



GBW | OUR METHOD FOR SUCCESS

HOW DID YOU
WIN THAT CASE?

\$4 MILLION WRONGFUL DEATH SETTLEMENT

*How to Litigate Against Limo / Party-Bus Companies
for Injuries caused by Negligent Vehicle Maintenance*

PRESENTERS



Christine Spagnoli

is a partner of Greene, Broillet & Wheeler specializing in product liability, personal injury and legal malpractice actions. She has obtained many multimillion-dollar verdicts, including a landmark \$4.9 billion verdict against General Motors in a case involving a defective fuel tank that was found responsible for the burn injuries of two adults and four children. Christine received the Consumer Attorneys of California's 2014 *Robert E. Cartwright Award* and its 2010 *Marvin E. Lewis Award* as well as the Consumer Attorneys Association of Los Angeles Trial Lawyer of the Year Award in 2012 and its *Ted Horn Memorial Award* in 2005.



Christian Nickerson

is a trial attorney at Greene Broillet & Wheeler, LLP specializing in employment litigation, business litigation, catastrophic personal injury, and wrongful death cases. He has achieved over \$160 million in jury verdicts and negotiated settlements on behalf of clients, and is a two-time finalist for CAOC's Consumer Attorney of the Year Award. Christian was named Top 40 under 40 by the National Trial Lawyers and recognized as a Southern California Rising Star, 2015 – 2020.

CJ SARACENO



SARACENO FAMILY



September 29, 2013



THE INCIDENT



THE INCIDENT



THE INCIDENT



WHY DID THE DOOR OPEN?



WHY DID THE DOOR OPEN?



EMERGENCY RELEASE VALVE



IDENTIFYING THE DEFENDANTS

- **BUS OPERATOR**
 - Hyros Corporation dba Platinum Style Limousine
 - Driver
- **DOOR MANUFACTURER / DESIGNER**
 - Westinghouse Airbrake Technologies dba Vapor Bus International
- **BUS MANUFACTURER / DESIGNER**
 - Krystal Enterprises Inc.
 - Eldorado National (Kansas) Inc.

DISCOVERY – VEHICLE INSPECTION



DISCOVERY – VEHICLE INSPECTION



DISCOVERY – VEHICLE INSPECTION



DISCOVERY – VEHICLE INSPECTION



WHY DID THE DOOR OPEN?



Compressed air moves
Cam up groove to lock
door

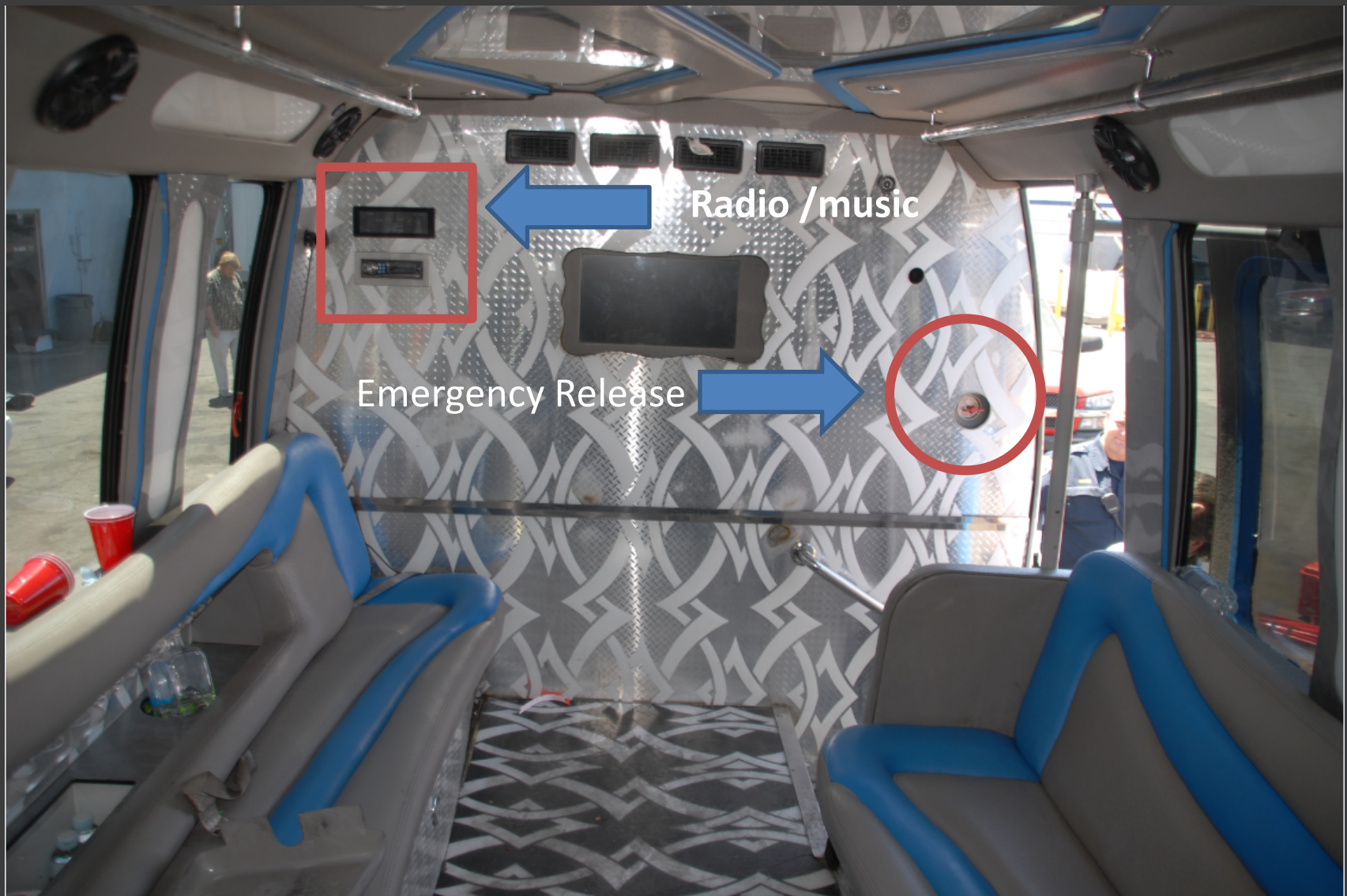
Inadequate air
pressure =
door will not tightly
lock

