special damages and pain and suffering.

10 **PUNITIVE DAMAGES ALLEGATIONS**

11 84. Plaintiff re-alleges and incorporates by reference herein each and every
12 allegation contained herein above as though fully set forth and brought herein.

13 85. PLAINTIFF is informed and believes, and thereon alleges, that at all relevant
14 times alleged herein, Defendant SPOORS acted with conscious disregard of the safety of
15 others, was aware of the dangerous consequences of consuming alcohol and/or drugs while
16 operating a vehicle, and willfully and deliberately failed to avoid those consequences when
17 she drove intoxicated.

18 86. Due to Defendant SPOORS's wanton and willful disregard for the safety of
19 others, RASHAD was killed and PLAINTIFF sustained the damages alleged herein,
20 justifying an award of exemplary and punitive damages against Defendant SPOORS that will
21 be proved at the time of trial in this matter.

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, PLAINTIFF prays for judgment against Defendants, and each of
24 them, as follows:

- 25 1. For special damages according to proof;
26 2. For general damages according to proof;
27 3. For consequential and incidental damages according to proof;
28 4. For funeral and burial expenses incurred by Plaintiff according to proof;

- 1 5. For pre-judgement interest and all other interest recoverable;
2 6. For punitive and exemplary damages as to Defendant SPOORS;
3 7. For costs of suit incurred herein; and/or
4 8. For such other and further relief as this Court may deem just and proper.
5

6 Dated: March 17, 2023

ARIAS SANGUINETTI WANG & TORRIJOS, LLP

7
8 By: Sahas M.
9 MIKE ARIAS
10 SAHAR MALEK
11 BRENDA WONG
12 Attorneys for Plaintiff
13 *RAGINA BELL, individually and as*
14 *Successor in Interest to*
15 *RASHAD AL-HAKIM, JR.*
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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable in this action.

Dated: March 17, 2023

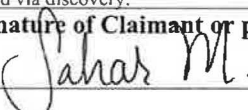
ARIAS SANGUINETTI WANG & TORRIJOS, LLP

By: Sahas M.
MIKE ARIAS
SAHAR MALEK
BRENDA WONG
Attorneys for Plaintiff
*RAGINA BELL, individually and as
Successor in Interest to
RASHAD AL-HAKIM, JR*

EXHIBIT 1

FRESNO UNIFIED SCHOOL DISTRICT
CLAIM FOR DAMAGES

To Person or Property

INSTRUCTIONS <ul style="list-style-type: none">• Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence. (Gov. Code Sec 911.2).• Claims for damages to real property must be filed not later than one year after the occurrence. (Gov. Code Sec 911.2).• Read entire Claim Form before filing.• Claim must be filed by claimant or person acting on claimant's behalf. Give relationship to claimant.• Attach separate sheets, if necessary, to give full detail. (SIGN EACH SHEET)		RESERVED FOR FILING STAMP CLAIM NO: _____	
1. Name of Claimant REGINA BELL, individually and as Successor-in-Interest to RASHAD AL-HAKIM, JR		2.	
3. Home Address of Claimant C/O Arias Sanguinetti Wang & Torrijos, LLP - 6701 Center Drive West, Suite 1400, Los Angeles, CA 90045		City/State	
4. Home Telephone Number C/O Arias Sanguinetti Wang & Torrijos, LLP (310) 844-9696			
5. Business Address of Claimant C/O Arias Sanguinetti Wang & Torrijos, LLP - 6701 Center Drive West, Suite 1400, Los Angeles, CA 90045		City/State	
6. Business Telephone Number C/O Arias Sanguinetti Wang & Torrijos, LLP (310) 844-9696			
7. Give Address of which you desire notices or communication to be sent regarding this claim: Arias Sanguinetti Wang & Torrijos, LLP - 6701 Center Drive West, Suite 1400, Los Angeles, CA 90045			
8. How and under what circumstances did DAMAGE or INJURY occur? Give full details: Please see attached			
9. When did DAMAGE or INJURY occur? Give full particulars, date time of day: Date of Injury to Rashad: October 04, 2022 Date of Death: October 10, 2022			
10. Where did DAMAGE or INJURY occur? Describe fully. Use reverse side of this sheet to diagram accident, where appropriate. Give street names, addresses, measurements, etc. On 1st Street, between E. Bullard Avenue and E. Barstow Avenue. Exact location may be found via Fresno Police Department, Report # 2210040922			
11. What particular ACT or OMISSION by the District or its employees do you claim caused the alleged INJURY or DAMAGE? Give names of District employees causing the alleged INJURY or DAMAGE, if known: Please see attached			
12. Amount Claimed (including the estimated amount of any prospective injury, damage or loss together with the basis of computation of the amount claimed). If the amount claimed exceeds \$10,000.00, no dollar amount shall be included. However, you shall indicate whether the claim would be a limited civil case. (Refer to California Government Code Section 910(f)) UNLIMITED Civil - Amount claimed exceeds \$10,000.00.			
13. Insurance payments received, if any, and name(s) of insurance company: N/A			
14. Expenditures made on account of DAMAGE or INJURY (Date - Item): Pending calculation of damages			
15. Name and address of Witnesses, Doctors and Hospitals: Students, employees, agents, and/or volunteers of Hoover High School and/or Fresno Unified School District - true identities unknown at this time but will be ascertained via discovery.			
16. Signature of Claimant or person filing: 		17. Typed Name (Relationship to Claimant) Sahar Malek, Esq. - Attorney	18. Date:

NOTE: Claims must be filed with Public Entity. Section 72 of the California Penal Code Provides: Every person who with intent to defraud, presents for payment to any school district any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment.

