ROGER A. DREYER, ESQ. / SBN: 095462
ANTHONY J. GARILLI, ESQ. / SBN: 280886
DREYER BABICH BUCCOLA WOOD CAMPORA, LLP
20 Bicentennial Circle
Sacramento, CA 95826
Telephone: (916) 379-3500
Facsimile: (916) 379-3599
DBBWC-ESERVICE@dbbwc.com

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA

COUNTY OF YOLO

DONALD VERESS, individually and as the Personal Representative and Successor in Interest for Julie Elaine Veress, Deceased, IAN VERESS and JUDE VERESS,

Plaintiffs,

v.

CITY OF DAVIS and DOES 1 through 20, inclusive,

Defendants.
/

Case No.:

COMPLAINT FOR WRONGFUL DEATH

FIRST CAUSE OF ACTION

(Wrongful Death of Julie Elaine Veress)

Plaintiffs DONALD VERESS, individually and as the Personal Representative and Successor in Interest for Julie Elaine Veress, Deceased, IAN VERESS and JUDE VERESS, complain against Defendants CITY OF DAVIS and DOES 1 through 20, inclusive, and alleges as follows:

1. The true names and capacities -- whether individual, corporate, associate or otherwise -- of Defendants DOES 1 through 20, are unknown to Plaintiffs, who therefore sues such DOES by such fictitious names. Plaintiffs will amend this Complaint to show their true names and

capacities when the same have been ascertained. Each of the Defendants, and DOES 1 through 20, are legally responsible in some manner -- negligently, in warranty, strictly, or otherwise -- for the incident that is the subject of this Complaint.

2. Plaintiffs DONALD VERESS and IAN VERESS, are and at all times herein mentioned were, citizens of and residents within the County of Yolo, State of California. Plaintiff JUDE VERESS, is and at all times herein mentioned was, a citizen of and resident within the County of Butte, State of California. Plaintiffs further allege that each Defendant is a citizen and resident of, or doing business within, the County of Yolo, State of California. The amount in controversy is in excess of the minimal jurisdictional limits of this Court.

3. On or about August 24, 2026, a claim was presented to Defendant CITY OF DAVIS who thereafter failed to act on the claim within the period of 45 days after its presentation, and the claim was thus deemed rejected under the provisions of Government Code Section 912.4, at the expiration of the 45 day period, to wit, on October 8, 2026.

4. Plaintiff DONALD VERESS is the surviving husband and heir of Julie Elaine Veress, deceased. Plaintiffs IAN VERESS and JUDE VERESS are the surviving sons and heirs of Julie Elaine Veress, deceased.

5. Defendants CITY OF DAVIS and DOES 1 through 20 were the owners and/or tenants of the subject Class 1 bikeway that runs parallel to West Covell Boulevard at the intersection of Catalina Drive and West Covell Boulevard where Julie Elaine Veress was killed. Defendant CITY OF DAVIS and DOES 1 through 20 were also the owners and/or tenants of the real property between West Covell Boulevard and the subject Class 1 Bikeway, including the trees, shrubs and vegetation on said real property.

6. Defendants DOES 11 through 20 were the agents, employees or contractors of Defendants CITY OF DAVIS and DOES 1 through 10, and were at all times acting within the course and scope of said agency, employment or contract, and with the permission, knowledge and consent of each remaining Defendants.

7. Defendants CITY OF DAVIS and DOES 1 through 10 also negligently hired, trained, and/or supervised Defendants DOES 11 through 20 in such a fashion as to cause and/or

contribute to the occurrence of the incident described herein.

8. On March 2, 2026, Decedent Julie Elaine Veress was riding her bicycle along the north/south concrete connector leading to the Class 1 bikeway that parallels West Covell Boulevard at the intersection of Catalina Drive and West Covell Boulevard.

9. At the same time, high school student [redacted] was traveling westbound on the bikeway on his e-bike at approximately 15 miles per hour returning home from school. As he arrived at the entrance to the bikeway from the north/south concrete connector from the intersection of Cataline Drive and West Covell Boulevard, Julie Veress was also attempting to enter the bikeway.

10. At the same time and location, neither cyclist could see each other due to heavy overgrown bushes, shrubs, landscaped vegetation and a large tree that separates the bikeway from the connector on the northeastern side. As a result of the overgrown bushes, shrubs, landscaped vegetation and large tree obstructions, the two collided resulting in Julie Elaine Veress' death.