DISCOVERY – VEHICLE INSPECTION



Air cushion suspension

DISCOVERY – VEHICLE INSPECTION



THE LIABILITY PICTURE

- EXPERTS
 - MECHANICAL ENGINEER
 - ACCIDENT RECONSTRUCTIONIST
 - BUS EXPERT

DISCOVERY – VEHICLE INSPECTION

What did the Scene / Vehicle Inspection tell us?

- **Negligent Maintenance case against party bus owner / operator**
- **Eliminate product liability claims / defenses**

DEPOSING THE OFFICERS

- CHP determined that the door malfunctioned due to a poorly maintained air compressor and other components.
- Allowed the door to open while the bus was moving.

CAUSE:

The Cause of this collision was determined to be other than driver. Based upon the on scene investigation and subsequent interviews, any malicious activity involving V-1's passengers or P-1 driver was ruled out. A vehicle inspection by CHP personnel on 10-03-2013 revealed V-1 had a faulty and malfunctioning rear passenger door. Refer to Supplemental attached to this report. Based upon the inspection and testing by CHP personnel, V-1's rear passenger door was not performing to ensure passenger safety. As a result of V-1's faulty rear door, the rear door opened, allowing Passenger #1 to be ejected. After Passenger #1 was ejected, he collided with the asphalt roadway and was then run over by V-1's rear tires and killed. An associated factor in this collision was V-1 being operated in violation of California Vehicle Code Section 24002(a) - Vehicle not equipped or unsafe; which states: it is unlawful to operate any vehicle or any combination of vehicles which is in an unsafe condition, or which is not safely loaded, and which presents an immediate safety hazard.

WHAT WE FOUND

HYROS' NEGLIGENCE

- Bus manufactured in 2001.
- Hyros purchased used bus in 2010
- “Friend” modified to turn it into a limo party bus
- Owner personally replaced and installed new air compressor
- Hyros negligently maintained bus and its component parts

WHAT WE FOUND

- 2010 Modification
 - Installation of partition between the driver cab and the passenger compartment
 - Significant weight added to the rear axle, causing the vehicle to exceed GVW when loaded with 25 or more occupants.
 - Partition also eliminated driver's ability to see into the rear occupant compartment or observe the door from driver's seat.

