

**ENDORSED**

**FEB 28 2019**

Clerk of the Napa Superior Court  
By: L WALKER  
Deputy

**DELAY REDUCTION CASE**

Ronald D. Foreman, Esq. (SBN 61148)  
FOREMAN & BRASSO  
930 Montgomery Street, Suite 600  
San Francisco, CA 94133  
Telephone: (415) 433-3475  
Facsimile: (415) 781-8030  
Email: foremanandbrasso@foremanandbrasso.com

Attorneys for Plaintiffs  
MARC GOLICK and MAKENA GOLICK

**CASE MANAGEMENT CONFERENCE**

DATE: 8/7/19

TIME: 8:30am

PLACE: Courtroom A

825 Brown Street, Napa CA 94559

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF NAPA**

MARC GOLICK and MAKENA GOLICK  
by and through her guardian ad litem MARC  
GOLICK,

Plaintiffs,

v.

STATE OF CALIFORNIA, DEPARTMENT  
OF VETERANS AFFAIRS; NAPA  
COUNTY SHERIFF DEPARTMENT,  
COUNTY OF NAPA, STEVE LOMBARDI  
and DOES 1 through 50,

Defendants.

Case No: **19CV000350**

**COMPLAINT FOR DAMAGES FOR  
WRONGFUL DEATH**

JURY TRIAL DEMANDED

Plaintiffs Marc Golick and Marc Golick as the Guardian ad Litem for Makena Golick  
allege as follows:

**PARTIES**

1. Plaintiff Marc Golick is the surviving spouse of decedent Dr. Jennifer Golick.  
Marc and Jennifer Golick were married for 20 years. Marc is the father of Makena Golick, a  
minor, age 9, born on November 22, 2009. Makena is the daughter of Marc and Jennifer. Marc is  
the personal representative of the Estate of Jennifer Golick. Marc brings this action for himself  
and as Guardian ad Litem for Makena, in accord with the February 14, 2019 order of this court.

**PLAINTIFFS' COMPLAINT FOR DAMAGES FOR WRONGFUL DEATH**

**By Fax**

1           2.       Marc and Makena are suing for the wrongful death of their wife and mother, shot  
2 to death by Albert Cheung Wong (“Wong”) on Friday, March 9, 2018 at The Pathway Home  
3 located at Madison Hall, Building G on the Veterans Home Campus of California, 100 California  
4 Drive, Yountville, California.

5           3.       Dr. Jennifer Golick was 42 at the time of her death. Dr. Golick was employed as  
6 the clinical director at Pathway Home for seven months prior to her death. Dr. Golick was  
7 licensed by the State of California since 2007 as a Marriage and Family Therapist.

8           4.       Defendant State of California, Department of Veterans Affairs (“CalVet”) is, and  
9 at all times mentioned herein, was, a sovereign state of the United States of America and was the  
10 owner of CalVet property in Yountville.

11           5.       Defendant State of California, CalVet is vicariously liable for the wrongful death  
12 of Dr. Golick by and through the acts and omissions of its employees and agents, DOES 1  
13 through 50, in the course and scope of their employment pursuant to California Government  
14 Code section 815.2(a).

15           6.       Defendant Napa County Sheriff Department organized in 1853 is, and was at all  
16 times herein, mentioned a public entity. Napa County was duly organized and formed in 1849  
17 and was one of the original counties in the State of California.

18           7.       Defendant Steve Lombardi was and all times mentioned a deputy sheriff  
19 employed by the Napa County Sheriff Department. Defendant Napa County Sheriff Department  
20 is vicariously liable for the wrongful death of Dr. Golick by and through the acts and omissions  
21 of its employees and agents in the course and scope of their employment, including the above-  
22 mentioned individual defendants, pursuant to California Government Code section 815.2(a).

23           8.       Plaintiffs do not presently know the true names and capacities of the defendants  
24 sued herein under the fictitious names DOES 1-50, inclusive, and will seek to amend this  
25 complaint to allege their true names and capacities when ascertained. Plaintiffs are informed and  
26 believe and thereon allege that each of these fictitiously named defendants is legally responsible  
27 for the events described herein and for plaintiffs’ injuries and damages.  
28





1 residential space for up to 34 clients at the VCH-Yountville at a cost of \$1 per year *provided* that  
2 Pathway continues to provide mental health services to veterans.

