

September 12, 2019

VIA MESSENGER

Orange Unified School District
Office of the Superintendent
c/o Gunn Marie Hansen, Ph.D.
1401 North Handy Street
Orange, CA 92867

Re: Manny Perez Death on September 9, 2019

Dear Dr. Hansen:

Pursuant to the provisions of sections 810, 905, and 910, *et seq.*, of the California *Government Code*, claims for damages are hereby being made against Orange Unified School District by our client, Micaela Sanchez Corona, for the untimely death of her son, Emmanuel "Manny" Perez on September 9, 2019. The claim for damages is enclosed.

Furthermore, you and the school district are hereby notified to preserve any and all evidence relating to this incident. Such evidence includes, but is not limited to, the subject golf cart and the original and raw video surveillance footage depicting the subject incident on September 9, 2019, photographs, emails and hard copies of documents. We believe that this evidence is currently in your custody, possession and control. These items are crucial evidence in a potential civil lawsuit.

Please advise us immediately of the status of the evidence and your intentions with respect to its preservation. If you will not agree to preserve the evidence, we are hereby offering to take possession of it and pay any related costs so that the evidence is preserved.

Please forward a copy of this letter to all persons and entities possessing or controlling potentially relevant evidence. Your obligation to preserve potentially relevant evidence is required by law.

Very truly yours,

PANISH SHEA & BOYLE LLP



Robert Glassman

Encl.

1 PANISH SHEA & BOYLE LLP
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5 Attorneys for Claimants

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF ORANGE

9 MICHAELA SANCHEZ CORONA and THE
ESTATE OF EMMANUEL PEREZ by and
10 through its Successor in Interest MICHAELA
SANCHEZ CORONOA,

11 Claimants,

12 v.

13 ORANGE UNIFIED SCHOOL DISTRICT, a
14 public entity and DOES 1 through 50,
inclusive,

15 Respondents.
16

Case No.

**GOVERNMENT CLAIM FOR DAMAGES
AGAINST ORANGE UNIFIED SCHOOL
DISTRICT**

PANISH SHEA & BOYLE LLP
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Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

17 Pursuant to the provisions of sections 810, 905, and 910, *et seq.*, of the California *Government*
18 *Code*, claims for damages are hereby made against Orange Unified School District
19 ("RESPONDENT") and submitted and filed to Orange Unified School District, Attn: Gunn Marie
20 Hansen, Ph.D., 1401 North Handy Street, Orange, CA 92867 in an amount in excess of the
21 jurisdictional minimum of the Superior Court of the State of California.

22 In support of said claims, the following information is submitted:

- 23 1. **Claimants:** Micaela Sanchez Corona
- 24 2. **Addresses:** [REDACTED] Orange, CA 92869
- 25 3. **Address to Which Claimants Request Correspondence to be Mailed:**
- 26 Panish Shea & Boyle, LLP, c/o Robert Glassman, Esq., 11111 Santa Monica Blvd., Suite 700,
- 27 Los Angeles, California 90025; Telephone: 310.477.1700
- 28

- 1 4. **Date of Incident:** September 9, 2019
- 2 5. **Time of Occurrence:** Between the hours of 7:00 a.m. and 12:00 p.m.
- 3 6. **Location of Occurrence:** El Modena High School
- 4 7. **Vehicles Involved:** El Modena High School golf cart
- 5 8. **Description of What Happened:**

6 The decedent, Emmanuel "Manny" Perez ("PEREZ"), aged 15 years at the time of his death on
7 September 9, 2019, was the son of Micaela Sanchez Corona ("CLAIMANT").

8 At the time of his death, PEREZ was a student of El Modena High School. PEREZ has
9 Autism—a form of pervasive developmental disorder. At the time of his death, PEREZ had the
10 mental capacity of a child. RESPONDENT knew of PEREZ's limitations.

11 On September 9, 2019, PEREZ was not supervised and attended to in a reasonable and safe
12 manner by RESPONDENT given his limitations and was given access to operate RESPONDENT's
13 golf cart with the key in the ignition on the school campus. The golf cart accelerated into a horizontal
14 steel beam and PEREZ suffered extensive bodily injuries. Paramedics were not immediately called.
15 PEREZ later that day died from his injuries at Children's Hospital of Orange County.

16 CLAIMANTS are informed and believe, and thereon allege, that at all times mentioned herein,
17 RESPONDENT owned, leased, managed, maintained, controlled, entrusted, and/or operated the golf
18 cart and the El Modena High School campus, giving rise to a duty to act reasonably to best ensure the
19 safety of its students, including the CLAIMANTS' decedent, PEREZ.

20 9. **Orange Unified School District's Responsibility:**

21 CLAIMANTS are informed and believe, and thereupon allege, that as a public entity,
22 RESPONDENT has a statutory duty and is statutorily liable for injuries proximately caused by an act
23 or omission of an employee of the public entity within the scope of his employment if the act or
24 omission would have given rise to a cause of action against that employee or his personal
25 representative, as provided in Government Code Section 815.2(a).

