



By Fax

PANISH SHEA & BOYLE LLP  
11111 Santa Monica Boulevard, Suite 700  
Los Angeles, California 90025  
310.477.1700 phone • 310.477.1699 fax

1 PANISH SHEA & BOYLE LLP  
ADAM SHEA, State Bar No. 166800  
2 *shea@psblaw.com*  
PATRICK GUNNING, State Bar No. 280457  
3 *gunning@psblaw.com*  
RYAN A. CASEY, State Bar No. 271865  
4 *casey@psblaw.com*  
11111 Santa Monica Boulevard, Suite 700  
5 Los Angeles, California 90025  
Telephone: 310.477.1700  
6 Facsimile: 310.477.1699

**CONFORMED COPY  
OF ORIGINAL FILED**  
Los Angeles Superior Court

MAY 03 2016

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

7 SCOTT J. CORWIN, A PROFESSIONAL LAW CORP  
SCOTT J. CORWIN (State Bar No. 159627)  
8 *scott@sjclaw.com*  
11766 Wilshire Boulevard, Suite 1160  
9 Los Angeles, California 90025  
Telephone: 310.207.4030  
10 Facsimile: 310.207.1917

11 Attorneys for Plaintiff

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

15 SOLIA ENRIQUEZ, individually; JAIME  
16 ENRIQUEZ, individually,

17 Plaintiffs,

18 v.

19 GONZALEZ TRAVEL & TOURS INC., a  
20 corporation; MIKE A. CISNEROS, an  
individual,

21 Defendants.

Case No. **BC 6 1 9 1 5 9**

**COMPLAINT FOR DAMAGES**

- 1. **Negligence**
- 2. **Negligent Hiring/Retention/Training/  
Supervision**
- 3. **Negligent Infliction of Emotional  
Distress**

**DEMAND FOR JURY TRIAL**

22  
23  
24 COME NOW Plaintiffs SOLIA ENRIQUEZ, individually, and JAIME ENRIQUEZ,  
25 individually, for causes of action against Defendants GONZALEZ TRAVEL & TOURS, INC., a  
26 corporation; MIKE A. CISNEROS, an individual, and DOES 1 through 50, inclusive, who  
27 complain and allege as follows:

28 ///

**GENERAL ALLEGATIONS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. This case arises from a bus v. pedestrian collision which occurred on August 14, 2015.

2. On August 14, 2015, Plaintiff SOLIA ENRIQUEZ was attempting to cross the street at the intersection of Cesar E. Chavez Avenue and Boyle Avenue. Defendant MIKE A. CISNEROS was operating a 2005 white Prevost bus, license no. CP80955 (hereinafter "Defendants' Vehicle"), within the course and scope of his employment for GONZALEZ TRAVEL & TOURS, INC, (hereinafter "GONZALEZ"), attempting to turn right from northbound Boyle Avenue on to eastbound Cesar E. Chavez Avenue. As CISNEROS proceeded through the intersection, his bus struck Plaintiff SOILA ENRIQUEZ, who was situated within the crosswalk at the time. Being struck by the bus caused severe personal injuries to Plaintiff SOILA ENRIQUEZ, including but not limited to open fractures of both legs and severe de-gloving injuries. Plaintiff JAIME ENRIQUEZ, the son of Plaintiff SOLIA ENRIQUEZ, was present and witnessed the entire incident, including the resulting injuries to his mother SOLIA ENRIQUEZ and suffered severe emotional distress as a result.

3. Plaintiffs are informed and believe, and thereon allege, that at all times herein mentioned, Defendants GONZALEZ TRAVEL & TOURS, INC.; MIKE A. CISNEROS (hereafter "CISNEROS"); and DOES 1 through 50, inclusive, owned, leased, managed, maintained, controlled, entrusted, and operated the Defendant's Vehicle.

4. Plaintiffs are informed and believe, and thereon allege, that Defendants GONZALEZ, CISNEROS and DOES 1 through 50, inclusive, were agents, servants, employees, successors in interest, and/or joint venturers of their co-defendants, and were, as such, acting within the course, scope, and authority of said agency, employment and/or venture, and that each and every defendant, as aforesaid, when acting as a principal, was negligent in the selection of each and every other defendant as an agent, servant, employee, successor in interest, and/or joint venturer.

5. Plaintiffs SOLIA ENRIQUEZ and JAIME ENRIQUEZ were, at all times relevant herein, each a resident of Los Angeles, California.

1           6.       Defendant GONZALEZ, at all times relevant herein, was a corporation with its  
2 principal place of business at 8121 Dearborn Avenue; South Gate, California 90280.

3           7.       Defendant CISNEROS, at all times relevant herein, was a resident of Burbank,  
4 California.