11. At all times herein mentioned, and thereafter, the CITY OF DAVIS owned, operated, maintained and/or controlled the subject Class 1 bikeway at the intersection of Catalina Drive and West Covell Boulevard along with its overgrown raised landscape area with hedges, shrubs and trees and had the ability to carry out necessary corrective work and remedy the dangerous condition as evidenced by the fact the CITY OF DAVIS cut everything to the ground within 48 hours of the event.

12. Julie Elaine Veress' wrongful death was caused by the CITY OF DAVIS, through its employees and/or other agents, as a result of their negligent maintaining, designing, constructing, repairing, monitoring, pruning, and/or inspecting of the Class 1 bikeway and the vegetation, shrubs, and trees that border the bikeway, including but not limited to the subject raised landscape area adjacent to the Class 1 bikeway that parallels West Covell Boulevard at the intersection of Catalina Drive and West Covell Boulevard.

13. This dangerous condition that the CITY OF DAVIS allowed to exist on its property was also in violation of its own Davis Municipal Code section 40.27.060 that requires its own

citizens to maintain hedges at certain height levels. The CITY OF DAVIS further failed to follow its own Davis Municipal Code section 22.01.090 which empowers the CITY OF DAVIS to prune and/or eventually remove any hedge, shrub, or tree that constitutes a hazard to public safety and travel and/or obstructs the view of any intersection or traffic upon a street approaching any intersection in such a manner to constitute a hazard to public safety or travel.

14. The CITY OF DAVIS allowed this dangerous condition to exist despite its presentation to the citizens of the City of Davis that it was providing additional tree maintenance resources and expanding the size of its urban forestry division prior to this incident that resulted in the death of Julie Elaine Veress.

15. Alternatively, and/or additionally, Mrs. Veress' wrongful death was caused by the negligent construction, design, maintenance, repair, monitoring, pruning, and/or inspection of unnatural and improved conditions near the subject location of the incident, including paved pathways and connectors, raised landscaped areas, as well as failure to provide traffic control devices and warning signage and/or lack of warning signage.

16. The aforementioned acts and omissions and the CITY OF DAVIS' negligence resulted in a dangerous condition of public property as defined by Government Code Section 835, *et seq*. The dangerous condition created a reasonably foreseeable risk of the kind of injury and death which occurred, namely that a bicycle and/or pedestrian collision would likely occur due to the lack of line of sight due to the vegetation obstructions allowed to exist at the subject location and cause physical injuries and/or death. Precisely the condition which its own Municipal Code sections 40.27.060 and 22.01.090 were enacted to prevent from happening. Employees and/or other agents of the CITY OF DAVIS, acting within the scope of their employment, created this dangerous condition through its own negligent acts or omissions. In addition, the CITY OF DAVIS, through its employees, had actual and/or constructive notice of the dangerous condition. The names of said employees are currently unknown.

17. As a direct result of the negligence of the CITY OF DAVIS and its employees and/or other agents in the course and scope of their employment with the CITY OF DAVIS,

Julie Elaine Veress was killed.

18. As a direct result of Defendants' negligence, and the death of Decedent Julie Elaine Veress, Plaintiffs DONALD VERESS, IAN VERESS and JUDE VERESS have sustained economic damages consisting of (1) the value of lost financial and other support from the Decedent, (2) the value of gifts or benefits that the Decedent would have provided, (3) the value of funeral and burial expenses, and (4) the reasonable value of household services that the Decedent would have provided.

19. As a direct result of Defendants' negligence, and the death of Decedent Julie Elaine Veress, Plaintiffs DONALD VERESS, IAN VERESS and JUDE VERESS have sustained noneconomic damages consisting of loss of the Decedent's love, companionship, comfort, care, assistance, protection, affection, society, and moral support.

Plaintiffs DONALD VERESS, individually and as the Personal Representative and Successor in Interest for Julie Elaine Veress, Deceased, IAN VERESS and JUDE VERESS pray for judgment against Defendants CITY OF DAVIS, and DOES 1 through 20, and each of them, for:

a. Noneconomic damages in excess of the minimum jurisdictional requirements of this Court;

b. Economic damages in excess of the minimum jurisdictional requirements of this Court;

b. All funeral, burial and other expenses according to proof;

c. Interest to the extent allowed by law;

d. All loss of the Decedent's care and support, according to proof;

e. All costs of suit; and,

f. Such other and further relief as this Court may deem just and proper.

DATED: November ___, 2026

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP

By:_____

ROGER A. DREYER