



Kirill B. Tarasenko, SBN 283986  
 Ognian Gavrilov, SBN 258583  
**GAVRILOV & BROOKS**  
 2315 Capitol Avenue  
 Sacramento, CA 95816  
 Telephone (916) 504-0529  
 Facsimile (916) 848-3323  
 Ktarasenko@gavrilovlaw.com  
 Ognian@gavrilovlaw.com

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SACRAMENTO**  
UNLIMITED CIVIL JURISDICTION

STEPHANIE KERSEY RIDEOUT,  
 GARRETT RIDEOUT (BY AND THROUGH  
 GUARDIAN AD LITEM JAMES LEETE),

Plaintiffs,

vs.

PACIFIC STATES MARINE FISHERIES  
 COMMISSION; CALIFORNIA  
 DEPARTMENT OF FISH AND WILDLIFE;  
 COUNTY OF SACRAMENTO AND DOES 1  
 THROUGH 50, INCLUSIVE

Defendants.

Case No.:

**COMPLAINT FOR DANGEROUS  
 CONDITION ON PROPERTY  
 PURSUANT TO GOVERNMENT  
 CODE §§835 AND 835.2(A);  
 FAILURE TO WARN OF UNSAFE OR  
 DANGEROUS CONDITION OF  
 PROPERTY; GENERAL  
 NEGLIGENCE; NEGLIGENT  
 INFLECTION OF EMOTIONAL  
 DISTRESS (BYSTANDER)**

Plaintiffs STEPHANIE KERSEY RIDEOUT and GARRETT RIDEOUT, by and through guardian ad litem James Leete, allege as and for a cause of action as follows:

**JURISDICTION AND VENUE**

This Court has jurisdiction over this dispute because the instant complaint seeks damages in excess of twenty-five thousand (\$25,000) dollars, exclusive of interest and attorney's fees. This Court is the proper Court because injury to person or damage to personal property occurred in its jurisdictional area. Each Plaintiff named above is a competent adult, except Plaintiff GARRETT RIDEOUT, who sues by and through his

Guardian Ad Litem, JAMES LEETE. Each defendant named above is a natural person or non-governmental entity, except defendant California Department of Fish and Wildlife, a public entity, and the County of Sacramento, also a public entity. The relief sought in this complaint is within the jurisdiction of this court.

The CALIFORNIA DEPARTMENT of FISH and WILDLIFE, formerly known as the California Department of Fish and Game, is a state agency organized under the laws of the State of California.

The COUNTY OF SACRAMENTO is, and at all times herein mentioned was, a county duly chartered under the laws of the State of California and an entity responsible for the design, control, operation and maintenance of the American River Parkway Watt Avenue park and boating launch point.

Plaintiff Stephanie Kersey Rideout is informed and believes and thereon alleges that Defendant PACIFIC STATES MARINE FISHERIES COMMISSION (hereinafter "The Commission") is, and at all times mentioned was, an interstate compact agency duly formed under the laws of the United States with the consent of Congress and an entity responsible for the control, design, operation and maintenance of the Rotary Screw Trap ("RST") located in the American River, 0.25 miles downstream of the Watt Avenue Bridge in Sacramento County, California, along with CALIFORNIA DEPARTMENT of FISH and WILDLIFE, a collaborative effort between the two. The Commission is not a federal agency but is a non-regulatory entity composed of California, Alaska, Idaho, Oregon and Washington states promoting the coordinated management of fisheries in state waters. The Commission is properly under the jurisdiction of the state court, as is the CALIFORNIA DEPARTMENT of FISH and WILDLIFE.

### **FIRST CAUSE OF ACTION**

**(Plaintiff Stephanie Kersey Rideout –Dangerous Condition on Property Pursuant to Government Code §§ 830, 835 and 835.2(a) vs., California Department of Fish and Wildlife, County of Sacramento and Does 1 through 50, inclusive)**

**1.**

Plaintiff Stephanie Kersey Rideout is informed and believes and thereon alleges that Defendant CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE is, and at all times herein mentioned was, an agency duly formed under the laws of the State of California and an entity responsible for the control, design, operation and maintenance of the Rotary Screw Trap (“RST”) located in the American River, 0.25 miles downstream of the Watt Avenue Bridge in Sacramento County, California.

