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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF BUTTE

11 DAVID CHESTERMAN and SANDRA
12 CHESTERMAN,

Case No.:

COMPLAINT FOR WRONGFUL DEATH

13 Plaintiffs,

14 v.

15 DEAN HOOVER, DANA HOOVER,
16 RILEY HOOVER and DOES 1 through 20,
17 inclusive,

Defendants.

18 **FIRST CAUSE OF ACTION**

19 **(Wrongful Death of KRISTINA L. CHESTERMAN)**

20 Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN individually as the heirs of
21 KRISTINA L. CHESTERMAN, deceased, complain against Defendants DEAN HOOVER,
22 DANA HOOVER, RILEY HOOVER and DOES 1 through 20, inclusive, and alleges as follows:

23 1. The true names and capacities -- whether individual, corporate, associate or
24 otherwise -- of Defendants DOES 1 through 20, are unknown to Plaintiffs, who therefore sues
25 such DOES by such fictitious names. Plaintiffs will amend this Complaint to show their true
26 names and capacities when the same have been ascertained. Each of the Defendants, and
27 DOES 1 through 20, are legally responsible in some manner -- negligently, in warranty,
28 strictly, or otherwise -- for the incident that is the subject of this Complaint.

1 2. Plaintiffs are now, and at all times herein mentioned were, citizens of and
2 residents within the County of Alameda, State of California. Plaintiffs further allege that
3 Defendant RILEY HOOVER was a citizen and resident of, or doing business within, the County
4 of Butte, State of California and that Defendants DEAN HOOVER and DANA HOOVER are
5 citizens and residents, or doing business within, the State of Ohio. The amount in controversy
6 is in excess of the minimal jurisdictional limits of this Court.

7 3. Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN are the surviving
8 parents, and heirs of KRISTINA L. CHESTERMAN, deceased.

9 4. Defendants DEAN HOOVER, DANA HOOVER, RILEY HOOVER and DOES 1 through
10 20 were the owners and/or operators of the subject vehicle. All Defendants operated the
11 vehicle with the knowledge and consent of all other Defendants.

12 5. Defendants RILEY HOOVER and DOES 11 through 20 were the agents,
13 employees or contractors of Defendants DEAN HOOVER, DANA HOOVER and DOES 1 through
14 10, and were at all times acting within the course and scope of said agency, employment or
15 contract, and with the permission, knowledge and consent of each remaining Defendants.

16 6. Defendants DEAN HOOVER, DANA HOOVER and DOES 1 through 10 also
17 negligently hired, trained, and/or supervised Defendant RILEY HOOVER and DOES 11 through
18 20 in such a fashion as to cause and/or contribute to the occurrence of the incident described
19 herein.

20 7. On September 22, 2013, decedent KRISTINA L. CHESTERMAN was riding her
21 bicycle within the delineated bicycle lane northbound on Nord Avenue at its intersection with
22 W. 1st Street in the City of Chico, County of Butte. Plaintiff was riding her bicycle home from
23 the library at Chico State University where she was a nursing student and was legally within
24 the bicycle lane and out of the way of vehicle traffic. At the same time and general location,
25 Defendant RILEY HOOVER, while driving under the influence of alcohol and/or drugs and in
26 violation of California Vehicle Code 23153, was driving the above-mentioned vehicle
27 northbound on Nord Avenue when Defendant RILEY HOOVER swerved out of his lane of travel
28 and into the bicycle lane, causing him to strike KRISTINA L. CHESTERMAN and her bicycle,

1 ultimately causing her death and thereby causing injury and damages to Plaintiffs.

2 8. Defendants negligently entrusted, managed, maintained, drove, operated,
3 repaired, manufactured and designed the vehicle so as to cause the collision and the resulting
4 injuries and damages to Plaintiffs.

5 9. As a direct result of Defendants' negligence, and the death of decedent
6 KRISTINA L. CHESTERMAN, Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN have
7 sustained economic damages consisting of (1) the value of lost financial and other support
8 from the decedent, (2) the value of gifts or benefits that the decedent would have provided,
9 (3) the value of funeral and burial expenses, and (4) the reasonable value of household
10 services that the decedent would have provided.