5           8.       The true names and capacities, whether individual, plural, corporate, partnership,  
6 associate, or otherwise, of DOES 1 through 50, inclusive, are unknown to Plaintiffs who therefore  
7 sued said Defendants by such fictitious names. The full extent of the facts linking such fictitiously  
8 sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereon allege,  
9 that each of the Defendants designated herein as a DOE was, and is, negligent, or in some other  
10 actionable manner, responsible for the events and happenings hereinafter referred to, and thereby  
11 negligently, or in some other actionable manner, legally and proximately caused the hereinafter  
12 described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to  
13 amend this Complaint to show the Defendants' true names and capacities after the same have been  
14 ascertained.

15           9.       Plaintiffs are informed and believe, and thereon allege, that at all times mentioned  
16 herein, Defendants, and each of them, including DOES 1 through 50, inclusive, and each of them,  
17 were agents, servants, employees, successors in interest, and/or joint venturers of their co-  
18 Defendants, and were, as such, acting within the course, scope, and authority of said agency,  
19 employment, and/or venture, and that each and every Defendant, as aforesaid, when acting as a  
20 principal, was negligent in the selection and hiring of each and every other defendant as an agent,  
21 servant, employee, successor in interest, and/or joint venturer.

22

23

**FIRST CAUSE OF ACTION**

24

**(Negligence as against Defendants GONZALEZ, CISNEROS, and**

25

**DOES 1 through 50 Inclusive)**

26

10.       Plaintiffs re-allege and incorporate herein by reference each and every allegation  
27 and statement contained in the prior paragraphs.

28

///

1           11. Defendant GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, owed a  
2 duty of care to all reasonably foreseeable people, including Plaintiff SOILA ENRIQUEZ, to own,  
3 lease, manage, maintain, control, entrust and operate the Defendant’s Vehicle in a reasonable  
4 manner.

5           12. At all times mentioned herein, Defendant GONZALEZ, CISNEROS, and DOES 1  
6 through 50, inclusive, carelessly, negligently, and recklessly owned, leased, managed, maintained,  
7 controlled, entrusted, and operated the Defendant’s Vehicle so as to directly, legally and  
8 proximately cause the same to violently collide into Plaintiff SOLIA ENRIQUEZ while Plaintiffs  
9 were reasonably crossing the street in a crosswalk.

10           13. Defendants GONZALEZ, CISNEROS and DOES 1 through 50, inclusive, and each  
11 of them, were also *per se* negligent for driving in violation of, including but not limited to,  
12 California Vehicle Code §21950(a) and (c) which state in pertinent part, “the driver of a vehicle  
13 shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk,”  
14 and "the driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk  
15 shall exercise all due care and shall reduce the speed of the vehicle or take any other action  
16 relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian."  
17 Plaintiff SOLIA ENRIQUEZ was in the class of people the aforementioned vehicle code section  
18 was meant to protect, and Plaintiff suffered the types of injuries the aforementioned vehicle code  
19 section was meant to prevent. Plaintiffs are further informed and believes, and thereon alleges,  
20 that said violation of Vehicle Code § 21950 was a legal and proximate cause of the injuries and  
21 damages complained herein.

22           14. Defendants GONZALEZ, CISNEROS and DOES 1 through 50, inclusive, through  
23 their careless, negligent, reckless and unlawful conduct in regards to the ownership, lease,  
24 management, maintenance, control, entrustment and operation of the Defendant’s Vehicle were  
25 each of them the direct, legal and proximate cause of the injuries and damages to Plaintiff SOLIA  
26 ENRIQUEZ as herein alleged.

27           15. As a direct and proximate result of the aforementioned conduct of Defendant  
28 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ

1 suffered injuries catastrophic, life-altering injuries to their health, strength, and activity. Plaintiff  
2 SOILA ENRIQUEZ'S injuries have caused, and continue to cause, great physical, mental, and  
3 nervous pain and suffering. Plaintiffs are further informed and believe, and thereon allege that  
4 said injuries will result in permanent disability, all to her general damages in an amount which will  
5 be stated according to proof, pursuant to California Code of Civil Procedure Section 425.10.

6 16. As a direct and proximate result of the aforementioned conduct of Defendants  
7 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ  
8 employed the services of hospitals, physicians, surgeons, nurses, and the like to care for and treat  
9 Plaintiff SOLIA ENRIQUEZ, and hospital, medical, professional, and incidental expenses were  
10 incurred, of which the exact amount will be stated according to proof, pursuant to California Code  
11 of Civil Procedure Section 425.10.

12 17. As a direct and proximate result of the aforementioned conduct of Defendants  
13 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ has  
14 incurred economic losses in an amount to be stated according to proof.

15 18. As a direct and proximate result of the aforementioned conduct of Defendants  
16 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ  
17 suffered lost earnings, earning capacity, and property damages, the exact amount of such losses to  
18 be stated according to proof, pursuant to California Code of Civil Procedure Section 425.10.

19  
20 **FIRST CAUSE OF ACTION**

21 **(Negligent Hiring/Retention/Supervision/Training by Plaintiffs as against Defendants**  
22 **GONZALEZ and DOES 1 through 50, Inclusive)**

23 19. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
24 and statement contained in the prior paragraphs.

