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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **IN AND FOR THE COUNTY OF SAN MATEO**

18 **PEDRO FELIX ROMERO PEREZ,**
19 individually.

20 **Plaintiff,**

21 **vs.**

22 **CALIFORNIA TERRA GARDEN, INC.,**
23 a California Corporation; **XIANMIN**
24 **GUAN,** an individual, and **DOES 1** through
25 **15,** inclusive.

26 **Defendants.**

CASE NO.

COMPLAINT FOR:

1) NEGLIGENCE

JURY TRIAL DEMANDED

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COMPLAINT

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TABLE OF CONTENTS

PAGE NO.

I. INTRODUCTION1

II. JURISDICTION AND VENUE2

III. PARTIES2

 A. Plaintiff2

 B. Defendants3

 C. Unnamed and Doe Defendants3

 D. Agency, Concert of Action, and Conspiracy3

IV. FACTUAL BASIS FOR CLAIMS4

 A. Prior Shooting at the Farm5

 B. Chunli Zhao’s History of Violent Behavior.....6

 C. The January 23, 2023 Shooting6

 D. CTG Cited for Lack of Safety at the Farm7

V. CAUSES OF ACTION8

 FIRST CAUSE OF ACTION
 NEGLIGENCE.....8

VI. PRAYER FOR RELIEF9

VII. JURY DEMAND10

1 **I. INTRODUCTION**

2 1. CALIFORNIA TERRA GARDEN, INC. (“CTG”) is a farm in Half Moon Bay that
3 grows mushrooms in the dark. The darkness allows the fungus to thrive. It also conceals the
4 deplorable living conditions that DEFENDANT provided to farmworkers living and working on
5 the San Mateo County Coast. Those farmworkers included PEDRO FELIX ROMERO PEREZ
6 (“PEDRO” or “PLAINTIFF”) and his brother Jose, who toiled long hours in the field to provide
7 better lives for their families. The brothers and other farmworkers’ homes had floors made of
8 plywood, walls covered in plastic, and makeshift wood-burning stoves for heating food.



18 https://twitter.com/Ray_Mueller_/status/1618694092506152960/photo/1

19 2. On January 23, 2023, Chunli Zhao committed the deadliest mass shooting in the
20 history of San Mateo County (the “SHOOTING”). The SHOOTING began just after 2:00 p.m. at
21 a mushroom farm located on Highway 92 in Half Moon Bay, California (the “FARM”).

22 3. Zhao killed four people and wounded a fifth person at the FARM. PEDRO was the
23 lone survivor; his brother Jose was killed in front of PEDRO.

24 4. The FARM and its premises were owned and controlled by CTG and XIANMIN
25 GUAN (“GUAN” and collectively with CTG, “DEFENDANTS”), both of whom could have
26 prevented this tragedy. As alleged herein, Defendants failed to adequately secure their premises
27 against reasonably foreseeable criminal acts of third parties. Accordingly, this complaint seeks to
28 hold them accountable for PEDRO’s injuries.

1 **II. JURISDICTION AND VENUE**

2 5. This Court has subject matter jurisdiction over all causes of action alleged herein
3 because it is a court of general jurisdiction and the amount in controversy exceeds the
4 jurisdictional minimum of this Court.

5 6. This Court has personal jurisdiction over all parties to this action because each
6 party either resides in or has sufficient minimum contacts with the State of California such that
7 the exercise of personal jurisdiction comports with traditional notions of fair play and substantial
8 justice.

9 7. Venue is proper in the County of San Mateo because the events and conduct which
10 caused or combined to cause PEDRO's injuries occurred in the County of San Mateo, State of
11 California and PEDRO sustained his injuries in the County of San Mateo.

12 **III. PARTIES**

13 **A. Plaintiff**

14 8. Plaintiff PEDRO FELIX ROMERO PEREZ ("PEDRO" or "PLAINTIFF") was, at
15 all relevant times, an individual who resided in the city of Half Moon Bay, in the County of San
16 Mateo, California. On January 23, 2023, Pedro and Jose were in the same room when Chunli
17 Zhao shot Pedro and killed Jose.



27 <https://www.nbcbayarea.com/news/local/peninsula/jose-pedro-perez-half-moon-bay-shooting/3139748/>

28 9. PEDRO was not on duty when the shooting took place.

1 10. PEDRO worked at the FARM, but living on the premises was not a condition of
2 his employment and he paid market-rate rent. PEDRO had a choice of where he resided; he opted
3 to reside in the more convenient lodging provided by his employer at the FARM because neither
4 he nor his brother had a car. PEDRO was not subject to a binding employment contract. PEDRO
5 was not required to live at the FARM and the lodging was not part of his compensation for
6 services.