DISCOVERY – VEHICLE INSPECTION



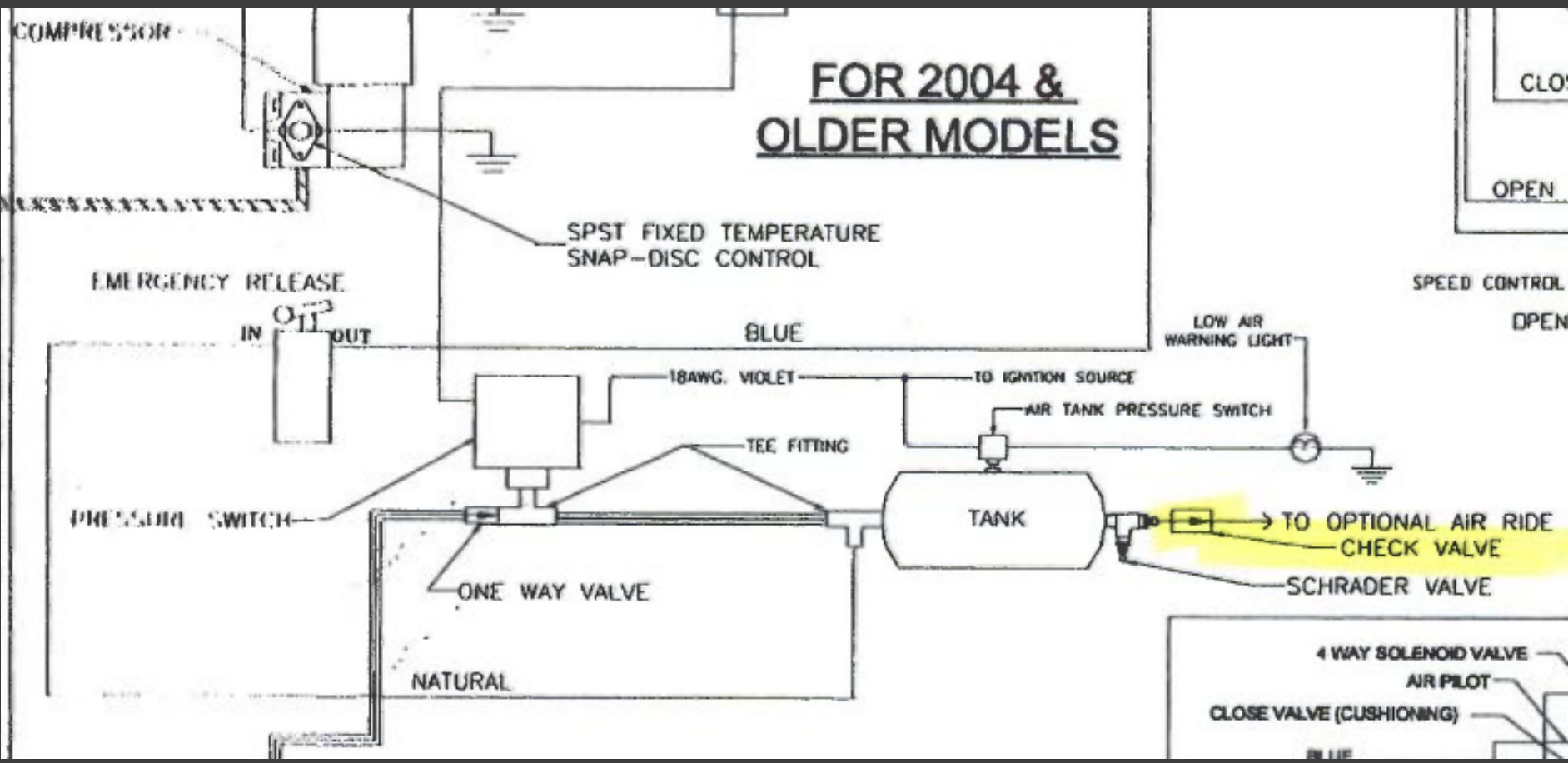
WHAT WE FOUND

- Pneumatic door:
 - Operates through compressed air supplied by an air tank that also feeds compressed air to an “air ride” suspension.
 - Minimum air pressure of 95 psi and a maximum of 125 psi, is required for the door to close and seal in a “locked” position

WHAT WE FOUND

- **Air ride suspension**
- **Four “air bags” which inflate and deflate depending on the road surface and the weight inside the occupant compartment.**
- **As originally configured, the air supply system included a “protection valve” or check valve between the air tank and the door which operated to maintain pressure to the door if a leak or depletion of air pressure occurred in the suspension system.**