3           24. The lease between CalVet and Pathway was primarily intended to offer a direct  
4 mental health treatment services to veterans. The in-kind rent for the Madison Building was in  
5 exchange for the mental health treatment services provided to eligible veterans by Pathway.  
6 Therefore, this lease is to provide a direct service of mental health treatment for CalVet rather  
7 than a potential revenue generator for CalVet. This lease's primary purpose was to assist CalVet  
8 to meet its "mission-critical objectives of providing housing and care to eligible veterans. These  
9 agreements have less regard to revenue generation and community partnership than the pre-  
10 eminent goal of meeting the needs of California veterans." CalVet assessed its lease with  
11 Pathway by determining if (1) Pathway was delivering the direct services that are provided for in  
12 the agreement, (2) the agreement could be improved to more effectively provide that service, and  
13 (3) the service could be located in a better location on the VHC-Yountville campus.  
14

15           25. The State of California admits that it was in a strategic public-private partner with  
16 Pathway, a California non-profit, providing both inpatient and outpatient mental health services  
17 to 9/11 veterans, including former patient Wong. At all relevant times, the State of California,  
18 CalVet was aware and had prior notice of the potential for violence, and specifically gun  
19 violence, from the population of veterans treated at Pathway for psychological disorders,  
20 including PTSD. Defendant State of California, and any and all officers, agents, servants and  
21 employees through whom said defendant acted, are collectively referred to herein as "State of  
22 California" or "CalVet."

23           26. Defendant CalVet owned and controlled the Veterans Home of California –  
24 Yountville, the largest Veterans Home in the nation. CalVet provided security for the Yountville  
25 campus. According to Pathway's website, "these partnerships provide collaborative relationships  
26 in support of our program's mission" and "The Pathway Home leases a building on the grounds  
27 of the Veterans Home California – Yountville. As an independent nonprofit program, we are not  
28

1 governed by the California Department of Veterans Affairs, but have a collaborative relationship  
2 in support of our mission.”

3  
4 27. Pathway entered into a lease agreement for a portion of the subject property with  
5 CalVet, specifically Madison Hall, Building G. Because of the partnership between Pathway and  
6 CalVet, CalVet leased the subject property to Pathway for \$1 per year, as part of a compensation  
7 package from CalVet to Pathway in order to treat combat veterans. The 35,000 square foot  
8 building occupied by the Pathway was therefore subsidized by CalVet because Pathway was  
9 treating and educating returning veterans. As set forth on the Pathway website: “The SFVAHCS,  
10 in conjunction with the State of California campus at Yountville, have come together to support  
11 the Pathway Home in their quest to help student Veterans successfully negotiate the strains of  
12 academic life as they transition from military service... With a significant amount of research and  
13 planning from a number of VA, UCSF and UCSD faculty and staff, we developed a model that  
14 the current TPH (The Pathway Home) staff has successfully implemented.” Thus, CalVet  
15 partnered with the Pathway to provide these comprehensive services to veterans. Because of this  
16 partnership, defendant CalVet had actual knowledge as to the use of the facility, the nature of the  
17 program to aid veterans and the general population of veterans treated at Pathway and their  
18 particular vulnerabilities, such as suffering from PTSD and other combat related mental and  
19 physical disabilities.

20 28. At all relevant times to this complaint, CalVet’s agents and/or employees were  
21 acting within the course and scope of their employment or agency with the State of California,  
22 CalVet, and the wrongful acts described herein flow from the very exercise of their authority.