**2.**

At all times herein mention, the American River is, and was, a large public river in a major metropolitan area and a waterway situated in an unincorporated area of Sacramento County, California. The American River is an east/west aligned waterway that runs from the Sierra Nevada Mountain range to its confluence with the Sacramento River in downtown Sacramento, California.

**3.**

Plaintiff Stephanie Kersey Rideout is informed and believes and thereon alleges that Defendant COUNTY OF SACRAMENTO was the entity responsible for the design, control, operation and maintenance of the American River Parkway Watt Avenue park location and boating launch point. The COUNTY OF SACRAMENTO was responsible for ensuring a safe launch point for boaters, rafters and inner tubers in the river and had the duty to warn of dangerous conditions in the water immediately downriver from the busy launch point at Watt Avenue, including the RST a matter of yards downriver around the first bend from the Watt Avenue bridge. Attached as Exhibit A hereto, is a true and correct copy of the County of Sacramento American River Parkway – Watt Avenue Access map provided by the County of Sacramento, for reference.

**4.**

The COUNTY OF SACRAMENTO that was controlling, operating and maintaining the American River Parkway Watt Avenue park location collected fees from the public for the parking and usage of the American River Parkway Watt Avenue location and had a duty to ensure that no man-made or unnatural dangerous conditions existed on the public property or to warn the public of any dangerous conditions.

**5.**

Rotary Screw Traps, such as the trap that injured and nearly drowned Plaintiff Stephanie Kersey Rideout, are large metal rotating mechanical devices, approximately eight feet across, and are placed in the deepest and fastest-flowing channels in the river for the purpose of collecting and processing fish, collecting environmental data and conducting efficiency tests. Field biologists and crew members are trained in the usage and servicing of the Rotary Screw Traps, given the known dangerous nature of the traps to the people that work with the traps and service the traps, which can kill and seriously injure due to the rotating mechanical parts, by crushing a person between the trap and an object such as a boat, or by drowning people who become entangled or trapped while floating downriver.

**6.**

Plaintiff Stephanie Kersey Rideout is informed and believes and thereon alleges that the specific Rotary Screw Trap that entrapped, injured and nearly drowned her is known as the North Channel 2 Rotary Screw Trap which is located as part of the same platform as the North Channel 1 Rotary Screw Trap, approximately a quarter-mile downstream and around the bend from the Watt Avenue Bridge in Sacramento County, California.

**7.**

Plaintiff Stephanie Kersey Rideout is ignorant of the true names and capacities of defendants sued herein as DOES 1 through 50, inclusive, and therefore sues these Defendants by such fictitious names and capacities. Plaintiff will amend this complaint to allege their true names and capacities when the same is ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants is legally responsible in some manner for the occurrences herein alleged, and that Plaintiff Stephanie Kersey Rideout's injuries as herein alleged were legally caused by said negligence, conduct, acts and/or omissions of said Defendants.

**8.**

Plaintiff Stephanie Kersey Rideout is informed and believes and thereon alleges that Defendants, and each of them, are, and at all times herein mentioned were, employees, agents, and/or representatives of each other, and in doing the things herein

alleged, were acting within the course and scope of said employment, agency and/or representative capacity.

**9.**

Plaintiff Stephanie Kersey Rideout has timely submitted applicable claims forms with the Defendant public agencies and those have either been denied or expired by operation of law.