WHAT WE FOUND



WHAT WE FOUND

HYROS' NEGLIGENCE

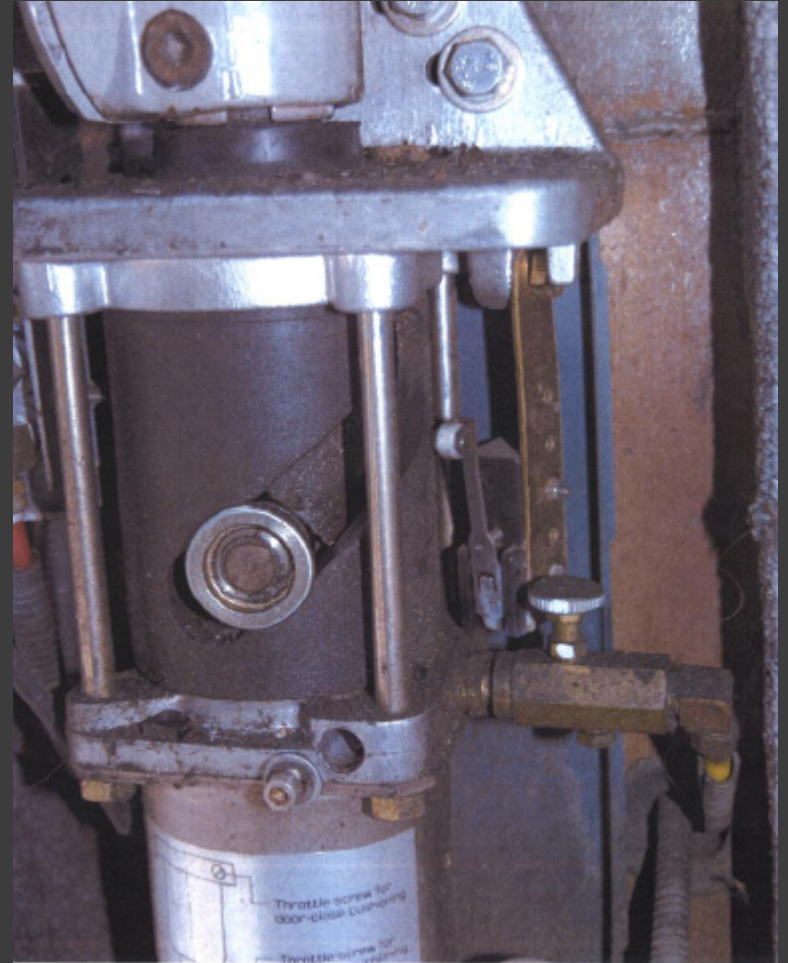
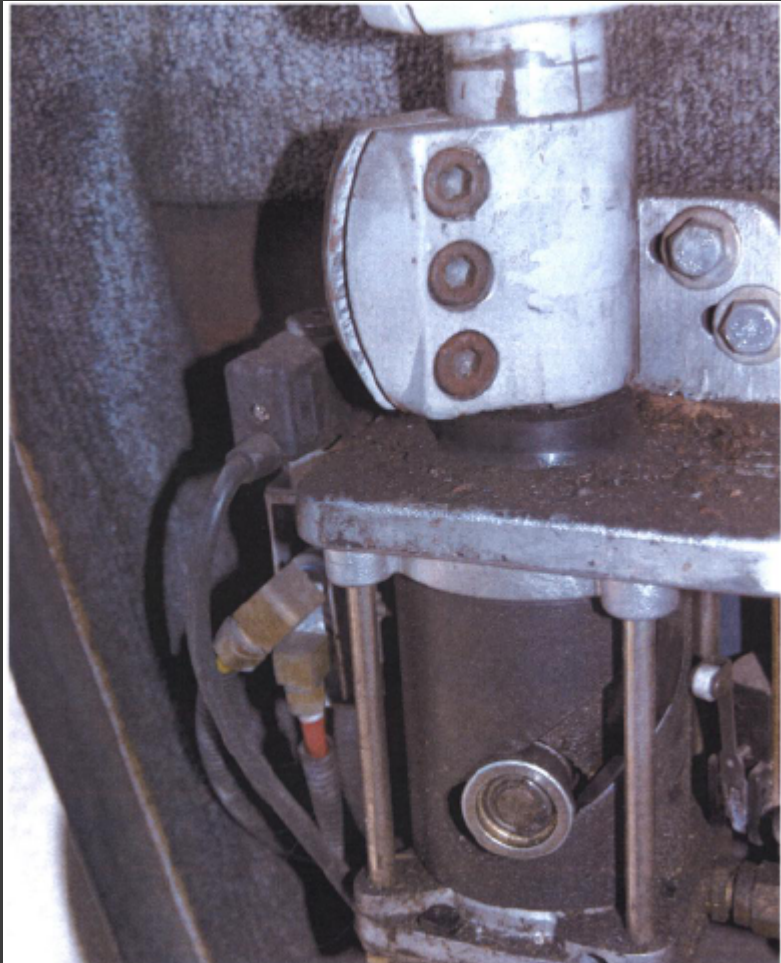
- Inspection revealed a significant and audible leak of compressed air in the suspensions system.
- Two of the four suspension airbags were larger than originally supplied resulting in a higher demand for air from the air tank.
- “Protection valve” was also missing and the air compressor operated intermittently and was not adjusted to provide the proper pressurized air to the door.

WHAT WE FOUND

HYROS' NEGLIGENCE

- Instead of operating at 95/125 psi, the air compressor pressure switch was set at 72/102 psi.
- *Malfunctioning system that could not consistently deliver the required sealing pressure to the door to keep it closed while in operation.*

WHAT WE FOUND



WHAT WE FOUND

- **Owner testified that:**
 - **He had conducted a mechanical inspection of the bus less than two weeks before the accident**
 - **Bus was in perfect mechanical condition at the time of his inspection”**
 - **Bus had not been used between 9/17 and 9/28 when it was driven by his employee to pick up the Saraceno party.**

WHAT WE FOUND

Department of Transportation
BUS MAINTENANCE & SAFETY INSPECTION
 CHP 108A (REV 6-06) OPI 092