7 **B. Defendants**

8 11. Defendant CALIFORNIA TERRA GARDEN, INC. (“CTG” or “DEFENDANT”) was,
9 at all relevant times, a California corporation. At the time of the SHOOTING, CTG owned
10 and operated the FARM.

11 12. Defendant XIANMIN GUAN (“GUAN”) was, at all relevant times, a resident of
12 the State of California. At the time of the SHOOTING, GUAN owned and operated CTG.

13 **C. Unnamed and Doe Defendants**

14 13. Defendants DOES 1 through 15 were, at all relevant times, persons and entities
15 that owned, leased, controlled and/or maintained the FARM on the date of the INCIDENT.

16 14. The true names and capacities, whether individual, corporate, associate or
17 otherwise of the Defendants DOES 1 through 15, inclusive, are unknown to PLAINTIFF who
18 therefore sues said Defendants by such fictitious names pursuant to Code of Civil Procedure
19 section 474. PLAINTIFF further alleges that each fictitious Defendant is in some manner
20 responsible for the acts and occurrences set forth herein. PLAINTIFF will amend this Complaint
21 to show their true names and capacities when the same are ascertained, as well as the manner in
22 which each fictitious Defendant is responsible.

23 **D. Agency, Concert of Action, and Conspiracy**

24 15. At all times herein mentioned, each of the Defendants, inclusive, were the agent,
25 servant, employee, partner, aider and abettor, co-conspirator and/or joint venturer of each of the
26 remaining defendants named herein and were at all times operating and acting within the purpose
27 and scope of said agency, service, employment, partnership, conspiracy, alter ego and/or joint
28 venture, and each defendant has ratified and approved the acts of each of the remaining

1 defendants. Each of the DEFENDANTS, including but not limited to DOES 1-15, aided and
2 abetted, encouraged, and/or rendered substantial assistance to the other defendants in breaching
3 their obligations to PLAINTIFF as alleged herein. In taking action to aid and abet and
4 substantially assist the commission of these wrongful acts and other wrongdoings complained of,
5 as alleged herein, each of the Defendants acted with an awareness of his or her primary
6 wrongdoing and realized that his or her conduct would substantially assist the accomplishment of
7 the wrongful conduct, wrongful goals, and wrongdoing.

8 **IV. FACTUAL BASIS FOR CLAIMS**

9 16. PLAINTIFF alleges as follows based upon information and belief.

10 17. PEDRO lived at the FARM, where had had worked since 2021. Defendant CTG
11 operated a mushroom farm on the property. PEDRO and others were subjected to substandard and
12 dangerous living conditions in units converted from shipping containers and made from plywood
13 with pallets for stairs.

14 Pedro and Jose's Shared Home



28 https://twitter.com/Ray_Mueller_/status/1618694092506152960/photo/4

1 18. According to San Mateo County Supervisor Ray Mueller, who inspected the
2 FARM after the SHOOTING, "Horrible. Horrific. Deplorable conditions. We saw what basically
3 looked like sheds. Storage containers that people were living in. No insulation. No running water.
4 Nowhere where you would want to prepare food."¹



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18 https://twitter.com/Ray_Mueller_/status/1618694092506152960/photo/2

19 **A. Prior Shooting at the Farm**

20 19. The FARM was not only unhealthy; it was also unsafe. On July 1, 2022—seven
21 months before the SHOOTING—Martin Medina tried breaking into one of the trailers at the
22 FARM while threatening to kill the occupant and his family.² Medina fired one shot from a
23 handgun into the trailer. Although nobody was hit, the bullet penetrated through the victim’s
24 trailer and the occupied trailer next door that was home to Yetao Bing, one of the workers killed
25 in the SHOOTING.

26
27 ¹ Luz Pena, “Deplorable” Living conditions at Half Moon Bay mushroom farm where multiple farmworkers were
killed, ABC7 News Jan. 27, 2023 (<https://abc7news.com/half-moon-bay-mass-shooting-farm-worker-living-conditions-ca-terra-garden-supervisor-ray-mueller/12741485/>).

28 ² August Howell, *Farm manager charged with attempted murder*, Half Moon Bay Review Jul. 12, 2022
(https://www.hmbreview.com/news/farm-manager-charged-with-attempted-murder/article_e8ad73be-0250-11ed-907b-d39a812bc4f5.html).

1 20. DEFENDANTS had the means and ability to protect PEDRO and others from
2 Medina and other violent criminals that came onto the FARM, including Chunli Zhao.