23 29. In or around 2010, the California Highway Patrol performed a vulnerability site  
24 assessment on the CalVet campus and found that there was no security at the front gate, few  
25 security cameras, inadequate fencing along the campus perimeter, inadequate panic buttons or  
26 alarms, and an inadequate staff of unarmed security officers on the grounds. The CHP  
27 vulnerability assessment report provided these observations and recommendations to Cal Vet and  
28 Defendants Does 1 through 50, who failed to take reasonable precautions to safeguard decedent



1 side of Madison Hall. Wong was armed with a .308 caliber semi-automatic rifle loaded with a  
2 20-round magazine and a loaded 12-gauge double barrel shotgun, and carried three extra 20-  
3 round magazines for the rifle in a tactical belt around his waist. Wong also carried 12 shotgun  
4 shells in his tactical belt and wore earplugs and over-the-ear protection as well as eye protection.  
5 Wong did nothing to camouflage his weapons or appearance. Wong was able to enter the CalVet  
6 property and then Madison Hall without having to pass through a gate, security check, intercom,  
7 barrier, locked door and/or any other physical barrier or security check. Wong easily entered  
8 Madison Hall from a subterranean unlocked door and walked directly to the second floor “Group  
9 Room” where a staff party was in progress. Wong entered the Group Room at or around 10:19  
10 a.m. and immediately ordered the veterans in the room to leave and then granted permission to  
11 individual staff members one-by-one to exit the room. Left in the room with Wong was decedent  
12 Dr. Jennifer Golick, Dr. Jennifer K. Gonzales Shushereba and Pathway’s Executive Director  
13 Christine Loeber.  
14

15 33. At or around approximately 10:21 a.m., Napa County Sheriff Department  
16 deputies working in Yountville were dispatched to a report of “Active Shooter” in progress at the  
17 Pathway. Deputy Steven Lombardi of Napa County Sheriff Department arrived as “primary on  
18 scene” and was the first officer to respond at approximately 10:25 a.m. Deputy Lombardi heard  
19 radio updates that Wong was equipped with an assault rifle, a lot of ammunition, was prior  
20 military and a former client of Pathway.

21 34. Upon his arrival, Deputy Lombardi was given directions to the second floor  
22 Group Room by a Pathway employee who had been released by Wong. Deputy Lombardi  
23 climbed the stairwell and arrived on the second floor; he was the sole law enforcement officer  
24 responding to the active shooter at Pathway. When Deputy Lombardi reached the Group Room,  
25 he partially pushed open a closed metal door to the Group Room and saw Wong with a rifle  
26 through the partially opened door. Lombardi let go of the door, backed up and took up a position  
27 covering the doorway. Deputy Lombardi then heard Wong’s rifle being racked and the scream of  
28 a woman. Lombardi began firing through the closed door to the Group Room. Wong fired back

1 at Lombardi from inside the Group Room. After this exchange of gunfire, Wong shot and killed  
2 the three victims and then killed himself. Lombardi held his position of cover until he was  
3 relieved by other Napa County Sheriff's Department Deputies, including Sergeant Jon  
4 Thompson and Deputies William Branco and Erik Fisher who arrived six minutes after the shots  
5 were fired. There was no further engagement with Wong.  
6

7 35. Deputy Lombardi fired a total of thirteen rounds from his .223 caliber rifle at  
8 Wong during the shooting sequence that lasted approximately ten seconds. Wong fired a total of  
9 twenty-two rounds from his .308 caliber rifle during the shooting sequence. The subsequent  
10 autopsies revealed that no shots fired by Deputy Lombardi struck Dr. Golick, Dr. Gonzales  
11 Shushereba, Executive Director Loeber or Wong.

12 36. The Napa County Sheriff's Department then transitioned into a  
13 hostage/barricaded suspect protocol. At approximately 6:30 p.m., the FBI SWAT team entered to  
14 the Group Room and discovered four deceased bodies, which included decedent Dr. Jennifer  
15 Golick.

16 **FIRST CAUSE OF ACTION**

17 **AGAINST PUBLIC EMPLOYEES AND DOES 1 THROUGH 50 FOR NEGLIGENCE**  
18 **(GOVERNMENT CODE SECTION 815.2), AND STATE OF CALIFORNIA FOR**  
19 **VICARIOUS LIABILITY (GOVERNMENT CODE SECTION 820)**

20 37. Plaintiffs reallege and incorporate by reference the allegations set forth in  
21 paragraphs 1 through 36 as though fully set forth herein.