* Inspection of these items meets the minimum requirements of 34505 C

CARRIER NAME <i>Platinum Style Curo</i>		UNIT #	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE
YEAR	MAKE	LICENSE #	JAN OK DEF	FEB OK DEF	MAR OK DEF	APR OK DEF	MAY OK DEF	JUN OK DEF	JUL OK DEF	AUG OK DEF	SEPT OK DEF	OCT OK DEF	NOV OK DEF	DEC OK DEF
01	JORD	13400	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
1. Fire extinguisher, first aid kit, and reflective warning devices			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. Horn, defroster, gauges, odometer, and speedometer			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3. Driver seat, passenger seats, padding, interior, and floor-condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4. Windshield wipers, window, mirrors, and supports			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5. All interior and exterior lights, signals, reflectors			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6. Electrical wiring-condition and protection			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7. Batteries-water level, terminals, and cables			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8. Warning devices-air, oil, temperature, exit, and/or vacuum			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9. Heaters, defrosters, switches, and vents			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
10. Doors, exterior, paint, and marking			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
11. Radiator and water hoses-coolant level, condition, and/or leaks			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
12. Belts-compressor, fan, water, and/or alternator			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
13. Air hoses and tubing-leaks, condition, and/or protection			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
14. Fuel system-tank, hoses, tubing, and/or pump-leaks			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
15. Exhaust system, manifolds, piping, muffler-leaks and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
16. Engine-mounting, excessive grease and/or oil			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
17. Clutch adjustment-free play			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
18. Air filter, throttle linkage			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
19. Starting and charging system			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
20. Hydraulic brake system-adjustment, components, and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
21. Hydraulic master cylinder-level, leaks, and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
22. Hoses and tubing-condition, protection			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
23. Air brake system-adjustment, components, and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
24. 1 minute air or vacuum loss tests			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
25. Air compressor governor-cut in and out cut pressures (85-130)			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
26. Primary air tank-drain and test function of check valve			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
27. Other air tanks-drain and check for contamination			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
28. Tires-tread depth, inflation, condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
29. Wheels, lug nuts, and studs-cracks, looseness, and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
30. Parking brake-able to hold the vehicle			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
31. Emergency stopping system-labeled, operative			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
32. Brakes do not release after complete loss of service air			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
33. Steering system-mounting, free lash and components			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
34. Steering arms, drag links, and/or tie rod ends			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
35. Suspension system-springs, shackles, u-bolts, and/or torque rods			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
36. Frame and cross members-cracks and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
37. Drive shaft, universal joints, and/or guards			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
38. Transmission and differential-mounting, leaks, and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
39. Wheel seals-leaks and/or condition			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
40. Under carriage-clean and secure			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Fraudulent Inspection Records

SIGNATURES OF INSPECTORS

JANUARY INSPECTION <i>[Signature]</i>	DATE 1/24/13	FEBRUARY INSPECTION <i>[Signature]</i>	DATE 2/27/13	MARCH INSPECTION <i>[Signature]</i>	DATE 3/13/13	APRIL INSPECTION <i>[Signature]</i>	DATE 4/15/13
MAY INSPECTION <i>[Signature]</i>	DATE 5/9/13	JUNE INSPECTION <i>[Signature]</i>	DATE 6/11/13	JULY INSPECTION <i>[Signature]</i>	DATE 7/15/13	AUGUST INSPECTION <i>[Signature]</i>	DATE 8/13/13
SEPTEMBER INSPECTION <i>[Signature]</i>	DATE 9/15/13	OCTOBER INSPECTION <i>[Signature]</i>	DATE 10/15/13	NOVEMBER INSPECTION <i>[Signature]</i>	DATE 11/15/13	DECEMBER INSPECTION <i>[Signature]</i>	DATE 12/15/13

WHAT WE FOUND

HYROS' NEGLIGENCE

- **Condition of the bus after the incident impeached the owner**
- **Unsafe conditions noted at the post-incident inspection included worn and cut tires; inoperable low beam headlamps; leaks in the air suspension and a broken suspension bolt.**

WHAT WE FOUND

HYROS' NEGLIGENCE

- **Several conditions noted in the post-accident inspection were the same as safety violations noted by CHP motor carrier specialist when he inspected the Bus in April, 2013**
- **CHP had advised Owner that the bus was not to be used to transport passengers until repaired.**
- **Violations included: emergency window exit that was screwed shut and missing handles /broken emergency exit roof hatch.**
- **Owner testified that the repairs were made in April, 2013....But the same conditions existed when the bus was inspected post-incident.**

WHAT WE FOUND

HYROS' NEGLIGENCE

- **Driver not properly trained to inspect the vehicle**
- **Had only driven it on 1 occasion prior**
- **Hyros had not submitted his name to the DMV Pull Notice Program prior to the date of the incident.**

