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8 Josey Hollis Dorsey, through his guardian ad litem
9 Ryan Dorsey; and the Estate of Naya Rivera, through
personal representative Justin Stiegemeier

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF VENTURA**

13 JOSEY HOLLIS DORSEY, a minor, through his
14 guardian ad litem RYAN DORSEY; and THE
15 ESTATE OF NAYA RIVERA, through its
personal representative, JUSTIN STIEGEMEYER,

16 Plaintiffs,

17 v.

18 COUNTY OF VENTURA, a California public
19 entity; UNITED WATER CONSERVATION
20 DISTRICT, a California public entity; and PARKS
21 AND RECREATION MANAGEMENT, d/b/a
PARKS MANAGEMENT COMPANY, a
California corporation; and DOES 1-20, inclusive,

22 Defendants.

Case No. _____

COMPLAINT FOR:

- (1) WRONGFUL DEATH, C.C.P. § 377.60
- (2) SURVIVAL, C.C.P. § 377.30
- (3) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

JURY TRIAL REQUESTED

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COMPLAINT

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VX

1 that those standards require safety equipment such as a life preserver, the boat surely did not. *See* 33
2 C.F.R. § 175.15(b).

3 5. Likewise, there is *not a single sign anywhere*—not at the entrance, at the dock, at the
4 popular swimming area of Diablo Cove, not anywhere—warning of the lake’s strong currents, low
5 visibility, high winds, changing water depths, underwater caves, ledges, and drop offs, or the trees,
6 brush, and other debris that congest its waters due to vastly changing water levels and winds. And of
7 course, while Defendants have posted numerous signs warning of the risk of snakebites, eating fish from
8 the lake, and the presence of invasive mussels in the lake, there are no signs warning visitors about the
9 dangers of swimming in the lake, to wear life vests when swimming or boating, or that dozens of others
10 have drowned in Lake Piru. Indeed, at least 26 other people, from children to fit adults to elders, some
11 wearing life jackets and others not, have drowned in Lake Piru since its recreational facilities opened.

12 6. Approximately two hours after Naya and Josey set off on the pontoon boat from the dock
13 toward the northern part of the lake, Naya and Josey got off the boat and swam in the water, as was
14 permitted at Lake Piru at the time—though Defendants have since banned swimming in the lake.

15 7. While Naya and Josey were swimming, the boat started to be carried away—likely by the
16 current and wind, which gusted up to 21 miles per hour that afternoon. Josey, who was closer, managed
17 to get back on the boat on his own volition and braced himself on the boat, which was rocking back and
18 forth forcefully in the current and wind. Josey knew Naya was still in the water, and heard her cry,
19 “Help! Help!” in her struggle to get back to the boat and avoid drowning. Josey searched in vain for
20 rope to help his mother get back on the boat. Josey then looked back at the water for his mother, and
21 saw that Naya had disappeared. Josey yelled for help and cried alone in the boat until he was found
22 more than an hour later by a PMC boat leasing agent.

23 8. Tragically, Naya’s body was found five days later, on July 13, in an area where the water
24 is 25-30 feet deep with an underwater shelf nearby that was 65-70 feet deep, and is congested with
25 heavy debris and trees that rise up nearly 20 feet from the lakebed.
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1 omissions, policies, procedures, practices, and customs of its various agents, affiliates, subsidiaries,
2 independent contractors, subcontractors, and/or employees relating to Lake Piru, including, without
3 limitation, the County and PMC. At all times relevant herein, UWCD was responsible for assuring that
4 the acts, omissions, policies, procedures, practices, and customs of UWCD, and the County and PMC
5 with respect to Lake Piru, and their agents, affiliates, subsidiaries, independent contractors,
subcontractors, and/or employees complied with the law.