**10.**

On or about June 10, 2020, Plaintiffs Stephanie Kersey Rideout and Garrett Rideout entered the water underneath the Watt Avenue bridge to float on inner tubes. Ms. Kersey Rideout and Garrett Rideout had just entered the water and traveled less than one-quarter mile from the Watt Avenue bridge when they encountered a large Rotary Screw Trap (“RST”) located in the waterway. The large RST was placed immediately behind a bend in the river and located in deeper water. Plaintiffs had no warning of or opportunity to avoid the dangerous RST placed in the water directly downstream from them. Plaintiffs did not know of the presence of the RST until the river current had already placed their inner tubes on an unavoidable collision course. Plaintiff Kersey Rideout’s inner tube was pulled into the RST due to the rotating blades and the current, lodging her legs and body into the spinning blades, submerging her head and body under water. The spinning blades continued tightening around Plaintiff Rideout Kersey’s legs and she could barely pull her head above water for air and to scream for help. Had Garrett Rideout not been present and had he not had the presence of mind to wedge the spinning blade and to pull his mother’s legs out, Ms. Kersey Rideout certainly would have drowned. Fortunately, Garrett Rideout was able to dislodge his mother’s body from the spinning blades of the RST thereby preventing her from drowning and thereby saving her life, as she was taking on water and losing consciousness.

**11.**

Although Plaintiffs Stephanie Kersey Rideout and Garrett Rideout had previously floated down the American River and were strong swimmers, neither had encountered a Rotary Screw Trap before the day of Stephanie Kersey Rideout’s near-drowning, and neither had warning that immediately after launching from Watt Avenue that just

around the bend there was an unmarked, man-made hazard consisting of two side-by-side Rotary Screw Traps without brightly colored buoys, warning signs or any type of adequate protection to keep swimmers, boaters and people inner tubing from getting sucked into the traps. Plaintiffs were not engaging in any hazardous recreational activity at the time of their injuries, but rather were using the river in a safe and foreseeable manner, this is, simply floating on inner tubes, in an area known for calm water and free of white water or significant turbulence.

**12.**

Plaintiffs are informed and believe and thereon allege that Defendants PACIFIC STATES MARINE FISHERIES COMMISSION, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, and DOES 1 through 50, and each of them, negligently controlled, managed, maintained, or allowed the RST to remain in the waterway in such a manner as to pose an unreasonable health and safety risk to swimmers, inner tubers, boaters and any other individuals using the public waterway. Plaintiffs are further informed and believe and thereon allege that said Defendants improperly owned, maintained, controlled, managed, built, erected, placed, located, installed, designed, operated and failed to warn of the RST in the American River in such a manner that it unreasonably and dangerously blocked and impeded the travel of swimmers, inner tubers and boaters in the waterway during the hot summer months when public river use is at its peak and as a result, Plaintiff sustained serious bodily injury from the RST.

**13.**

Defendants failed to use reasonable care in controlling and maintaining the subject RST, and failed to warn approaching swimmers, boaters, and inner-tubers of the dangerous condition approaching just behind the bend in the river a mere 0.25 miles downriver from Watt Avenue, a well-known and popular launch site for people desiring to enjoy the river on hot summer days. The dangerous condition in the river created by the RST was not trivial or insignificant but rather constituted a dangerous condition that created an unreasonable risk of harm to persons in the river. The injury to Plaintiff Rideout was not caused by a natural condition of the river, but rather by the man-made RST and the failure of Defendants herein and their employees to properly warn of the

dangerous condition or to take the necessary steps to safeguard the public, by utilizing brightly colored floating buoys, fencing, or other physical barriers as detailed herein.

**14.**

Defendant CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, in a collaborative effort with the PACIFIC STATES MARINE FISHERIES COMMISSION, controlled the Rotary Screw Trap that injured Plaintiff. That RST was a dangerous condition at the time of the incident and created a reasonably foreseeable risk of the kind of incident that occurred, in a person becoming trapped and nearly drowning in the RST. Plaintiffs allege that negligent conduct of one or more employees acting within the scope of their employment with the CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE created the dangerous condition when said employees failed to remove the RST from the river during peak summer months when public use of the river for inner tubing is at its peak, failed to utilize safety measures such as brightly colored floating buoys, fencing or other physical barriers designed to keep the public from entering the area around the RST, failed to provide strobe lights for increased visibility failing to mark cables at the water surface level with bright colored buoys to make them visible to the public in the water, and negligently failed to post adequate signage on the shoreline warning of the trap located just around the bend. Said employees were tasked with checking on the RST every 24-48 hours and tasked with keeping the RST safe and in following all safety guidelines, but failed in those duties and negligently failed to protect the public from the dangerous condition despite having notice of the dangerous propensity of the RST and knowledge of that danger or a long enough time to protect against it

**15.**

As a result of said negligence of Defendant employees acting within the scope of their employment, Plaintiff Stephanie Kersey Rideout was harmed and the dangerous condition that was the RST was a substantial factor in causing Plaintiff Stephanie Kersey Rideout's harm.