WHAT WE FOUND

HYROS' NEGLIGENCE

- **Owner claimed that his drivers were trained to instruct passengers to remain seated and not to stand near the door and to wear seat belts.**
- **Driver did not provide any instructions to the bus occupants on this trip.**

WHAT WE FOUND

HYROS' NEGLIGENCE

- **No markings on the floor or other visible warnings advising occupants to sit down during movement of the bus.**
- **Seatbelts were tucked under the seat cushions and not available to occupants.**

PARTY BUS OPERATOR DEFENSES

- **BLAME PASSENGER**
 - Alcohol / Dancing / Emergency Exit Button

- **BLAME MANUFACTURER**
 - Defective product

EMERGENCY RELEASE DEFENSE



WHAT WE FOUND

THE FAILED EMERGENCY RELEASE DEFENSE

- Emergency release valve was not operating correctly, which ruled it out as a means by which the door was opened from inside the bus.
- Driver testified that he did not ever check the operation of the emergency release valve to determine if it was working.

WHAT WE FOUND

THE FAILED EMERGENCY RELEASE DEFENSE

- **CHP Officer: Release valve was “stuck” or frozen at the time of his inspection and he had to use pliers to rotate the handle.**
- **Tool marks consistent with the use of pliers**
- **Component parts reflect conditions that are consistent with the parts having been broken and stuck for a significant amount of time prior to the incident.**

OTHER CONSIDERATIONS

- **WHAT TO DO WITH THE PRODUCT DEFENDANTS IN A NEGLIGENT MAINTENANCE CASE**

The Party Bus Industry: Regulations and History of Accidents

THE PARTY BUS INDUSTRY

- 2014 Los Angeles Times Article: “number of party bus carriers nationwide has skyrocketed in the last five years — from 6,000 to 9,000 in California alone, records show.”
- 2014 Washington Utilities and Transportation Commission Report:
 - “to determine to what extent party buses exist in Washington, and to identify problems Washington or other states have seen specific to party buses and to explore options for increasing safety of party buses.”

THE PARTY BUS INDUSTRY

2014 Washington Utilities and Transportation Commission Report:

- **22 incidents: 21 fatalities and an additional 48 personal injuries.”**
- **“in 10 of the 22 incidents, and 10 of the 21 fatalities...a passenger fell from the party bus.”**
- **Second leading cause of death was passengers hitting their heads on overpasses.**
- **Vast majority of these victims were either in their teens or twenties, and drinking was involved in many of the cases.**

WHAT EXACTLY IS A PARTY BUS?

2014 Washington Utilities and Transportation Commission Report:

- The term “party bus company” was not used in any statute in the state
- No state agency that regulated all party bus companies
- No “regulations specifically addressing party bus companies or the unique safety challenges presented by such companies.”

WHAT EXACTLY IS A PARTY BUS?

2014 Washington Utilities and Transportation Commission Report:

- “party bus”:
“a motor vehicle specifically configured to accommodate a party on the motor vehicle itself. Amenities may include greater floor space, the addition of a bar to serve alcohol, flat-screen televisions, DVD players, enhanced audio system, karaoke equipment, DJ equipment, smoke machines, laser lights, disco lights, strobe lights or dance or ‘stripper’ poles.”

CA PARTY BUS LAWS

- **What exactly constitutes a “party bus” under California law remains somewhat ambiguous**
- **Issues for regulation of the industry and law enforcement, and potential loopholes for party bus owners and operators.**
- **The Passenger Charter-Party Carriers’ Act governs the regulation (Cal. Pub. Util. Code § 5351, et seq.).**

CA PARTY BUS LAWS

- **No specific defined term “party bus”,**
- **Pub. Util. Cod § 5360 defines a “Charter-party carrier of passengers” as “every person engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway in this state” (subject to the exclusions)**

CA PARTY BUS LAWS

- **Exclusions: confusion and ambiguity**
 - “Common carrier transportation services between fixed termini or over a regular route
 - “Transportation service rendered wholly within the corporate limits of a single city or city and county and licensed or regulated by ordinance).

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CA PARTY BUS LAWS

- **Passenger Charter-Party Carriers' Act**
 - (Cal. Pub. Util. Code § 5351, et seq.)
 - **Article 1:** provides the general provisions and definitions
 - **Articles 4, 5, and 6:** insurance requirements for party bus owners, the bases for charges for transportation, and the imposition of fines and penalties

CA PARTY BUS LAWS

- **Passenger Charter-Party Carriers' Act**
 - **Article 2**: requirements that party bus owners must follow in order to legally operate in California (Cal. Pub. Util. Code § 5371-5375.9).
 - Party bus owners must
 - pass an annual bus terminal inspection,
 - furnish a list of all vehicles used in transportation for compensation during the period since the last inspection.
 - CHP motor carrier specialists carry out these inspections and write Terminal Inspection Reports which form the basis of their ratings, which can range from Satisfactory (S) to Unsatisfactory (U).