7 14. Defendant PMC is a California corporation with its principal place of business in
8 Templeton, California, and that controls, operates, and/or manages Lake Piru, a lake located in the
9 County of Ventura, State of California. PMC is responsible for the acts, omissions, policies, procedures,
10 practices, and customs of its various agents, affiliates, subsidiaries, independent contractors,
11 subcontractors, and/or employees with respect to Lake Piru, including, without limitation, the County
12 and UWCD. At all times relevant herein, PMC was responsible for assuring that the acts, omissions,
13 policies, procedures, practices, and customs of PMC, and the County and UWCD with respect to Lake
14 Piru, and their agents, affiliates, subsidiaries, independent contractors, subcontractors, and/or employees
15 complied with the law.
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17 15. Plaintiffs are ignorant of the true names and capacities, whether individual, corporate,
1 associate, or otherwise, of defendants named herein as Does 1-20 ("Does"), and therefore sue said
19 defendants under such fictitious names. Plaintiffs will amend this Complaint to allege the true names
20 and capacities of Does when ascertained. Each of Defendants and Does may collectively be referred to
21 herein as "Defendants."

22 16. Plaintiffs are informed and believe, and thereon allege, that at all times relevant herein,
23 Defendants, and each of them, were the agents, successors, assigns, alter egos, employees, employers,
24 joint venturers, shareholders, members, directors, officers, and/or partners of other Defendants, and in
25 doing the actions alleged herein were acting within the scope of that relationship, and that each
26 Defendant ratified and approved the acts of each of their respective agents, successors, assigns, alter
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1 egos, employees, employers, joint ventures, shareholders, members, directors, officers, and/or partner
2 Defendants.

3 17. On information and belief, Defendants, individually and/or in conjunction with one or
4 more other Defendants, control, operate, direct, oversee, and/or manage Lake Piru, including, without
5 limitation, with respect to signage and warnings; recreational policies, equipment, and facilities; safety
6 policies; and boat rentals.

7 **JURISDICTION AND VENUE**

8 18. Jurisdiction is proper in the Superior Court of the State of California for the County of
9 Ventura because Defendants the County and UWCD are public entities located in the County of
10 Ventura; because Defendant PMC is a California corporation operating in the County of Ventura; and
11 because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in the
12 County of Ventura.

13 19. Venue is proper in this Court pursuant to Sections 395 and 395.5 of the California Code
14 of Civil Procedure.

15 20. This Complaint is also authorized because Plaintiffs submitted these claims to the public
16 entity defendants, the County and UWCD, pursuant to the California Government Claims Act, Cal. Gov.
17 Code § 810 *et seq.* The County rejected Plaintiffs' claims on September 8, 2020. UWCD rejected
18 Plaintiffs' claims on October 14, 2020.

19 **FACTS GIVING RISE TO ALL CLAIMS**

20 **A. The Deadly History of Lake Piru.**

21 21. Lake Piru is a reservoir created by the Santa Felicia Dam, and is located approximately
22 50 miles northwest of downtown Los Angeles, across the Ventura County line. Lake Piru is part of
23 UWCD, which owns and operates the Santa Felicia Dam and offers pontoon boat rentals on Lake Piru
24 through PMC.

25 22. Tragically, more than two dozen people have drowned at Lake Piru since its recreational
26 facilities opened. Starting as far back as 1959, the safety of Lake Piru was called into question when an
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1 eight-year-old boy drowned while fishing with his family. Since then, at least four children, three
2 teenagers, and 17 adults (excluding Naya) have had fatal drowning accidents at Lake Piru. Many of
3 these deaths have involved victims who were known to be good swimmers. Even more of these deaths
4 involved siblings attempting to rescue siblings and parents attempting to rescue their children. And
5 most significantly, many of these drownings involve boats, including, on information and belief, boats
6 rented from Defendants and/or their predecessors-in-interest at Lake Piru. Defendants were not only
7 aware of these drownings—they were aware that life jackets were not enough to prevent swimmers and
8 boaters from dying in Lake Piru; in an incident in 1994, a 27-year-old drowned while wearing a life vest.