**16.**

Plaintiff is informed and believes and thereupon alleges that the Defendants had either actual or constructive notice of the dangerous nature of the RST and had actual

knowledge of the high likelihood that people in the river could become caught in the RST and had actual or constructive knowledge of the need to warn of that dangerous condition, but negligently failed to make safe or to warn of that dangerous condition on or about June 10, 2020, when Plaintiffs herein were floating down the river.

**17.**

As a legal result of the negligence and carelessness of Defendants, and each of them, and the resulting incident involving Plaintiff's inner tube and the RST complained of herein, Plaintiff Kersey Rideout was injured in her health, strength, and activity, sustaining injury to her body and shock and injury to her nervous system and person, all of which injuries have caused and continue to cause Plaintiff Kersey Rideout mental, physical, and nervous pain and suffering.

**18.**

As a further legal result of the negligence and carelessness of Defendants, and each of them, Plaintiff Kersey Rideout was required to and did and will continue to be required to employ physicians and other medical experts for medical examination, treatment and cure of her injuries, and did incur and will continue to incur medical and incidental expenses in an amount to be determined according to proof at trial.

## **SECOND CAUSE OF ACTION**

**(Plaintiff Stephanie Kersey Rideout - Failure to Warn of Unsafe or Dangerous Condition of Property v. Defendant California Department of Fish and Wildlife; County of Sacramento and Does 1 through 50, inclusive)**

**19.**

Plaintiff incorporates by reference herein, re-pleads and re-alleges paragraphs 1 through 18 of the First Cause of Action as though set forth fully herein.

**20.**

Plaintiff is informed and believes and thereon alleges that the RST was, during all times mentioned herein, within the jurisdiction and control of Defendants PACIFIC STATES MARINE FISHERIES COMMISSION and the CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, individually and collectively, its agents and employees, whose duty it was to maintain and operate the RST in a safe and reasonable manner.



Plaintiff is further informed and believes and thereon alleges that Defendants CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, and PACIFIC STATES MARINE FISHERIES COMMISSION negligently and carelessly controlled, managed, maintained, failed to warn, make safe, comply with applicable safety codes and ordinances with respect to the waterway in that said defendants, and each of them, impeded and made dangerous the usage of the American River by placing the dangerous RST in the waterway without warning the public of the dangerous condition and those acts or omissions created a substantial risk of the type of injury suffered by Plaintiff when the American River is used with due care and in a manner that is reasonably foreseeable. Plaintiff is further informed and believes and thereon alleges that said Defendants had the responsibility by statute, or otherwise, to warn, design, maintain, properly construct, manage, or control the RST and along with its agents and/or employees, failed to carry out said obligation and responsibility by allowing the RST to be in the water during the time of year when it would be reasonably foreseeable that many people would be using the river and without adequate protections or warnings to stop people from coming into contact with the RST and drowning or nearly drowning as Plaintiff Kersey Rideout did.

**21.**

Plaintiff is informed and believes and thereon alleges that the American River Parkway Watt Avenue location, including the launch point into the American River, during all times mentioned herein, was within the jurisdiction and control of Defendant COUNTY OF SACRAMENTO, which was the county controlling, operating and maintaining the American River Parkway Watt Avenue park location. COUNTY OF SACRAMENTO American River Parkway employees collected fees from the public for the parking and usage of the American River Parkway Watt Avenue location and had a duty to ensure that no dangerous conditions existed on the public property or to warn the public of any man-made, unnatural, and unexpected dangerous conditions near the launch point.