Revised/EC/01.27.2020

FRESNO UNIFIED SCHOOL DISTRICT – CLAIM FOR DAMAGES

ATTACHMENT

8 and 9. Negligent Supervision of Students; Negligent Hiring, Training, Supervision, Retention of Employees; Wrongful Death

[Cal. Gov. Code §§815.2, 815.6, 820; Cal. Edu. Code § 44807, 44808; Cal. Code of Regs. §§5531, 5551 and 5552]

On or about October 04, 2022, minor Rashad Al-Hakim, Jr., a student at Hoover High School ("HHS") in the Fresno Unified School District ("FUSD"), was dismissed from basketball practice early and was asked to exit the school immediately. Rashad's parents and/or guardians were not notified of this early dismissal. Further, the students, including Rashad, who were in HHS/FUSD's care and custody, were left unsupervised after the early dismissal. Upon exiting the school and crossing the street in front of HHS (First Street), Rashad was hit by a driver, resulting in his death.

Claimant alleges that HHS/FUSD:

- failed to notify Rashad's parents and/or guardians regarding the early dismissal;
- failed to provide adequate supervision of the students, including Rashad, specifically after the early dismissal to ensure the minors' safety and security;
- failed to provide adequate notice to students' parents and/or guardians regarding the changes in students' schedules;
- failed to take reasonable and appropriate precautions to protect students, including Rashad, from foreseeable harm;
- failed to use reasonable measures to protect students, including Rashad, from foreseeable injuries or death;
- failed to implement and/or enforce those rules and regulations necessary to protect students, including Rashad, under their ordinary care;
- failed to supervise their employees, in charge of students' supervision and safety, to ensure they were competently performing their job of protecting the students from harm;
- failed to ensure their employees, agents, and/or volunteers had the requisite knowledge and training to execute and follow the rules and protocols pertaining to the safety and supervision of students;
- failed to properly hire, monitor, train, or control their employees, agents, and/or volunteers who were in charge of supervising students and ensuring their safety;
- failed to take all reasonable steps to protect its students and to maintain a high school campus that would be safe and secure so as to promote learning;
- failed to reasonably prevent injury and harm to students under their care or custody, including Rashad;
- failed to discharge its mandatory duties as required by law;
- failed to implement and/or enforce procedures and regulations to prevent the type of injury and/or death which occurred to Rashad;

- were negligent in the supervision of its students and premises;
- failed to provide sufficient supervision and/or security personnel of minors on campus;
- were negligent in hiring, training, and supervision of its employees, agents, and/or volunteers.

EXHIBIT 2

**BOARD OF EDUCATION**

Genoveva Islas, President
Susan Witttrup, Clerk
Claudia Cazares
Valerie F. Davis
Elizabeth Jonasson Rosas
Andy Levine
Keshia Thomas

SUPERINTENDENT

Robert G. Nelson, Ed.D.

February 24, 2023

CERTIFIED MAIL

Sahar Malek, Esq.
Arias Sanguinetti Wang & Torrijos, LLP
6701 Center Drive West, Suite 1400
Los Angeles, CA 90045

RE: CLAIM FOR PERSONAL DAMAGES BY RASHAD AL-HAKIM JR.

Dear Ms. Malek:

NOTICE OF REJECTION OF CLAIM

NOTICE IS HEREBY GIVEN that the Claim for Damages which presented to the Fresno Unified School District on January 26, 2023, was deemed rejected by the Board on February 22, 2023.

WARNING

Subject to certain exceptions you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code 945.6.

In providing this notice, or by any other action that may have been taken on this claim, Fresno Unified School District does not intend to relinquish or waive any of your legal claims requirements or any rights or defenses potentially available to Fresno Unified School District or its officers, employees or agents.

Should you file a lawsuit in this matter which is determined to be in bad faith and without reasonable cause, please be advised that Fresno Unified School District will attempt to recover all of its defense costs as allowed by California Code of Civil Procedure 128.5 and 1038.

Sincerely,
Patrick Jensen, Interim Chief Financial Officer

By Stacey Sandoval
Executive Director of Benefits and Risk Management

SS/kp
Attachments

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
)
COUNTY OF FRESNO)

Re: In the matter of Rashad Al-Hakim Jr.

I am a resident of and am employed in the County of Fresno, California. I am over 18 years of age and not a party to the within action. My business address is Education Center, 2309 Tulare Street, Fresno, California 93721.

On February 24, 2023, I served the Notice of Rejection of Claim on the party in this action by placing a true copy thereof in an envelope which was then sealed and addressed as follows:

Certified Mail # 7014 1200 0001 4106 3510

Sahar Malek, Esq.
Arias Sanguinetti Wang & Torrijos, LLP
6701 Center Drive West, Suite 1400
Los Angeles, CA 90045

BY MAIL AS FOLLOWS: I caused such sealed envelope to be placed in the United States mail at Fresno, California, to the addressee listed above. I mailed said envelope Certified Mail, Return Receipt Requested. I am readily familiar with the office's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that under that practice it will be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Fresno, California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing stated in this declaration. (Code Civ. Proc. 1013)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 24, 2023 at Fresno, California.



Kathy Pereida