CA PARTY BUS LAWS

- **Passenger Charter-Party Carriers' Act**
 - **Article 2 (continued):**
 - The Commission has the power to cancel, revoke, or suspend the bus owners' permit or certificate for violations of the Act, and issue civil penalties.

CA PARTY BUS LAWS

- Assembly Bill AB45 - drafted in response to the tragic death of 19 year old Brett Studebaker, who crashed his vehicle into a wall on the 101 Freeway after attending his friend's 21st birthday party aboard a party bus.
- Although he was underage, Mr. Studebaker was permitted to consume alcohol on the party bus, and his blood alcohol level was more than three times the legal limit at the time of his death.

CA PARTY BUS LAWS

AB45

- **requires the party bus carrier to ask the chartering party if (1) if alcoholic beverages will be served onboard or will be transported during the trip and (2) if any passenger will be under 21 years of age.**
- **requires the chartering party to designate an adult chaperone (25 years of age or older)**
- **in certain situations, the party bus operator must verify the age of all passengers to confirm that they are 21 years of age, and must not commence or continue a trip if underage passengers are consuming alcohol or are present onboard.**

CA PARTY BUS LAWS

COMMON CARRIER LIABILITY:

Civil Code § 2168 provides: “Everyone who offers to the public to carry persons, property, or messages, excepting only telegraphic messages, is a common carrier of whatever he thus offers to carry.” Party bus drivers have a heightened duty of care as common carriers.

Under Civil Code § 2100, a common carrier “must use the utmost care and diligence for their safe carriage, must provide everything necessary for that purpose, and must exercise to that end a reasonable degree of skill.”

CA PARTY BUS LAWS

COMMON CARRIER LIABILITY:

“Common carriers bind themselves to carry safely those whom they take into their vehicles, and owe both a duty of utmost care and the vigilance of a very cautious person towards their passengers. Such carriers are responsible for any, even the slightest, negligence and are required to do all that human care, vigilance, and foresight reasonably can do under all the circumstances.” *Acosta v. Southern California Rapid Transit Dist.* (1970) 2 Cal.3d 19, 27, internal citations omitted.)

CA PARTY BUS LAWS

COMMON CARRIER LIABILITY:

Civil Code § 2101 provides that a common carrier is “bound to provide vehicles safe and fit for the purposes to which they are put, and is not excused for default in this respect by any degree of care.”

CACI 903: Duty to Provide and Maintain Safe Equipment. (“Common carriers must use the highest care in constructing, servicing, inspecting, and maintaining their vehicles and equipment for transporting passengers. A common carrier is responsible for a defect in its vehicles and equipment used for transporting passengers if the common carrier: (a) Created the defect; or (b) Knew of the defect; or (c) Would have known of the defect if it had used the highest care. Common carriers must keep up with modern improvements in transportation. While they are not required to seek out and use every new invention, they must adopt commonly accepted safety designs and devices in the vehicles and equipment they use for transporting passengers.”)

CA PARTY BUS LAWS

COMMON CARRIER LIABILITY:

CACI 903: Duty to Provide and Maintain Safe Equipment.

“Common carriers must use the highest care in constructing, servicing, inspecting, and maintaining their vehicles and equipment for transporting passengers. A common carrier is responsible for a defect in its vehicles and equipment used for transporting passengers if the common carrier:

- (a) Created the defect;**
- or (b) Knew of the defect;**
- or (c) Would have known of the defect if it had used the highest care.**

Common carriers must keep up with modern improvements in transportation. While they are not required to seek out and use every new invention, they must adopt commonly accepted safety designs and devices in the vehicles and equipment they use for transporting passengers.”

Party Bus Discovery

What to ask for? (CONTACT US FOR SAMPLES)

- Incident Reports
- Photographs
- Inspection Reports
- Video
- Onboard Data Recorders
- Maintenance Records
- Driver Training Materials
- Safety Materials / Policies and Procedures
- Driver file
- Records re: Trip / Route / Timing

Party Bus Discovery

Compelling incident reports:

- The “attorney-client privilege does not embrace matters otherwise unprivileged merely because the client has communicated those matters to his attorney.” *Green & Shinee v. Superior Court*, (2001) 88 Cal.App.4th 53.
- Internal documents do not become privileged because the documents are subsequently transmitted to an attorney. See *San Francisco United School District v. Superior Court* (1961) 55 Cal.2d 451, 456. See also *Suezaki v. Superior Court* (1962) 58 Cal. 2d 166.

Party Bus Discovery

Compelling incident reports:

- **Take depositions re: the context of the incident report. Not made in anticipation of litigation but normal course of business.**

Party Bus Discovery

Beware *Diaz*:

- Defendant may claim that plaintiffs are barred from conducting discovery on safety and training under *Diaz v. Carcamo*, (2011) 51 Cal.4th 1148, if the Defendant admits that the bus driver was acting in the course and scope of his/her employment at the time of the incident.
- *Diaz* merely states that upon concession of vicarious liability, evidence regarding negligent *hiring, entrustment or retention* is inadmissible at trial.