**22.**

Plaintiff is informed and believes and there on alleges that Defendants, and each of them, at all relevant times knew or should have known that the RST immediately

downstream from the American River Parkway Watt Avenue launch point poses a substantial risk of serious bodily injury or death to swimmers, boaters, inner tubers or any other person who comes into contact with the RST. Despite the knowledge of the RST's danger, Defendants failed to adequately warn swimmers, boaters, and inner tubers of the downstream hazard, and failed to take adequate precautions to protect people from getting pulled into the rotating blades in the manner in which Ms. Kersey Rideout was pulled into the RST blades and nearly drowned as a result thereof.

**23.**

Plaintiff Kersey Rideout's injuries were in part or entirely the result of the aforementioned dangerous condition, created by the failure of the CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE and the COUNTY OF SACRAMENTO, and DOES 1 through 50, its agents and employees, to properly warn or otherwise make known the danger and risk of death posed by the RST and the RST's presence in the American River immediately downstream from the American River Parkway Watt Avenue launch point and to fail to adequately protect people from becoming lodged or trapped in the spinning blades of the RST.

**24.**

Plaintiff is informed and believes and thereon alleges that the COUNTY OF SACRAMENTO permitted the public to use the river at specific access sites and launch points, and charged the public to park at the American River Parkway Watt Avenue river location, earning revenue thereby.

**25.**

Plaintiff is further informed and believes and thereon alleges that the American River Parkway Watt Avenue river launch point was under the jurisdiction and control of Defendant COUNTY OF SACRAMENTO, its agents and employees, whose duty it was to ensure that the public could safely use the ramp to launch their boats and inflatable inner tubes into the river, with recommended entry points and exit points along the river, and to ensure that the public was warned of any dangerous man-made or unnatural conditions at or shortly after the launch point. Plaintiff alleges that the COUNTY OF SACRAMENTO was negligent in failing to warn of the dangerous condition posed by the RST which was immediately downriver from the Watt Avenue

bridge where the public was known to enter the water when inner tubing, and negligently maintained, controlled, managed, placed, located, installed, designed and operated the parkway with those acts and omissions creating a substantial risk of the type of injury suffered by Plaintiff herein when used with due care and in a manner that is reasonably foreseeable. Plaintiff is further informed and believes and thereon alleges that said Defendants had the responsibility by statute, or otherwise, to design, maintain, properly construct, manage, and/or control the parkway and river access area and along with its agents and/or employees, failed to carry out said obligation and responsibility.

**26.**

Plaintiff is further informed and believes and thereon alleges that at all times mentioned herein, Defendants were well aware of the presence of the RST and the danger that it posed if an unwary person was caught in the trap, and had guidelines in place in regards to warnings and safety, including providing fencing or other physical barriers to keep the public from entering the trap area, and to make it highly visible by use of brightly colored buoys, yet failed to follow those protocols as there were no safety features in place at the time of Plaintiff's incident with the RST, despite the incident occurring during the summer month of June, a time of year when it is reasonably foreseeable that many people will be floating down the river. Prior to Plaintiff's injury and near-drowning complained of herein, defendants had sufficient time to take measures to protect the public against the dangerous condition but were negligently in failing to take any such action.

**27.**

As a legal result of the negligence and carelessness of Defendants, and each of them, and the resulting incident, Plaintiff Kersey Rideout was injured in her health, strength, and activity, sustaining injury to her body and shock and injury to her nervous system and person, all of which injuries have caused and continue to cause Plaintiff mental, physical, and nervous pain and suffering.

**28.**

As a legal result of the dangerous condition of public property as alleged hereinabove, Plaintiff Kersey Rideout was required to and did and will continue to be required to employ physicians and other medical experts for medical examination,

treatment and cure of her injuries, and did incur and will continue to incur medical and incidental expenses in an amount to be determined according to proof at trial.

**THIRD CAUSE OF ACTION**

**(Plaintiffs Stephanie Kersey Rideout and Garrett Rideout – General Negligence vs. Defendant Pacific States Marine Fisheries Commission, California Department of Fish and Wildlife, County of Sacramento and Does 1 through 50, inclusive)**

**29.**

Plaintiffs incorporate by reference herein, re-plead and re-allege paragraphs 1 through 28 of the First and Second Cause of Action as though set forth fully herein.

