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Superior Court Of California,
Sacramento
04/28/2014
tsmith
By _____, Deputy
Case Number:
34-2014-00162625

6 Attorneys for Plaintiff
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SACRAMENTO**

10 JOHN ZA DOE by and through his Guardian ad
Litem Beatriz Saucedo

11 Plaintiff,

12 v.

13 PARK ROYAL ESTATES MHC, LLC;
14 CASCADE CORPORATE MANAGEMENT,
15 INC., and ROES 3 through 25 inclusive,

16 Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

1. Negligence
2. Negligent Supervision
3. Premises Liability

17 **GENERAL ALLEGATIONS**

18 1. PLAINTIFF is using a fictitious name in this Complaint under rights to privacy
19 granted by the Constitution of the State of California due to the sensitive nature of this case. If,
20 for any reason, Defendants cannot accurately determine the identity of the PLAINTIFF, their
21 attorney can contact PLAINTIFF's attorney at the number on the face sheet of the Complaint, and
22 the name of the PLAINTIFF will be provided.

23 2. PLAINTIFF JOHN ZA DOE is a natural person who at all relevant times was a
24 resident of the County of Sacramento, State of California. PLAINTIFF's date of birth is January
25 14, 2005.

26 3. Beatriz Saucedo is the mother of PLAINTIFF JOHN ZA DOE and has been
27 appointed Guardian ad Litem for PLAINTIFF.

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1 4. At all relevant times hereto, Defendant PARK ROYAL ESTATES (Hereinafter
2 "TRAILER PARK") was a corporation licensed by the California Secretary of State doing
3 business as a mobile home park located in Sacramento County, California and held itself out as
4 operating a safe and secure mobile home park.

5 5. Defendant TRAILER PARK owns and operates Park Royal Estates at 1910 Routier
6 Road, Sacramento, California. Said TRAILER PARK has approximately 60 spaces for vehicles
7 with approximately 55 occupied at all relevant times mentioned herein. PLAINTIFF's parents
8 moved into TRAILER PARK (1910 Routier Road, Sacramento, California) with PLAINTIFF and
9 his three siblings in or around April 2012.

10 6. At all relevant times hereto, Defendant CASCADE CORPORATE
11 MANAGEMENT, INC. (Hereinafter "CASCADE") was a corporation licensed by the California
12 Secretary of State doing business as a management corporation which exists to operate mobile
13 home communities located in Sacramento County, California.

14 7. Defendant CASCADE owns and operates mobile home communities in need of
15 professional management located in Sacramento County, California. Defendant CASCADE holds
16 itself out as having an experienced management team that understands what it means to add value
17 to a community that both owners and tenants can appreciate year after year.

18 8. PLAINTIFF is ignorant of the true names and capacity of Defendants sued herein
19 as ROES or of the factors linking them to the causes of action stated herein and therefore sues
20 such Defendants by such fictitious names. PLAINTIFF will amend his Complaint to allege the
21 true names and capacities of ROES when ascertained. PLAINTIFF is informed and believes and
22 thereon alleges that each of the ROE Defendants is responsible in some manner for the events and
23 happenings hereinafter referred to, thereby proximately causing injury and damage to the
24 PLAINTIFF as herein alleged.

25 9. PLAINTIFF is informed and believes and thereon alleges that at all times herein
26 mentioned, Defendants and each of them, were the agents, servants, employee and/or joint
27 venturers of their co-defendants and were, as such, acting within the scope, course and authority of

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1 said agency employment and/or joint venture and that each and every Defendant, as aforesaid, has
2 ratified and approved of the acts of his or her agent.

3 10. PLAINTIFF's parents moved into TRAILER PARK (1910 Routier Road,
4 Sacramento, California) with PLAINTIFF and his three siblings in or around April 2012.

5 11. On or around June 16, 2013, PLAINTIFF's mother learned that PLAINTIFF had
6 been sodomized by a 15-year-old resident (Hereinafter "PERPETRATOR") of TRAILER PARK
7 on TRAILER PARK grounds.