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10 23. This deadly history is a direct result of the dangerous conditions that occur at Lake Piru.
11 The lake is known for having strong currents, low visibility, high winds, changing water depths,
12 underwater caves, ledges, and drop offs, or the trees, brush, and other debris that congest its waters due
13 to vastly changing water levels and winds. Indeed, in March 2019, Defendants UWCD and PMC were
14 “happy to report” that Lake Piru was “at its highest level in over a decade,” and was “73% full,
15 compared to only 15% full” in October 2018. Defendants “encourage[d] people to come and enjoy the
16 day, boating, fishing water skiing, jet skiing, [and] swimming,” notwithstanding that the drastic swings
17 in water level caused dangerous amounts of trees and other debris to be submerged—and, most
18 importantly, that none of the visitors would receive any warnings about the hazards, both below and
19 above the water, at Lake Piru.

20 24. Though the Lake Piru Recreation Area is approximately 60 acres, with 66 boat slips and a
21 full-service marina offering access to approximately 1,200 acres of lake, there is not a single sign
22 anywhere—not at the entrance, at the dock, at the popular swimming area of Diablo Cove, not
23 anywhere—warning of the lake’s strong currents, low visibility, high winds, changing water depths,
24 underwater caves, ledges, and drop offs, or the trees, brush, and other debris that congest its waters due
25 to vastly changing water levels and winds. And of course, while Defendants have posted numerous
26 signs warning of the risk of snakebites, eating fish from the lake, and the presence of invasive mussels in
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1 the lake, there are no signs warning visitors about the dangers of swimming in the lake, to wear life vests
2 when swimming or boating, or that dozens of others have drowned in Lake Piru.

3 **B. Without Warning of Lake Piru’s Deadly History and Dangerous Conditions, PMC**
4 **Rents an Illegally Underequipped Pontoon Boat to Naya and Josey, Who Was**
5 **Naya’s “Whole World.”**

6 25. On July 8, 2020, Naya took her then-four-year-old son, Josey, to Lake Piru for
7 recreational activities. Days spent in quality time together were the norm for Naya and Josey, who
8 lived, traveled, and even went to work with Naya, his primary caregiver after Naya and Ryan’s divorce
9 in 2018. The mother-and-son duo were famous for their close relationship; Naya publicly described
10 Josey as “my whole world,” and they were frequently photographed holding hands, hugging, laughing
11 and smiling, singing, and dressing up together on Halloween. In 2016, Naya described the profundity of
12 their relationship: “It’s a love never found anywhere or with anyone else.”

13 26. Throughout Naya’s approach to the Lake Piru Recreational Area, located along the
14 western shore of the lake where boat rentals are available, she saw no signs warning of the dangerous
15 conditions on the lake—because, as noted above, there are none.

16 27. When Naya arrived at the Lake Piru Recreational Area, without a shred of information or
17 warning about the dangerous conditions on the lake, she rented a pontoon boat. On information and
18 belief, the rental process took mere minutes and did nothing to inform Naya of the dangerous conditions
19 that can occur on the lake, including strong currents, winds, and underwater debris. Indeed, when
20 PMC’s boat rental agent offered Naya a life vest (which she politely declined, as the vest was optional),
21 the agent did not warn Naya to wear the vest and instead merely put the vest in the rental boat. And
22 both later inspection and the rental agreement itself confirms that the boat was not equipped with the life
23 saver required by California law.

24 28. The pontoon boat itself was grossly underequipped. “Squirrel,” as the boat was called,
25 was not equipped with a safely accessible ladder, adequate rope, an anchor, a radio, or any security
26 mechanisms to prevent swimmers from being separated from their boats. Disturbingly, later inspection
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1 revealed that the boat was not even equipped with any flotation or lifesaving devices, in direct violation
2 of California law, which requires that all pontoons longer than 16 feet be equipped with flotation
3 devices. *See California State Parks Division of Boating and Waterways, ABCs of California Boating*, at
4 26, available at
5 https://dbw.parks.ca.gov/pages/28702/files/DBW_ABCs_of_Boating_2017.pdf#ReqEquip (hereinafter,
6 “ABCs of California Boating”). Moreover, “Squirrel” was one of the older rental boats available at
7 Lake Piru, had not been refurbished, and displayed signage inaccurately claiming that the boat complied
8 with U.S. Coast Guard safety standards—which, given that those standards require safety equipment
9 such as a life preserver, the boat surely did not. *See* 33 C.F.R. § 175.15(b).