22 38. At all times herein mentioned, a special relationship existed between decedent and  
23 CalVet and DOES 1 through 50, and each of them, both individually and as State of California,  
24 CalVet agents and employees. State of California expressly invited decedent onto the Yountville  
25 campus to perform her duties which were beneficial to defendants. These services were  
26 individual and group therapy services defendant State of California, CalVet was obligated by law  
27 to provide, as mandated by the joint venture and/or partnership between CalVet and Pathway.  
28

1           39.     Plaintiffs allege that the lease between CalVet and Pathway was primarily  
2 intended to offer a direct mental health treatment and educational services to veterans. The in-  
3 kind rent for the Madison Building was in exchange for the mental health treatment services and  
4 education provided to eligible veterans by Pathway. Accordingly, decedent's services procured  
5 additional revenue for defendant State of California. Decedent's presence on the Yountville  
6 campus supplemented defendant State of California's budget and satisfied certain duties  
7 defendant State of California owed its veterans.  
8

9           40.     Having invited decedent onto the campus property, having undertaken to provide  
10 unarmed public safety officers in light to the prior threats of violence and incidents, and having  
11 induced decedent to rely and depend upon this protection, a special relationship existed between  
12 decedent and defendants to which defendants, DOES 1 through 50, were obligated to take  
13 reasonable protective measures to ensure decedent's safety against violent attacks and otherwise  
14 protect her from foreseeable criminal conduct and/or to warn her as to the nature and frequency  
15 of prior incidents or attacks or threats. The special relationship between decedent and defendants  
16 imposed upon them an affirmative duty to use reasonable care to protect decedent by, among  
17 other things, supplying her with a reasonably safe place to provide her contracted services and  
18 providing adequate security. Defendants assumed responsibilities toward decedent to protect her  
19 from unreasonable risks of harm, to warn her and to protect her.  
20

21           41.     Defendants CalVet and DOES 1 through 50, and each of them, breached the duty  
22 that emanated from their special relationship with decedent, as set forth below.

23           42.     At all relevant times, State of California by and through its employees DOES 1  
24 through 50 knew that the veterans' population at the Yountville campus included veterans with  
25 impulse control issues, physical aggression and potential violence and access to weapons.  
26 Moreover, defendants actually knew that Wong made prior threats of violence and Wong's  
27 weapons were confiscated prior to the fatal shooting.

28           43.     By reason of their knowledge and the actual dangers of post-combat veterans  
suffering from PTSD and other behavioral disorders, a special relationship also existed between

1 defendants and the veterans receiving treatment at the Yountville Campus. This placed upon  
2 defendant State of California agents and employees an affirmative duty to exercise reasonable  
3 care so as to provide the personnel and safeguards required to prevent these veterans from  
4 creating an unreasonable risk of bodily harm to others.

5  
6 44. At all times herein, Defendant CalVet and DOES 1 through 50, and each of them,  
7 did, in the course and scope of their public employment, breach their above-described duties by,  
8 among other things, the following:

- 9 • Placing decedent in danger of violence while she provided therapy to veterans;
- 10 • Failing to give decedent advance warning that threats were made against her and  
11 warn her that Wong had been disarmed two weeks prior to the fatal shooting;
- 12 • Failing to take minimal precautions such as a security checkpoint, a front gate,  
13 fencing, working locks and intercoms, among others, to secure the premises, even  
14 after the 2010 site vulnerability assessment had flagged these security failures and  
15 the Napa County Sheriff's Department's site assessment that recognized the  
16 foreseeability of an active shooter on the Yountville campus. Indeed, defendant  
17 CalVet and DOES 1 through 50 knew of the death threats made by Wong and that  
18 Wong brought weapons onto the Yountville campus but took no action to warn  
19 and/or protect decedent from Wong's deadly violence.
- 20 • Failing to provide adequate security by and through CalVet's public safety  
21 officers' acts and/or omissions prior to the shooting and on the day of the  
22 shooting.

23 45. The conduct of defendant CalVet and Does 1 through 50 as herein alleged created  
24 unreasonable risks of harm that were foreseeable, and the harm to decedent as herein alleged  
25 almost certainly would have been prevented had defendants exercised ordinary care and met  
26 their legal obligations.