8 12. PERPETRATOR had a prior history of deviant sexual behavior that had occurred
9 on the premises of the TRAILER PARK, and was known by TRAILER PARK employees, prior to
10 the sexual assault of PLAINTIFF. PERPETRATOR had handcuffed himself to an eight-year-old
11 girl within a year on or about July 2012. PERPETRATOR was bringing said girl to a makeshift
12 tent where he had condoms. PERPETRATOR sodomized PLAINTIFF, and other minor residents
13 of TRAILER PARK on park premises. PERPETRATOR sexually attacked other boys in a
14 laundry room near the swimming pool, and in a park by the swimming pool, all on TRAILER
15 PARK premises. PERPETRATOR threatened PLAINTIFF and other minor victims, which
16 included the statement that PERPETRATOR would kill the members of PLAINTIFF's family. In
17 addition to sexually assaulting PLAINTIFF, PERPETRATOR videoed said assault, and showed
18 video that was on a phone to others.

19 13. At least some of the wrongful acts mentioned herein occurred in Sacramento
20 County; therefore, venue is properly placed in Sacramento County.

21 **FIRST CAUSE OF ACTION**

22 **(Negligence – All Defendants)**

23 14. PLAINTIFF realleges and incorporates by reference as though fully set forth herein
24 each and every General Allegation as if said allegations were fully set forth herein and with the
25 same force and effect.

26 15. When PLAINTIFF and his mother moved to TRAILER PARK in April 2012,
27 Defendant TRAILER PARK promised PLAINTIFF and PLAINTIFF's mother a safe and secure

1 providing a safe environment for children to live and play.

2 16. During the course of time PLAINTIFF lived on premises, Defendants generally
3 rendered ineffective and substandard care and supervision. However, children were not visually
4 supervised by staff at Defendants' program when they were in the bathroom, which resulted in the
5 sexual molestations of PLAINTIFF described above.

6 17. Upon information and belief, PLAINTIFF alleges that the Perpetrator had a history
7 of alarming and deviant sexual behavior on TRAILER PARK premises which was known by
8 Defendants. Said behaviors included but were not limited to:

9 a. PERPETRATOR had handcuffed himself to an eight-year-old girl within a year
10 prior to the abuse of PLAINTIFF in or about July 2012. PERPETRATOR was bringing said girl
11 to a makeshift tent where he had condoms.

12 b. PERPETRATOR sexually attacked other boys in a laundry room near the
13 swimming pool, and in a park by the swimming pool, all on TRAILER PARK premises.

14 18. Defendants' administrators and other personnel knew, or should have known, of
15 PERPETRATOR's propensities and nevertheless failed to warn parents on the premises, file a
16 CPS report and/or make a report to the local law enforcement agency.

17 19. Defendants' agents failed to file any report of reasonable suspicion with Child
18 Protective Services when Defendants had a reasonable suspicion that a minor resident had been a
19 victim of child abuse by PERPETRATOR during 2012.

20 20. All of the above allegations, which are not meant to be exhaustive, but only
21 examples of Defendants' inappropriate conduct; constitute actions and omissions below the
22 standard of care in the community.

23 21. As a result of the foregoing conduct of Defendants, PLAINTIFF was harmed as set
24 forth below.

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1 **SECOND CAUSE OF ACTION**

2 **(Negligent Supervision – All Defendants)**

3 22. PLAINTIFF realleges and incorporates by reference as though fully set forth in the
4 First Cause of Action, as if said allegations were fully set forth herein and with the same force and
5 effect.

6 23. Defendant TRAILER PARK and Does 3-30, had a duty to provide reasonable
7 supervision of its premises at 1910 Routier Road, Sacramento, California and of
8 PERPETRATOR; to use reasonable care in investigating PERPETRATOR; and to provide
9 adequate warning to PLAINTIFF, PLAINTIFF's parents, and other minor students, of
10 PERPETRATOR's dangerous propensities and unfitness.