10 29. Likewise, as noted above, there were no signs or other adequate warnings anywhere at
11 Lake Piru relating to the hazards of swimming in the lake, the dangerous conditions that can occur on
12 the lake, including strong currents, winds, and underwater debris, or that others have drowned in Lake
13 Piru. Indeed, at least 26 other people, from children to fit adults to elders, some wearing life jackets and
14 others not, have drowned in Lake Piru since its recreational facilities opened.

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16 **C. While Swimming in Lake Piru, as Permitted by Defendants, Naya is Separated**
17 **From the Boat Due to the Dangerous Conditions on the Lake, Including High Winds**
18 **and Strong Currents, and Drowns After Struggling and Crying for Help.**

19 30. At approximately 1:00 pm, Naya and Josey left the dock and steered the boat toward the
20 northern part of the lake. At some point during their time on the lake (at approximately 3:00 p.m.),
21 Naya and Josey got off the boat and swam in the water, as permitted at Lake Piru.

22 31. While Naya and Josey were swimming, the boat started to be carried away—likely by the
23 current and wind, which gusted up to 21 miles per hour that afternoon. Josey, who was closer, managed
24 to get back on the boat on his own volition and braced himself on the boat, which was rocking back and
25 forth forcefully in the current and wind. Josey knew Naya was still in the water, and heard her cry,
26 “Help! Help!” in her struggle to get back to the boat and avoid drowning. Josey searched in vain for
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1 rope to help his mother get back on the boat. Josey then looked back at the water for his mother, and
2 saw that Naya had disappeared.

3 32. Given Naya's exceptional physical fitness, relative youth, strong swimming skills, and
4 powerful love for Josey, she surely struggled mightily to make it back to the boat and succumbed to
5 exhaustion over at least a few minutes. During those minutes, Naya may not have known whether Josey
6 made it back to the boat—as, despite Defendants' inaccurate media reports, Naya did not boost Josey
7 back onto the boat—but she surely knew that she was dying and would not make it back to her son.

8 33. After Naya disappeared, Josey yelled for help and cried alone in the boat until
9 approximately 4:30 p.m., when he was found in the boat on the lake by a PMC boat leasing agent who
10 began searching for them after they failed to return when expected.

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12 **D. Due to the Heavy Debris Congesting the Lake and the Water's Poor Visibility,
13 Naya's Body Was Not Found for Five Days.**

14 34. After Josey was found floating alone in the boat without Naya, an extensive search for
15 her—or her body—commenced, at times involving approximately 100 people combing every foot of the
16 northern portion of the lake. Authorities described the search operation as a “very slow process” due to
17 the conditions of the lake, including extensive overgrowth below the surface and poor visibility. A
18 volunteer diver even stated that the combing of Lake Piru's bottom is done mostly by touch since the
19 visibility is so low, about 1-2 feet: “There's a lot of overgrowth from when the lake was lower, so we're
20 digging through sticks and searching a heavy brush bottom ... Under the water, it's a lot by feel. Again,
21 there's a lot of shrubbery and sticks that we have to break through as we're going through, so it's kind of
22 a Braille search.” Ventura County Sheriff's search and rescue divers confirmed as much, noting that
23 “trees and brush in the lake ... could have snagged and trapped them underwater,” and that “visibility in
24 the lake is so poor, even during the daytime, that ‘if you have a watch and you hold it in front of your
25 mask, you can't even read the numbers.’”
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1 their duty of care because the pontoon that PMC rented to Naya was one of the older rental boats
2 available at Lake Piru, had not been refurbished, and displayed signage inaccurately claiming that the
3 boat complied with U.S. Coast Guard safety standards. See 33 C.F.R. § 175.15(b).

4 40. Likewise, Defendants breached their duty of care because there were no signs or other
5 adequate warnings anywhere at Lake Piru relating to the hazards of swimming in the lake, the dangerous
6 conditions that can occur on the lake, including strong currents, winds, and underwater debris, or that at
7 least 26 others have drowned in Lake Piru. Indeed, Defendants rented Naya a boat *with no anchor or*
8 *drift prevention mechanisms* when winds were gusting up to 21 miles per hour on the lake.