27 46. The negligence and other wrongful conduct of said defendants, as herein  
28 described, was a legal cause of and substantial factor in the wrongful death of decedent as

1 alleged herein.

2 47. By reason of the foregoing and the death of the decedent, the plaintiffs have been  
3 deprived of a loving mother and wife and have sustained pecuniary loss resulting from the loss of  
4 the society, comfort, attention, services, and financial support of the decedent. As a further  
5 proximate result of the dangerous condition of the defendant's property, and the death of the  
6 decedent, the plaintiffs have incurred funeral and burial expenses.

7  
8 48. Defendant State of California, CalVet is vicariously liable for the wrongful death  
9 of decedent by and through the acts and omissions of its employees and agents in the course and  
10 scope of their employment, including the above-mentioned individual defendants, pursuant to  
11 California Government Code section 815.2(a).

12 49. The individual defendants CalVet and DOES 1 through 50, and each of them, are  
13 personally liable for their wrongful conduct as alleged herein, pursuant to California Government  
14 Code section 820(a).

15 Plaintiffs pray for judgment as hereinafter stated.

16 **SECOND CAUSE OF ACTION**

17 **AGAINST DEFENDANT STATE OF CALIFORNIA AND DOES 1 THROUGH 50**

18 **FOR DANGEROUS CONDITION OF PUBLIC PROPERTY**

19 50. Plaintiffs reallege and incorporate by reference the allegations set forth in  
20 paragraphs 1 through 36 as though fully set forth herein.

21 51. Defendant State of California, CalVet, is and at all times herein mentioned was, a  
22 public entity that owned, maintained, and controlled the real property located at 100 California  
23 Drive, Veterans Home of California, Yountville, California. CalVet leased Building G Madison  
24 Hall to Pathway and entered into a strategic public-private partnership and/or joint venture with  
25 Pathway to provide mental health services to veterans. Defendant State of California, CalVet,  
26 knew that Pathway served as a residential and outpatient treatment program focused on treating  
27 and educating veterans suffering from PTSD, mild Traumatic Brain Injuries and other post-  
28 deployment mental health issues and exhibited symptoms of anger, stress, mood swings,

**PLAINTIFFS' COMPLAINT FOR DAMAGES FOR WRONGFUL DEATH**

1 depression and anxiety.

2           52. Defendant State of California, CalVet was directly responsible for the  
3 management, control and supervision of Yountville campus and all buildings on its campus and  
4 for the safety and security of tenants, residents, employees and others working at, visiting, or  
5 residing at Pathway. Having invited decedent and others onto the campus property, having  
6 undertaken to provide security at the campus and having induced decedent and others to depend  
7 on this protection, defendant had a special relationship with the decedent pursuant to which the  
8 defendant was obliged to take reasonable protective measures to ensure the decedent's safety  
9 against violent attacks and otherwise protect the decedent from foreseeable criminal conduct  
10 and/or to warn the decedent. At all relevant times, defendant State of California, CalVet, failed to  
11 implement or require any safeguards to protect Yountville campus and Pathway visitors,  
12 residents, staff or personnel from the foreseeable risk of shooting by a veteran suffering from  
13 PTSD or other mental illness.

14  
15           53. On March 9, 2018 and prior thereto, defendants breached their duty of care to the  
16 decedent by carelessly, negligently, and improperly owning, managing, maintaining, supervising,  
17 controlling and securing the property so as to maintain the property in such a way so as to  
18 increase the risk of criminal activity or in such a way as to create a reasonable foreseeable risk of  
19 criminal conduct resulting in the type of injury hereinabove alleged when the decedent used the  
20 property with due care.