11 10. As a direct result of Defendants' negligence, and the death of decedent
12 KRISTINA L. CHESTERMAN, Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN have
13 sustained non-economic damages consisting of loss of the decedent's love, companionship,
14 comfort, care, assistance, protection, affection, society, and moral support.

15 Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN pray for judgment against
16 Defendants for:

- 17 a. Non-economic damages in excess of the minimum jurisdictional requirements of
18 this Court;
- 19 b. All funeral, burial and other expenses according to proof;
- 20 c. Interest to the extent allowed by law;
- 21 d. All loss of the decedents care and support, according to proof;
- 22 e. All costs of suit;
- 23 f. Such other and further relief as this Court may deem just and proper.

24 **SECOND CAUSE OF ACTION**

25 **(Survivor's Action)**

26 As a separate second cause of action, Plaintiffs DAVID CHESTERMAN and
27 SANDRA CHESTERMAN, as Successor in Interest to KRISTINA L. CHESTERMAN, deceased,
28 complain against Defendants DEAN HOOVER, DANA HOOVER, RILEY HOOVER and

1 DOES 1 through 20, and allege:

2 11. Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN incorporate herein by
3 reference each and every allegation contained in the first cause of action as though fully set
4 forth.

5 12. Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN, as the parents of the
6 decedent, are the Successors in Interest to the decedent KRISTINA L. CHESTERMAN for
7 purposes of bringing an action under CCP Section 377.30, *et. seq.*, and have complied with
8 CCP Section 377.32.

9 13. Prior to her death, decedent KRISTINA L. CHESTERMAN was required to and did
10 employ physicians and surgeons to examine, treat, and care for her as a result of the injuries
11 sustained in the subject accident, and the decedent did incur medical and incidental
12 expenses in connection therewith. The exact amount of such expense is unknown to Plaintiffs
13 at this time.

14 14. Prior to her death, decedent KRISTINA L. CHESTERMAN sustained damage to her
15 personal property. The exact amount of such damage is unknown to Plaintiffs at this time.

16 15. Before the subject incident, Defendant RILEY HOOER consumed substantial
17 amounts of alcohol to the point of intoxication. The death of KRISTINA L. CHESTERMAN was
18 caused by Defendant RILEY HOOVER's drunk driving. This conduct constituted malice, and a
19 conscious disregard for the rights and safety of others. This conduct was also despicable, as
20 evidenced by the following:

21 a. Defendant RILEY HOOVER was consciously aware that he was consuming
22 enough alcohol to result in a blood alcohol concentration over the legal limit.

23 b. When Defendant RILEY HOOVER consumed his last drink, he was
24 consciously aware that he was unfit to operate a motor vehicle.

25 c. Defendant RILEY HOOVER consciously decided to drive on the public
26 roadways knowing that he had such blood alcohol concentration over the legal limit and he
27 would almost certainly cause injury, damage, and potential death to members of the public.

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1 d. Defendant RILEY HOOVER made a conscious decision to drive despite
2 knowledge of his actual and extensive alcohol consumption. He made a conscious decision to
3 imperil the lives and safety of everyone on the roadway. In conscious disregard for the safety
4 of such persons and for the safety of decedent, Defendant drove while being under the
5 influence of alcohol. He was aware of the probable consequences of his acts, and willfully and
6 deliberately failed to avoid the likelihood of serious injury to decedent and others similarly
7 situated.

8 16. At all times herein mentioned, Defendant RILEY HOOVER and DOES 11 through
9 20 had been drinking alcohol and had realized that they were driving under the influence of
10 alcohol. They further realized that their despicable conduct created a danger to everyone in
11 their vicinity. They further realized that their ingestion of alcohol posed dangers to the
12 decedent, and to public safety. They further realized that it was likely that driving under the
13 influence would cause serious injury to individuals. Plaintiffs further allege that Defendants
14 DEAN HOOVER, DANA HOOVER and DOES 1 through 10 negligently entrusted the subject
15 vehicle to Defendants RILEY HOOVER and DOES 11 through 20, with full knowledge of all the
16 aforementioned facts. This conduct was also despicable, and rises to the level of malice in
17 light of the following facts:

18 a. Defendant RILEY HOOVER has a history of drug and alcohol abuse, and
19 has abused drugs and alcohol for years prior to the subject fatality. As a result of his drug and
20 alcohol abuse, he was arrested and convicted of crimes involving alcohol and drugs while a
21 resident in the State of Ohio. Defendants DEAN HOOVER and DANA HOOVER were aware of
22 RILEY HOOVER's abuse of drugs and alcohol, as well as his arrest(s). They were further aware
23 of his poor decision-making, and the dangerous consequences of his decisions. These
24 decisions included regular episodes of driving under the influence of alcohol and / or drugs,
25 thereby placing the general public at a high risk for injury and / or death.