25 20. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned  
26 herein, Defendant CISNEROS was acting within the course and scope of his duties for his  
27 employer(s), Defendants GONZALEZ and DOES 1 through 50.

28 21. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned

1 herein, Defendants GONZALEZ and DOES 1 through 50, inclusive, were negligent and reckless  
2 in regard to the hiring and/or retention of Defendant CISNEROS in that Defendant GONZALEZ,  
3 and DOES 1 through 50, inclusive, knew or should have known that Defendant CISNEROS was  
4 unfit for the specific tasks to be performed during the course of his employment, namely the  
5 general safe operation of the Defendants' Vehicle for purposes related to his employment with  
6 Defendants GONZALEZ, and DOES 1 through 50, inclusive.

7         22. Plaintiffs are informed and believe, and thereon allege that at all times herein  
8 relevant, Defendants GONZALEZ, and DOES 1 through 50, inclusive, owed a duty of care to the  
9 public, including Plaintiff SOILA ENRIQUEZ, in the hiring, retention, training and supervision of  
10 their agents, employees, servants, and/or independent contractors, which they assigned to operate  
11 motor vehicles such as the Defendants' Vehicle.

12         23. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned  
13 herein, Defendants GONZALEZ, and DOES 1 through 50, inclusive, failed to act reasonably and  
14 were negligent and reckless in the hiring, retention, training, and supervision of their agents,  
15 employees, servants and/or independent contractors, including Defendant CISNEROS, which  
16 these Defendants authorized, permitted and/or required to operator motor vehicles such as the  
17 Defendants' Vehicle.

18         24. As a direct and proximate result of the aforementioned conduct of Defendants  
19 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ  
20 suffered injuries catastrophic, life-altering injuries to their health, strength, and activity. Plaintiff  
21 SOILA ENRIQUEZ'S injuries have caused, and continue to cause, great physical, mental, and  
22 nervous pain and suffering. Plaintiffs are further informed and believe, and thereon allege that  
23 said injuries will result in permanent disability, all to her general damages in an amount which will  
24 be stated according to proof, pursuant to California Code of Civil Procedure Section 425.10.

25         25. As a direct and proximate result of the aforementioned conduct of Defendants  
26 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ  
27 employed the services of hospitals, physicians, surgeons, nurses, and the like to care for and treat  
28 Plaintiff, and hospital, medical, professional, and incidental expenses were incurred, of which the

1 exact amount will be stated according to proof, pursuant to California Code of Civil  
2 Procedure Section 425.10.

3 26. As a direct and proximate result of the aforementioned conduct of Defendants  
4 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ has  
5 incurred economic losses in an amount to be stated according to proof.

6 27. As a direct and proximate result of the aforementioned conduct of Defendants  
7 GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, Plaintiff SOLIA ENRIQUEZ  
8 suffered lost earnings, earning capacity, and property damages, the exact amount of such losses to  
9 be stated according to proof, pursuant to California Code of Civil Procedure Section 425.10.

10

11 **SECOND CAUSE OF ACTION**

12 **(Negligent Infliction of Emotional Distress by Plaintiff JAIME ENRIQUEZ as against All**  
13 **Defendants)**

14

28. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
15 and statement contained in the prior paragraphs.

16

29. At the time of the Subject Incident giving rise to this Complaint and at all other  
17 relevant times, Plaintiff JAIME ENRIQUEZ was the son of Plaintiff SOLIA ENRIQUEZ.

18

30. Plaintiff JAIME ENRIQUEZ was present for the subject incident, and as result of  
19 the acts and omissions of Defendants, and each of them, contemporaneously observed immediate  
20 resulting injuries to Plaintiff SOLIA ENRIQUEZ.

21

31. As a direct and proximate result of contemporaneously observing these injury-  
22 causing events to his mother, Plaintiff JAIME ENRIQUEZ suffered serious emotional distress and  
23 trauma far beyond that which would be anticipated in a disinterested witness, and continue to  
24 suffer anxiety, nervousness, depression, and severe emotional distress.

25 ///

26 ///

27 ///

28 ///

**PRAYER FOR DAMAGES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WHEREFORE, Plaintiffs SOLIA ENRIQUEZ and JAIME ENRIQUEZ pray for judgment against Defendants GONZALEZ, CISNEROS, and DOES 1 through 50, inclusive, as follows:

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

DATED: April 28, 2016

PANISH SHEA & BOYLE LLP



By: \_\_\_\_\_

Adam Shea  
Patrick Gunning  
Attorneys for Plaintiff



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury as to all causes of action.

DATED: April 28, 2016

PANISH SHEA & BOYLE LLP



By: \_\_\_\_\_

Adam Shea  
Patrick Gunning  
Attorneys for Plaintiffs

**PANISH SHEA & BOYLE LLP**

11111 Santa Monica Boulevard, Suite 700  
Los Angeles, California 90025  
310.477.1700 phone • 310.477.1699 fax