21           54. The defendants further breached its duty of care in that defendants had actual  
22 knowledge of the existence of the condition and knew or should have known of its dangerous  
23 character a sufficient time prior to March 9, 2018 to have taken measures to protect against the  
24 dangerous condition and that a population of veterans suffering from PTSD and other mental  
25 health issues and who had combat experience could experience an episode resulting in gun  
26 violence to others. Specifically, defendant State of California, CalVet had actual knowledge that  
27 Wong was ejected from Pathway's outpatient program for making threats of violence and  
28 carrying a weapon onto the premises. Defendant State of California created a substantial risk of

1 injury and dangerous condition on the subject property. “Condition of property” has been defined  
2 to include all public property that may be substantially dangerous to reasonably foreseeable users  
3 who sustain injury as a result of a combination of a condition of the property – either a physical  
4 defect or the absence of adequate safety features – and negligent or criminal conduct by others  
5 on the property. Defendant State of California, CalVet was responsible for the creating a  
6 dangerous condition in the following ways:  
7

- 8 • No front gate and/or front mechanical security gate at the entrance of the Veterans  
9 Home of California, Yountville campus;
- 10 • Inadequate fencing along the perimeter of the Yountville campus;
- 11 • Lack of security cameras on the subject property;
- 12 • Lack of physical access control systems;
- 13 • Lack of silent alarm distress signals and mechanisms;
- 14 • Excessive number of entry doors to Madison Hall, Building G, for the population  
15 of veterans treated by Pathway for mental illness and PTSD;
- 16 • Doors and door locks were in a defective condition, both in design and operation;  
17 the doors and door locks were not properly maintained and did not prevent Wong  
18 from entry;
- 19 • The subterranean door that Wong entered was hidden from sight, not blocked off  
20 from entry and did not have a breached door alarm;
- 21 • The video door intercom entry system was defective in design and operation; the  
22 system was not in working order nor did the system alert anyone of Wong’s  
23 entrance into the facility;
- 24 • There were inadequate security measures by CalVet, which had actual knowledge  
25 that post-9/11 veterans exhibit symptoms of anger, stress, mood swings, PTSD,  
26 depression, anxiety and other post-deployment combat issues and who were  
27 potentially violent and had military weapon training. These post-9/11 veterans  
28 congregated at Madison Hall, building G, for treatment on a regular basis.

1 Veterans returning from active duty want to retain weapons for protection and  
2 recreation. Wong had been ejected from the Pathway program two weeks earlier  
3 for making threats and carrying a weapon onto the premises. With actual  
4 knowledge of these facts, defendants failed to place security barriers and failed to  
5 take appropriate security measures or other install physical barriers and failed to  
6 warn of the foreseeable risk of a veteran with a weapon from entering the  
7 building.

8  
9 55. The defendants had actual knowledge of the existence of the condition and knew  
10 or should have known of its dangerous character a sufficient time prior to March 9, 2018 to have  
11 taken measures to protect against the dangerous condition. DOES 1 through 50, acting within the  
12 course and scope of their employment with defendant Cal Vet, negligently and carelessly created  
13 this dangerous condition and failed to warn of the dangerous condition. This negligence caused a  
14 dangerous condition that created a substantial risk of the type of injury as herein alleged when  
15 the property was used with due care in a manner in which it was reasonably foreseeable that it  
16 would be used.

17 56. On March 9, 2018, the decedent Jennifer Golick was shot and killed by Wong, a  
18 veteran with mental health issues and access to semi-automatic weapons. Wong, in combat attire,  
19 was able to gain easy access to the campus and entered Madison Hall, Building G fully armed  
20 without anyone noticing. As a proximate result of the dangerous condition of the property—  
21 including but not limited to lack of a physical barrier, no perimeter fencing, the hidden  
22 subterranean door, door lock and/or security camera failures, or any other mechanical security  
23 measure—nothing was in place to stop Wong along the way.

24 57. By reason of the foregoing and the death of the decedent, the plaintiffs have been  
25 deprived of a loving mother and wife and have sustained pecuniary loss resulting from the loss of  
26 the society, comfort, attention, services, and financial support of the decedent. As a further  
27 proximate result of the dangerous condition of the defendant's property, and the death of the  
28 decedent, the plaintiffs have incurred funeral and burial expenses.