9 41. As a result of Defendants' breaches of duty, Naya was given a fundamentally unsafe boat
10 that lacked proper safety equipment, was not told to wear a life jacket, set out on a lake without any
11 warnings of its known dangerous currents, winds, and prior drownings, and, when she went
12 swimming—as was permitted at the time—was separated from her boat as it was pulled away in the
13 high wind and current. Defendants created a situation in which a swimmer like Naya would have no
14 hope of recovering the boat, which lacked the required lifesaver or any ropes or anchor to prevent this
15 utterly preventable and highly dangerous situation from occurring. Like many others before her who
16 found themselves, without warning and without proper safety equipment, in danger in Lake Piru, Naya
17 drowned after being separated from the boat.

18 42. Defendants' negligence was a substantial factor in causing Naya's death.

19 43. Josey has suffered substantial economic and noneconomic damages as a result of Naya's
20 death. Josey's economic damages include, without limitation, financial support that Naya would have
21 contributed to Josey—her only child—during the many years of life she had ahead of her; the loss of
22 gifts or benefits that Josey would have expected to receive from Naya; funeral and burial expenses; and
23 the reasonable value of household services that Naya would have provided. Josey's noneconomic
24 damages include, without limitation, the loss of Naya's love, companionship, comfort, care, assistance,
25 protection, affection, society, moral support; and the loss of Naya's training and guidance as his mother.
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1 **SECOND CAUSE OF ACTION**

2 (Survival, C.C.P. § 377.30 *et seq.*)

3 **(By Justin Stiegemeier for the Estate of Naya Rivera Against All Defendants)**

4 44. Plaintiffs hereby repeat, reallege, and incorporate each and every allegation of paragraphs
5 1-43 of this Complaint as if fully set forth herein.

6 45. As set forth above, Defendants owed a duty of care to Naya Rivera, as a member of the
7 public invited to Lake Piru for the use and enjoyment of its recreational facilities, to reasonably ensure
8 her safety, protect her from injuries, and adequately warn her of dangerous conditions while at Lake
9 Piru.


10 46. Defendants breached that duty of care by negligently, wrongfully, and/or unlawfully
11 engaging in the acts and/or omissions detailed above.

12 47. As a result of Defendants' breaches of duty, Naya was given a fundamentally unsafe boat
13 that lacked proper safety equipment, was not told to wear a life jacket, set out on a lake without any
14 warnings of its known dangerous currents, winds, and prior drownings, and, when she went
15 swimming—as was permitted at the time—was separated from her boat as it was pulled away in the
16 high wind and current. Defendants created a situation in which a swimmer like Naya would have no
17 hope of recovering the boat, which lacked the required lifesaver or any ropes or anchor to prevent this
18 utterly preventable and highly dangerous situation from occurring. Like many others before her who
19 found themselves, without warning and without proper safety equipment, in danger in Lake Piru, Naya
20 drowned after being separated from the boat.

21 48. As set forth above, Defendants' negligence was a substantial factor in causing Naya's
22 death by drowning. Given Naya's exceptional physical fitness, relative youth, strong swimming skills,
23 and powerful love for Josey, she surely struggled mightily to make it back to the boat and succumbed to
24 exhaustion over at least a few minutes. During those minutes, Naya may not have known whether Josey
25 made it back to the boat—as, despite Defendants' inaccurate media reports, Naya did not boost Josey
26 back onto the boat—but she surely knew that she was dying and would not make it back to her son.
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1 Dated: November 16, 2020

BROWN NERI SMITH & KHAN, LLP

2
3 By: 

4 Amjad M. Khan

5 Jackie K. M. Levien

Attorneys for Plaintiffs

Josey Hollis Dorsey, through his guardian ad litem

Ryan Dorsey; and the Estate of Naya Rivera,

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DEMAND FOR JURY TRIAL

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Plaintiffs demand trial by jury.

Dated: November 16, 2020

BROWN NERI SMITH & KHAN, LLP

By: 

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