Party Bus Discovery

Beware *Diaz*:

- *Diaz says absolutely nothing about the admissibility or discoverability of evidence regarding safety policies and procedures and training.*
- **CRST: Admission of vicarious liability for its employee's tort did not preclude a punitive damages claim against employer.**
- **Punitive damages allegations attached to claim against employer for vicarious liability.**

Party Bus Discovery

Beware *Diaz*:

“When an employer... admits vicarious liability, neither the complaint’s allegations of employer misconduct relating to the recovery of punitive damages nor the evidence supporting those allegations are superfluous.

But: EVIDENCE OF EMPLOYER MISCONDUCT RE: HIRING, ENTRUSTMENT, RETENTION IS ADMISSIBLE TO ESTABLISH PUNITIVE DAMAGES AGAINST EMPLOYER

CRST, Inc. v. Superior Court (2017) 11 Cal.App.5th 1255

Party Bus Discovery

Beware *Diaz*:

Additionally, California courts have held that evidence of an employer's safety rules/bulletins is admissible to show negligence of an employee.

Dillenbeck v. City of Los Angeles, (1968) 69 Cal. 2d 472, 477-82.

Party Bus Discovery

Beware *Diaz*:

- Just as safety rules may serve as evidence demonstrating an employee's negligence – so too does training provided by the employer.
- Such evidence helps to set up the appropriate standard of care.

Party Bus Discovery

NOTE: California Public Utilities Commission maintains certain records related to party bus owners, their drivers, and their fleets, which could prove useful in a civil case.

These records are easily obtainable via a Freedom of Information Act Request.

Party Bus Discovery



January 5, 2015

CHRISTIAN NICKERSON

VIA FEDERAL EXPRESS

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Public Records Act Request

Dear Madam/Sir:

Our firm represents Plaintiffs, The Estate of Christopher Joseph Saraceno II, Christopher Saraceno and Rita Saraceno in their claims against defendant Hyros Corporation.

Pursuant to the California Public Records Act and the Freedom of Information Act ("FOIA"), please consider this a formal, written request for the DOCUMENTS listed below.

1. Your entire file as it relates to Hyros Corporation dba Platinum Style Limousine Service, 12650 Saticoy Street, North Hollywood, California 91605, including, but not limited to licenses, suspensions, revocation of licenses, accident histories or other records of any kind.

Please contact me when the documents are available for inspection or copying. Please note that we will pay for search and review fees.

Party Bus Discovery

Depositions

- **Driver deposition**
- **Owner deposition**
- **PMQ re: Training**
- **PMQ re: Bus Schedule**
- **PMQ re: Safety**
- **Product Manufacturer**
- **Product Design**
- **Witness Depositions (Texts / Cell Phone Video / Photos/ Social Media)**
- **Police**

CJ Saraceno



School of Arts
and Sciences

Film and Media Studies

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General Information

Internship Credit

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Internships

Summer Saraceno Internship

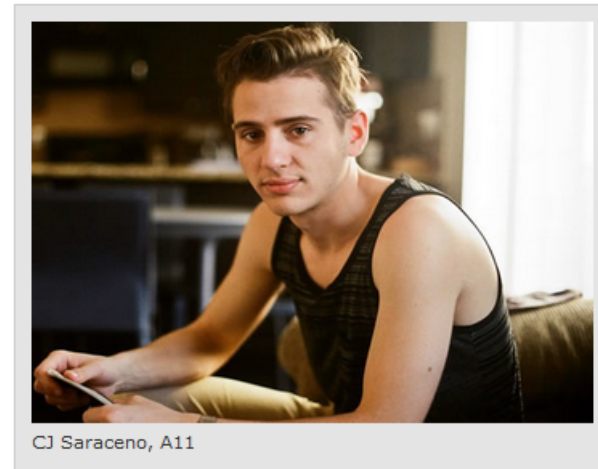
The CJ Saraceno Internship

The C.J. Saraceno Los Angeles Internship Fund provides financial support and transformational experiences to enterprising, creative Tufts students who would otherwise not have a chance to work in Los Angeles. The internship was established in memory of C.J. Saraceno, A11, a passionate creator who challenged the status quo. The scholarship is funded by alumni, friends, and family members who cared about C.J. – as well as those who were inspired by him.

2021 Internship Application due by February 21, 2021 at 11:59 PM EST.

Past CJ Saraceno Recipients:

- Lomawa Maelene, A19
- Audrey Fernandez, A18
- Jessica Howard, A17
- Ben Taylor, A16
- Dylan Dempsey, A15



CJ Saraceno, A11



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CONCLUSION / QUESTIONS

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