1 don't have to train to be prepared, then we're not doing what the public pays us to do to be ready  
2 and to take care of them." Moreover, prior to the shooting, Napa County Sherriff's Department  
3 performed a site assessment of the premises for the purpose of assessing and responding to  
4 potential threats due to the fact that the Pathway program enrolled veterans with PTSD because  
5 an active shooting situation at the Yountville campus was foreseeable. Indeed, Napa County  
6 Sheriff's Department deputies responded to calls for service at the Yountville campus  
7 approximately forty (40) times per month. The Napa County Sheriff's Department is the primary  
8 source of law enforcement for the Yountville campus. In addition, the California Highway Patrol  
9 performed a vulnerability site assessment in 2010 and found that there was no security at the  
10 front gate, few security cameras, inadequate fencing along the campus perimeter; inadequate  
11 panic buttons or alarms; and an inadequate staff of unarmed security officers on the grounds. The  
12 CHP vulnerability assessment report provided these observations and recommendations.  
13 Defendants Napa County Sheriff Department and DOES 1 through 50 failed to take reasonable  
14 precautions to safeguard decedent and others in the face of actual knowledge of the lack of  
15 security and the frequency of criminal conduct on the Yountville campus.

17 63. At all relevant times, defendants knew of the needs of the population of veterans  
18 on the Yountville campus and the capacity for physical aggression and violence, along with  
19 military weapons training. Moreover, defendants Steven Lombardi, Napa County Sheriff  
20 Department and DOES 1 through 50 actually knew of Wong's propensity for violence, Wong's  
21 threats of violence and that Wong brought weapons onto the Yountville campus prior to the fatal  
22 shooting. Defendants breached their duties owed to decedent by, among other things:

- 23 • Failing to warn others of Wong's ejection from the premises for making threats  
24 and carrying weapons onto the premises;
- 25 • Failing to assess and report the hostage situation to the dispatcher;
- 26 • Failing to wait for backup, including the negotiation team;
- 27 • Failing to contain, stabilize or de-escalate the situation;
- 28 • Failing to wait for all resources to be in place;

- Impulsively engaging in an exchange of gunfire, shooting through a closed door and escalating the situation;
- Failing to shoot and kill Wong upon opening the door to the Group Room;
- Failing to follow police training and protocol.

64. The conduct of defendants as alleged herein created unreasonable risks of harm that were foreseeable, and the harm to decedent almost certainly would have been prevented had defendants exercised ordinary care and met their legal obligations.

65. The negligence and other wrongful conduct of said defendants, as herein described, was a legal cause of, and a substantial factor in, the death of decedent.

66. By reason of the foregoing and the death of the decedent, the plaintiffs have been deprived of a loving mother and wife and have sustained pecuniary loss resulting from the loss of the society, comfort, attention, services, and financial support of the decedent. As a further proximate result of the dangerous condition of the defendant's property, and the death of the decedent, the plaintiffs have incurred funeral and burial expenses.

67. Defendants Napa County and Napa County Sheriff Department are vicariously liable for the death of decedent and the injuries to plaintiffs by the acts and omissions of its employees and agents in the course and scope of their employment, including the above-mentioned individual defendants, pursuant to California Government Code Section 815.2(a).

68. Defendants Steven Lombardi, Napa County Sheriff Department, Napa County and DOES 1 through 50, and each of them, are personally liable for their wrongful conduct as alleged herein, pursuant to California Government Code section 820(a).

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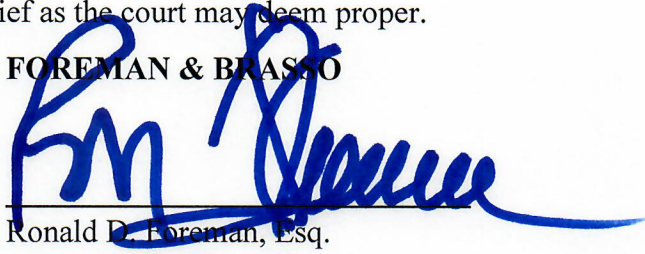
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1 WHEREFORE, plaintiffs pray for judgment against the defendants, and each of them, as  
2 follows:

- 3 1. For general damages according to proof;
- 4 2. For funeral and burial expenses according to proof;
- 5 3. For costs of suit herein incurred; and
- 6 4. For such other and further relief as the court may deem proper.

7 Date: February 27, 2019

8 **FOREMAN & BRASSO**



9 Ronald D. Foreman, Esq.

10 Attorneys for Plaintiffs

11 MARC GOLICK and MAKENA GOLICK