3 21. DEFENDANTS failed to take even basic and reasonable steps to secure the
4 property and protect PEDRO and the other victims of this tragedy.

5 **B. Chunli Zhao’s History of Violent Behavior**

6 22. Taking safety measures was paramount, particularly because Chunli Zhao had a
7 documented history of violence. In 2013, a Santa Clara County court issued a temporary
8 restraining order against Zhao threatened to kill his roommate and attempted to carry out the
9 threat by covering the victim’s face with a pillow and trying to suffocate him.³ Zhao was subdued
10 by the roommate and others, but he was not finished. Two days later, Zhao threatened that same
11 victim by saying that “he [Zhao] can use a knife to cut my head if he can’t come back to work.”⁴

12 23. After the Santa Clara County restraining order expired, Zhao lawfully purchased a
13 Glock 17 semi-automatic handgun. Zhao told investigators that he slept with the loaded Glock
14 under his pillow for two years.⁵ Zhao also told investigators that he purchased the firearm in
15 response to being bullied.

16 **C. The January 23, 2023 Shooting**

17 24. On the day of the SHOOTING, one of those bullies accused Zhao of being
18 responsible for damage to a forklift after a minor collision between the forklift and a bulldozer.
19 The bully told Zhao that Zhao would have to pay \$100 for repairs even though Zhao believed that
20 the bully had hit the forklift on purpose. In response to this and other perceived bullying and
21 personal grievances, Zhao turned violent.

22 25. First, Zhao killed the bully in front of a supervisor; then he killed the supervisor.
23 Zhao then proceeded to the worker encampment at the FARM to seek vengeance upon other
24 people against whom he held longstanding personal grudges. Zhao faced no obstacles or
25 deterrents on route to the encampment.

26 _____
27 ³ Holly Yan, et al., *The Half Moon Bay massacre was an apparent workplace violence case. The suspect had been*
accused of violence against a coworker in 2013, court records show, cnn.com Jan. 24, 2023
(<https://www.cnn.com/2023/01/24/us/half-moon-bay-california-shootings-tuesday/index.html>).

28 ⁴ *Ibid.*

⁵ Jaxon Van Derbeken, *Half Moon Bay Mass Shooting Erupted Over \$100 Bill: Sources*, NBC Bay Area Jan. 26,
2023 (<https://www.nbcbayarea.com/investigations/half-moon-bay-shooting-investigation/3140917/>).

1 26. After arriving at the worker encampment, Zhao entered the trailer PEDRO shared
2 with his brother, JOSE ROMERO PEREZ (“JOSE”). JOSE was asleep and defenseless.

3 27. Zhao shot and killed JOSE with PEDRO only feet away. Then, Zhao turned the
4 gun on PEDRO and shot him five times. Miraculously, PEDRO survived.

5 28. After killing JOSE and injuring PEDRO, Zhao took the life of another person at
6 the FARM. After shooting five individuals at the FARM and leaving PEDRO for dead, Zhao
7 drove two miles to Concord Farms where, again, he killed three other people against whom he
8 held longstanding personal grudges. San Mateo County Sheriff’s Deputies arrested him without
9 incident later that day.

10 **D. CTG Cited for Lack of Safety at the Farm**

11 29. Following the SHOOTING, DEFENDANT CTG was investigating by the
12 California Department of Industrial Relations, Division of Occupational Health and Safety (“Cal.
13 OSHA”). Cal. OSHA investigators cited Defendants for 22 violations that occurred prior to and
14 during its five-month investigation, which began in January 2023. (See **Exhibit A.**) Six of those
15 violations were deemed serious, including the following.

16 30. DEFENDANT CTG was cited for failing to effectively establish, implement, and
17 maintain procedures for identifying and evaluating the hazards posed by an active shooter,
18 hazards posed by employees making threats or committing acts of physical violence, and hazards
19 related to near-miss incidents involving an act or threat of violence at the FARM; for failing to
20 effectively identify and evaluate the hazards posed by employees making threats or committing
21 acts of physical violence at the FARM; and for failing to implement and maintain procedures for
22 evaluating near misses and incidents, including any incident involving an act or threat of violence
23 at the FARM.⁶

24 31. Defendant CTG was cited for failing to establish and implement effective methods
25 or procedures to correct against the hazards posed by an active shooter at the FARM; for failing to
26 establish or implement effective methods or procedures to effectively correct against the hazards
27 of employees committing threats or acts of physical violence at the FARM; for failing to

28 _____
⁶ *Id.* at pp. 27–28 of 39.