26 b. It is further believed and alleged that Defendant RILEY HOOVER had
27 previously been stopped by authorities for driving under the influence while living in Ohio, at
28 which time he was driving DEAN HOOVER and DANA HOOVER's vehicle.

1 Defendant RILEY HOOVER had a passenger in the vehicle, and knew that his conduct of
2 drinking and driving would not only imperil the general public, but also the life of his
3 passenger. Defendants DEAN HOOVER and DANA HOOVER were aware of this incident, and
4 RILEY HOOVER's high-risk behavior that included drinking and driving. This posed a risk of the
5 general public.

6 c. Despite this knowledge and understanding, Defendants DEAN HOOVER
7 and DANA HOOVER provided Defendant RILEY HOOVER with a vehicle, knowing that there was
8 a high likelihood he would drive the vehicle while under the influence of alcohol and/or drugs.
9 They further knew that this conduct of Defendant RILEY HOOVER's had a very high potential of
10 causing injury or death to a member of the public. Further, Defendant DEAN HOOVER and
11 DANA HOOVER allowed Defendant RILEY HOOVER to drive the vehicle to Chico, California,
12 where he drove while intoxicated, and eventually struck and killed the decedent,
13 KRISTINA L. CHESTERMAN.

14 d. Plaintiffs allege upon information and belief that Defendants
15 DEAN HOOVER and DANA HOOVER, and DOES 1 through 20, had notice and knowledge of the
16 dangers to the public caused by Defendant RILEY HOOVER's behavior, as discussed herein.
17 Notwithstanding this knowledge, Defendants consciously disregarded the safety of the public,
18 including decedent KRISTINA L. CHESTERMAN. Defendants DEAN HOOVER, DANA HOOVER,
19 and DOES 1 through 20, continued to allow Defendant RILEY HOOVER to drive their vehicle
20 while being under the influence of alcohol. Defendants, and each of them, were aware of the
21 probable dangerous consequences of their acts and willfully and deliberately failed to avoid the
22 likelihood of serious injury and death to KRISTINA L. CHESTERMAN and to others similarly
23 situated. This conduct was despicable and done in conscious disregard for the safety of
24 others.

25 17. Defendants' conduct would be despised by any reasonable person. They
26 provided RILEY HOOVER with a vehicle knowing his background and drug and alcohol abuse, as
27 well as his history of poor decision making. They knew that it was very likely he would drive
28 while under the influence of alcohol and/or drugs. Defendants further allowed Defendant

1 RILEY HOOVER to drive to Chico, California, and place the citizens and residents of Chico at
2 risk by allowing him to drive a vehicle while under the influence of alcohol and/or drugs.
3 Campaigns against alcohol-related driving in the public media have been part of our society for
4 over 30 years. The consequences and effects of driving drunk are even subjects of driver
5 license examinations. In this day and age, there is no excuse for conduct that involves
6 ingestion of numerous alcoholic drinks before driving on a public roadway and endangering
7 innocent citizens. Defendants' conduct should be the subject of shame, scorn, and rebuke.
8 Defendants' conduct was clearly despicable, and done in conscious disregard for the safety of
9 others.

10 Plaintiffs DAVID CHESTERMAN and SANDRA CHESTERMAN pray for judgment against
11 Defendants for:

- 12 a. All past medical expenses incurred by the decedent, according to proof;
- 13 b. All past personal property damage incurred by the decedent, according to proof;
- 14 c. Punitive and exemplary damages, according to proof;
- 15 d. All prejudgment interest;
- 16 e. Costs of suit incurred herein; and
- 17 f. Such other and further relief as the Court may deem just and proper.

18 DATED: April 2, 2015

DREYER BABICH BUCCOLA WOOD CAMPORA, LLP

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20 By: 

CHRISTOPHER W. WOOD