26 CLAIMANTS are informed and believe, and thereupon allege, that public employees have a
27 statutory duty and are statutorily liable for injury caused by their act or omission to the same extent as
28 a private person would be, as provided by Government Code Section 820(a).

1 CLAIMANTS are informed and believe, and thereupon allege, that RESPONDENTS'
2 employees, agents, servants and/or joint venturers, acting within the course and scope of their
3 employment with RESPONDENT, and whose duties include supervising, assisting, teaching and
4 assisting in the supervision and control and safety of special needs students, such as PEREZ and
5 others similarly situated, thereby establishing a special relationship with students, such as PEREZ and
6 others similarly situated, had a heightened duty of care to take reasonable steps to protect special
7 needs students at El Modena High School, such as PEREZ.

8 CLAIMANTS are informed and believe, and thereupon allege, that RESPONDENT is liable
9 for any breach of said duty by its employees, agents, servants and/or joint venturers under the legal
10 theory of respondeat superior, as provided under California Government Code Sections 815.2 and
11 820.

12 CLAIMANTS are further informed and believe, and thereon allege, that RESPONDENT's said
13 careless, negligent, reckless and unlawful conduct in regards to the events surrounding the subject
14 incident was the direct, legal and proximate cause of the severe and fatal injuries sustained by PEREZ.

15 CLAIMANTS are further informed and believe, and thereupon allege, that at all times
16 mentioned herein, RESPONDENT and its employees, agents, servants and/or joint venturers had a
17 special relationship existing with PEREZ, as an invitee, to take reasonable protective measures,
18 especially with a special needs student with known developmental disabilities, to ensure his safety and
19 otherwise protect him from reasonably foreseeable dangerous conduct and to warn him as to such
20 reasonably foreseeable dangerous conduct during school activities.

21 10. **Damages Claimed:**

22 Claimant Micaela Sanchez Corona has sustained damages resulting from the loss of love,
23 affection, society, service, comfort, support, right of support, expectations of future support and
24 counseling, companionship, solace and mental support, as well as other benefits and assistance of her
25 son, Decedent, Emmanuel Perez, all to her general damages in a sum in excess of the jurisdictional
26 limits of this Court, which will be stated according to proof, pursuant to Section 425.10 of the
27 California *Code of Civil Procedure*. Micaela Sanchez Corona has also incurred property, medical,
28 funeral and burial expenses in an amount to be stated according to proof, pursuant to Section 425.10

1 of the California *Code of Civil Procedure*. Micaela Sanchez Corona's damages are in excess of the
2 jurisdictional minimum of the Superior Court of the State of California. The exact amount of said
3 losses will be stated according to proof, pursuant to Section 425.10 of the California *Code of Civil*
4 *Procedure*.

5 Because RESPONDENT's acts and/or omissions, including those of DOES 1 through 50,
6 inclusive, were either committed in a deliberate, cold, callous, malicious, intentional and/or
7 unreasonable manner, as fully set forth above, causing fatal injuries to PEREZ, and done with a
8 conscious disregard of PEREZ's rights and safety, THE ESTATE OF EMMANUEL PEREZ,
9 represented by and through its Successors-in-Interest Micaela Sanchez Corona, requests the
10 assessment of punitive damages against RESPONDENT in an amount appropriate to punish or set an
11 example of them.

12 Further, THE ESTATE OF EMMANUEL PEREZ, represented by and through its Successors-
13 in-Interest Micaela Sanchez Corona, is informed and believes, and thereon alleges, that
14 RESPONDENT and DOES 1 through 50, inclusive, acted with "malice" in that it engaged in
15 despicable conduct in conscious disregard of the rights, safety and welfare of PEREZ, thereby
16 entitling THE ESTATE OF EMMANUEL PEREZ, represented by and through its Successors-in-
17 Interest Michaela Sanchez Corona, to an award of punitive damages pursuant to California *Civil Code*
18 § 3294. RESPONDENT and DOES 1 through 50, inclusive, failed to take any steps to protect
19 members of the public, including PEREZ, with full knowledge that failing to do so was likely to
20 endanger special needs students such as PEREZ, which could, and did in fact, lead to PEREZ's
21 untimely death. Said acts and omissions were ratified by managerial employees of RESPONDENT
22 and DOES 1 through 50, inclusive, and/or were carried out with the consent of its officers, directors,
23 and/or managing agents.

24 11. **List of Witnesses:** Micaela Sanchez Corona; Representatives/Agents/Employees of
25 Orange Unified School District; Superintendent Gunn Marie Hansen

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12. Reservation of Right to Amend and/or Supplement Claim: CLAIMANTS
reserve the right to amend and/or supplement this Claim for Damages, including asserting new
theories of liability or causes of action, upon discovery of new or additional information or facts.

DATED: September 12, 2019

PANISH SHEA & BOYLE LLP

By: 
Robert Glassman
Attorneys for Claimants