1 implement means and methods for employees to notify employer of acts or threats of violence in
2 a safe and confidential manner; for failing to maintain its surveillance cameras or establish
3 procedures for the review of surveillance cameras; for failing to implement procedures to
4 effectively enforce a no weapons policy at the FARM; for failing to effectively implement its
5 procedures for “Monitoring Company Property” as described in its Injury and Illness Prevention
6 Plan; for failing to establish and implement a policy to effectively identify or screen applicants for
7 prior disciplinary action related to workplace violence; for failing to ensure that visitors and
8 vendors completed the Guest and Visitor Request form; for failing to conduct safety meetings; for
9 failing to ensure that employees were aware of all notes and plans of corrective action; and for
10 failing to audit recordkeeping procedures.⁷

11 32. DEFENDANT CTG was cited for failing to establish, implement, and maintain
12 effective training for its employees related to active shooter training following July 1, 2022
13 shooting at the FARM.⁸

14 33. DEFENDANT CTG was cited for failing to ensure that all near misses and
15 incidents, including an incident involving an act or threat of violence at the employer’s premises,
16 were reported to management.⁹

17 34. As a direct and legal result of the negligent, wrongful, reckless, and/or unlawful
18 conduct of DEFENDANTS, and/or each of them, PEDRO suffered the damages hereafter alleged.

19 **V. CAUSES OF ACTION**

20 **FIRST CAUSE OF ACTION**
21 **NEGLIGENCE**
22 **(Against All Defendants)**

23 35. PLAINTIFF hereby re-alleges and incorporates by reference each and every
24 allegation set forth above, as if fully set forth in detail herein.

25 36. PLAINTIFF is informed and believe, and thereon alleges, that at the time of the
26 SHOOTING, DEFENDANTS, and/or each of them, controlled the property involved in
27

28 ⁷ *Id.* at pp. 30–32 of 39.

⁸ *Id.* at pp. 33–34 of 39.

⁹ *Id.* at p. 29 of 39.

1 PLAINTIFF's harm in that they owned, leased, used it as if it were their own, and maintained the
2 FARM.

3 37. PLAINTIFF is informed and believes, and thereon alleges, that leading up to the
4 SHOOTING, DEFENDANTS failed to use reasonable care to protect PLAINTIFF from the
5 events that led to the SHOOTING.

6 38. PLAINTIFF is informed and believe, and thereon alleges, that DEFENDANTS
7 had reason to anticipate the general character of the SHOOTING.

8 39. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANTS
9 failed to take steps to protect persons, including PLAINTIFF, that were adequate and reasonable
10 under the circumstances.

11 40. As a direct and legal result of wrongful acts and/or omissions of DEFENDANTS,
12 and/or each of them, PLAINTIFF was injured in his health, strength, and activity, and he
13 sustained injuries to his body and mind, all of which have caused him great physical, mental,
14 emotional, and nervous pain and suffering in a sum according to proof.

15 41. As a further direct and legal result of the wrongful conduct and/or omissions of
16 DEFENDANTS, and/or each of them, PLAINTIFF was present at the scene of his brother JOSE's
17 injuries and death, was consciously aware of his injuries, and suffered severe emotional distress
18 as a result of JOSE's injuries and death.

19 42. As a further direct and legal result of the wrongful conduct and/or omissions of
20 DEFENDANTS, and/or each of them, PLAINTIFF was required to, and continues to, employ
21 health care providers to examine, treat, and care for his injuries, and PLAINTIFF has incurred,
22 and will continue to incur, medical and incidental expenses for such examinations, treatment,
23 rehabilitation, and/or care in an amount according to proof at trial.

24 **VI. PRAYER FOR RELIEF**

25 WHEREFORE, PLAINTIFF prays that this Court enter judgment in their favor on every
26 claim for relief set forth above as follows:


- 27 1. For general damages and compensatory damages in an amount according to proof
28 at trial and beyond the jurisdictional minimum of this Court.

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- 2. For economic losses according to proof at trial.
- 3. For medical and related expenses according to proof at trial.
- 4. For property damages according to proof at trial.
- 5. For interest upon any judgment entered as provided by law.
- 6. For costs of suit incurred herein.
- 7. Such further and additional relief as this Court deems proper.

Dated: April 3, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: 
 DONALD J. MAGILLIGAN
Attorney for Plaintiff

VII. JURY DEMAND

PLAINTIFF demands a trial by jury as to all claims in this action.

Dated: April 3, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: 
 DONALD J. MAGILLIGAN
Attorney for Plaintiff