**30.**

Plaintiffs Stephanie Kersey Rideout and Garrett Rideout allege that defendants herein were negligent in failing to use reasonable care to prevent harm to people swimming, floating and inner tubing in the American River, including Plaintiffs, that Plaintiffs were harmed as a result of that negligence, and that Defendants' negligence was a substantial factor in causing Plaintiffs' harm.

**31.**

At the time when Plaintiff Stephanie Kersey Rideout was injured and nearly drowned in the RST and her son Garrett Rideout witnessed his mother become injured, lose consciousness, and nearly drown, Defendants, and each of them, negligently and carelessly owned, operated, controlled, maintained failed to warn and failed to adequately protect people in the river from the above-referenced RST so as to cause it to become a hazard and dangerous man-made condition that created an unreasonable risk of harm to people in the American River.

**32.**

Defendant knew, or in the exercise of due care should have known, that the Rotary Screw Trap that ultimately injured and nearly drowned Plaintiff Kersey Rideout was dangerous to boaters, swimmers and inner tubers in the river, yet failed to take appropriate action to keep the public out of the trap area, including failing to warn the public moving downstream of the potential hazard, failing to provide a large sign

suspended above the river upstream from the trap side warning the public of the trap location and hazard, failure to post adequate signage on the shoreline warning of the drowning hazard, and failing to provide any fencing or other physical barriers to keep the public from entering the trap area, failing to provide strobe lights for increased visibility failing to mark cables at the water surface level with bright colored buoys to make them visible to the public in the water.

**33.**

Exhibit B, attached hereto, is a series of photographs showing lacerations, bruising and other injuries to Plaintiff Stephanie Kersey Rideout as a result of her becoming trapped in and nearly drowned by the Rotary Screw Trap. Exhibit B includes true and correct photographic depictions of what the Rotary Screw Trap at issue, believed to be the North Channel 2 Screw Trap, looked like at the time of the injury on or about June 10, 2020, including the lack of warning signs, lack of fencing or other physical barriers to keep the public from entering the trap area, lack of strobe lights for increased visibility, lack of brightly colored buoys to show cables at the water surface level, and lack of any other safety mechanisms.

**34.**

Exhibit C, attached hereto, consists of true and correct copies of two photographs showing the Rotary Screw Trap at issue in May 2021, indicating the safety measurements that are now in place, including brightly colored buoys, which were not in place at the time of Plaintiff Kersey Rideout's near-drowning on June 10, 2020.

**35.**

As a legal result of the negligence and carelessness of Defendants, and each of them, and the resulting near-drowning and injury, Plaintiff Stephanie Kersey Rideout, was injured in her health, strength and activity sustaining injury to her body and shock and injury to her nervous system and person, all of which injuries have caused and continue to cause her mental pain, physical pain, and suffering.

**36.**

As a legal result of the negligence of Defendants herein and their employees, a man-made dangerous condition was created, one that Defendants and their employees knew was dangerous or in the exercise of due care should have known was dangerous,

yet failed to follow protocol by remain the RST from the water during the June summer month when it was reasonably foreseeable that the public would be inner tubing in the river, failed to adequately safeguard against a person getting trapped in the RST by using brightly colored buoys and physical barriers, and failed to warn of the dangerous condition just around the bend of the river immediately downstream from a well-known launch point maintained by the County of Sacramento. As a result of said negligent of Defendants as detailed herein, Plaintiff Kersey Rideout was required to and did and will continue to be required to employ physicians and other medical experts for medical examination, treatment and cure of her injuries, and did incur and will continue to incur medical and incidental expenses in an amount to be determined according to proof at trial.

#### **FOURTH CAUSE OF ACTION**

**(Plaintiff Garrett Rideout Negligent Inflection of Emotional Distress –  
Bystander v. Defendant California Department of Fish and Wildlife, Pacific  
States Marine Fisheries Commission, County of Sacramento and  
Does 1 through 50, inclusive)**

**37.**

Plaintiff incorporates by reference herein, re-pleads and re-alleges paragraphs 1 through 36 of the previous Causes of Action as though set forth fully herein.