11 24. Defendant TRAILER PARK and Does 3-30, knew or reasonably should have
12 known, of the problems encountered by minor resident of TRAILER PARK. Defendants knew, or
13 should have known, that PERPETRATOR was a danger to vulnerable minors. Despite such
14 knowledge, Defendants negligently failed to supervise, or provide reasonable supervision of
15 PERPETRATOR, failed to use reasonable care in investigating PERPETRATOR, failed to
16 provide adequate warning to PLAINTIFF, PLAINTIFF's parents and other minor residents and
17 their parents at the TRAILER PARK, of PERPETRATOR's dangerous propensities and failed to
18 establish and implement policies and procedures that would ensure the safety of minors who lived
19 at TRAILER PARK. PERPETRATOR was thereby able to commit wrongful acts against the
20 PLAINTIFF.

21 25. As a result of the foregoing conduct of Defendants, PLAINTIFF was harmed as set
22 forth below.

23 **THIRD CAUSE OF ACTION**

24 **(Premises Liability – All Defendants)**

25 26. PLAINTIFF incorporates herein by reference the Second Cause of Action as
26 though fully set forth herein and with the same force and effect.

27 27. At the above-mentioned location, on or around April 6, 2012, the Defendant
28 TRAILER PARK, individually and/or by and through its agents, servants and/or employees

1 maintained the aforementioned premises including the bathrooms, swimming pool, rooms, closets,
2 entrances and exits to said premises in such a manner where the areas became dangerous and
3 caused injury to PLAINTIFF.

4 28. At the aforesaid time and place, Defendants TRAILER PARK and ROES 1 through
5 20, individually and/or by and through its agents, servants and/or employees, had a duty to
6 maintain the aforementioned premises, including hospital rooms, hallways, entrances and exits, in
7 a reasonably safe condition for persons lawfully on said premises, to include the PLAINTIFF
8 herein.

9 29. PLAINTIFF is informed and believes and based thereon alleges, Defendants
10 TRAILER PARK and ROES 1 through 20, and each of them, by and through their agents, servants
11 and employees, managed and operated and held open for residential and living purposes the
12 premises of TRAILER PARK located at 1910 Routier Road, Sacramento, California. Defendants
13 TRAILER PARK and ROES 1 through 20 failed to exercise reasonable care to discover
14 accidental, negligent or intentionally harmful acts of third persons that were being done or were
15 likely to be done or give warning adequate to enable patients and visitors to avoid the harm, or
16 otherwise protect themselves against it.

17 30. Despite the aforementioned knowledge, Defendants TRAILER PARK and ROES 1
18 through 20 negligently failed to warn PLAINTIFF and PLAINTIFF's parents and created a
19 situation where PERPETRATOR was able to commit harmful and wrongful acts upon
20 PLAINTIFF. Defendants TRAILER PARK and ROES 1 through 20 had control over the
21 premises and failed to take precautions to protect against the risk of harm from an obviously
22 unsafe condition.

23 31. At the aforesaid time and place, Defendants TRAILER PARK and ROES 1 through
24 20, as the maintainer of the aforementioned premises, either individually or by and through its
25 agents, servants and/or employees acted with less than reasonable care and was then and there
26 guilty of one or more of the following careless acts and/or omissions:

- 27 a. Improperly operated, managed, maintained and controlled its
28 premises in failing to properly maintain the aforementioned
hospital rooms, hallways, entrances and exits on the premises;

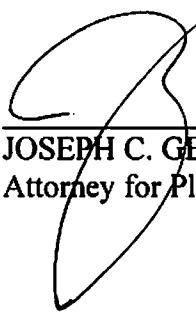
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WHEREFORE, PLAINTIFF prays for judgment against Defendants, and each of them, as follows:

- (1) For damages for past and future medical and related expenses according to proof at the time of trial;
- (2) For general damages for physical, mental pain and suffering, and emotional distress in a sum to be proven at the time of trial;
- (3) For damages for past and future lost wages and loss of earning capacity according to proof at the time of trial;
- (4) For prejudgment interest pursuant to statute; and
- (5) For such other and further relief as the court deems just and proper.

Dated: April 15, 2014

LAW OFFICES OF JOSEPH C. GEORGE, Ph.D.

By:  _____
JOSEPH C. GEORGE
Attorney for Plaintiff JOHN ZA DOE