**38.**

Plaintiff is informed and believes and thereon alleges that Defendants' aforementioned negligence legally caused serious bodily injury and the near-death of his mother, Stephanie Kersey Rideout.

**39.**

Plaintiff Garrett Rideout, by and through his Guardian Ad Litem James Leete, has timely submitted applicable claims forms with the Defendant public agencies and those have either been denied or expired by operation of law.

**40.**

On or about June 10, 2020, Plaintiffs Stephanie Kersey Rideout and Garrett Rideout entered the water underneath the Watt Avenue bridge to float on inner tubes. Ms. Kersey Rideout and Garrett Rideout had just entered the water and traveled less

than one-quarter mile from the Watt Avenue bridge when they encountered a large Rotary Screw Trap (“RST”) located in the waterway. The large RST was placed immediately behind a bend in the river and located in deep water in the river channel. Plaintiffs had no warning of or opportunity to avoid the dangerous RST placed in the water. Plaintiffs did not know of the presence of the RST until the river current had already placed their inner tubes on an unavoidable collision course. Plaintiff Kersey Rideout’s inner tube was pulled into the RST due to the rotating blades and the current, lodging her legs and body into the spinning blades, submerging her head and body under water. The spinning blades continued tightening around Plaintiff Rideout Kersey’s legs and she could barely pull her head above water for air and to scream for help. Had Garrett Rideout not been present and had he not had the presence of mind to wedge the spinning blade and to pull his mother’s legs out, Ms. Kersey Rideout certainly would have drowned, as she was taking on water and losing consciousness. Fortunately, Garrett Rideout was able to dislodge his mother’s body from the spinning blades of the RST thereby preventing her from drowning and saving her life.

**41.**

Plaintiff Garrett Rideout was present in the zone of danger and was in the immediate vicinity of the RST when his mother’s legs and body became trapped in the RST’s spinning blades and was aware that if he was unable to stop the spinning blades and dislodge her legs, that his mother would certainly drown and die. Plaintiff Garrett Rideout acted quickly to save his mother from certain death and dislodged her trapped body from the RST before she fully drowned, as she was taking on water and losing consciousness.

**42.**

Plaintiff Garrett Rideout claims that Defendants’ conduct caused him to suffer serious emotional distress because Defendants were negligent in their failure to warn of the RST, a dangerous condition that created an unreasonable risk of harm, failed to take adequate action to prevent persons from becoming lodged in the RST, and were negligent in the upkeep, maintenance and operation of the RST as previously detailed in this complaint. Plaintiff Garrett Rideout suffered serious emotional distress in witnessing his mother clearly becoming seriously injured and screaming for help while

both were in the zone of danger created by the RST, and witnessing his mother nearly drown and die in his presence. The negligence of Defendants, and each of them, was a substantial factor in causing Plaintiff Garrett Rideout to suffer serious emotional distress.

**43.**

As a legal result of the aforementioned negligence of Defendants, and each of them, and witnessing the serious bodily injury and near death of his Mother, Plaintiff suffered anguish, fright, horror, grief, anxiety, worry, shock and humiliation, all of which a reasonable person would be unable to cope with.

**44.**

Under Government Code §835, Plaintiff Garrett Rideout has a compensable injury for emotional distress which can be recovered against a public entity, in this case the California Department of Fish and Wildlife and the County of Sacramento.

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WHEREFORE, Plaintiffs prays judgment against Defendants, and each of them, as follows:

1. For all general and compensatory damages in an amount to be determined according to proof;
2. For all medical, incidental, consequential and/or special damages incurred by Plaintiff in an amount to be determined according to proof;
3. For reasonable attorneys' fees and costs of suit herein incurred;
4. For prejudgment and post judgment interest in an amount to be determined according to proof at trial;
6. For such other and further relief as the court may deem fair and proper.

Dated: 6/3/2021

**GAVRILOV & BROOKS**

BY:

  
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KIRILL B. PARASENKO  
Attorney for Plaintiffs