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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN MATEO**

10 XIAOMING FANG; and TING TING LIU,
11 Plaintiffs,
12
13 v.
14 CITY OF BURLINGAME; MARI KANON
ABEY; JEANNE ELAINE HONG; MARK
15 ABEY; Y.G., SOUAD GULER, as an individual
and as a legal guardian of Y.G.; SALIH GULER,
16 as an individual and as a legal guardian of Y.G.;
and DOES 1 through 30, inclusive,
17 Defendants.

CASE NO. 26-CIV-01790
COMPLAINT FOR:
1. NEGLIGENCE (WRONGFUL DEATH)
2. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
3. NEGLIGENT ENTRUSTMENT
4. DANGEROUS CONDITIONS ON PUBLIC PROPERTY
DEMAND FOR JURY TRIAL

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1 PLAINTIFFS XIAOMING FANG (“MING”) and TING TING LIU (“TING”) (collectively
2 referred to as “PLAINTIFFS”) bring this action for the tragic and preventable loss of their 4-year-old son,
3 Ayden.

4 **I. INTRODUCTION**

5 1. Ayden was a bright, inquisitive, and energetic boy who was kind to others, loved to read,
6 and loved spending time with his toddler brother and parents. This was the last proper picture of Ayden
7 on his mother’s phone, taken about two weeks before his passing. He just started the “1000 Books Before
8 Kindergarten” reading challenge at the Burlingame Public Library a few months prior, and he just
9 finished his first hundred books. He was excited to turn in this 1-100 books sheet at the library, get a
10 prize and receive the next series of sheets. He never got the chance to turn in this sheet. This was his
11 first and last sheet. He was about to turn 4.5 years old.



1 2. Ayden was killed on August 8, 2025 by a series of avoidable events. DEFENDANT MARI
2 KANON ABEY (“MARI ABEY”) was a 19-year-old driver pulling out of a parking lot turning left/west
3 bound onto Donnelly Avenue in Burlingame, California. Ayden was playing in front of the Truffle Poke
4 restaurant with a friend and the friend’s father.

5 3. When MARI ABEY pulled out of the parking lot, her view of oncoming traffic was
6 impeded by a vehicle parked at the left edge of the driveway, as allowed by the CITY OF BURLINGAME
7 (“CITY”). The Police Report from the crash states clearly that: **a further associated cause [of the crash]**
8 **was that [Abey’s] view was partially obstructed due to vehicles being parked on the south curb-line**
9 **of Donnelly Avenue near the driveway of Lot D.”**

10 4. As MARI ABEY pulled out of the driveway across from Truffle Poke Bar where Ayden
11 was playing, she was struck on her rear driver’s side door by an 11-year-old boy (DEFENDANT Y.G.)
12 riding northeast on Donnelly on a Class 2 electric bicycle (“e-bike”) with his 10-year-old sister riding on
13 the back. Based on the e-bike’s Owner’s Manual, Y.G. was below the minimum age to safely ride the
14 motorized bicycle, and carrying passengers was prohibited as a safety risk. Y.G. should have braked to
15 avoid the collision with MARI ABEY.

16 5. After impact, MARI ABEY, a new driver, hit the gas pedal instead of the brake. She
17 accelerated a 2018 Mazda SUV onto the sidewalk, struck Ayden and barreled through the storefront of
18 the restaurant, coming to rest a mere feet from MING and TING.



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26 6. Ayden’s parents experienced this vehicle crashing into the restaurant and almost hitting
27 them. They rushed to Ayden’s aid. They found him underneath the vehicle, motionless, with fractured
28 skull and spilled brain matter. That horrific memory is permanent.

1 7. Ayden’s death was preventable. Each of the DEFENDANTS had a role in causing this
2 life-ending event. First, the CITY has responsibility for Ayden’s death. The CITY has a record of ignoring
3 and de-prioritizing pedestrian safety, and beginning one calendar year prior to the crash that killed Ayden,
4 Burlingame had three-**four times the pedestrian fatalities as the national average**.

5 8. In this case, the CITY was on notice that this specific driveway on Donnelly was the source
6 of multiple near-misses and posed a threat to drivers, cyclists, and pedestrians on Donnelly and the
7 sidewalk. This is because the CITY allowed vehicles to park right up to the edge of the parking lot, which
8 made it difficult or impossible for vehicles pulling out of the driveway to see whether there was oncoming
9 traffic when pulling out of the driveway.

10 9. This is exactly what happened on the night of the crash: MARI ABEY told first responders
11 that her vision was obstructed by an SUV parked next to the driveway that prevented her from seeing
12 oncoming traffic. Pictures from the night of the incident corroborate her account:



1 10. The CITY received nearly a dozen calls with issues at this exact driveway location in the
2 years leading up to the crash. Multiple local business owners and employees stated after the crash that
3 they had trouble exiting this parking lot for years due to impaired sight lines because of the parking space.
4 One of these local business owners specifically informed a councilwoman and former mayor of
5 Burlingame of these issues on Donnelly prior to Ayden’s death.

6 11. Indeed, in response to complaints and notice of the dangerous condition, on information
7 and belief, the CITY had been planning since 2024 to remove the parking space to the left of the driveway
8 that blocked MARI ABEY’s sightline. However, the CITY waited at least 13 months to implement its
9 Donnelly Street improvement plan and only removed the parking spot shortly after the fatal crash. If the
10 CITY had acted promptly to remove that parking spot once it was on notice that it posed a danger, this
11 tragedy would have been avoided.

12 12. Second, at the time of the crash, MARI ABEY had only recently started driving. As she
13 was pulling out of a driveway across from Truffle Poke Bar where Ayden was playing, she was struck on
14 her rear driver’s side door and hit the gas pedal, accelerating up to 27 miles per hour. She drove up onto
15 the curb, across the sidewalk, struck two children, and crashed through a storefront. Ms. Abey’s
16 acceleration and failure to apply the brakes were clearly negligent.

17 13. Third, MARI ABEY’s parents, DEFENDANTS JEANNE ELAINE HONG (“HONG”)
18 and MARK ABEY (“MARK ABEY”) owned the 2018 Mazda SUV that MARI ABEY was driving when
19 she crashed into Ayden and permitted MARI ABEY to drive the vehicle on the day of the crash. HONG
20 and MARK ABEY knew or should have known that MARI ABEY was incompetent and unfit to operate
21 that motor vehicle.

22 14. Fourth, the parents of Y.G., SOUAD GULER and SALIH GULER, failed to supervise
23 their minor son and entrusted him to operate a motorized e-bike capable of going up to 20 miles per hour
24 on city streets and not suitable for use by an 11-year-old. No reasonable parents would have permitted an
25 11-year-old to use this motorized vehicle on crowded city streets with another minor sibling on the back
26 of the bike. Indeed, use of the bike by an 11-year-old with a passenger was expressly prohibited by the
27 Owner’s Manual of the e-bike, as was having a passenger.

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1 15. This accident could have been avoided if Y.G. had not been permitted to use the dangerous
2 motorized e-bike, if he had been properly supervised while riding it, or if the CITY OF BURLINGAME
3 had implemented any regulations or restrictions on the use of Class 2 e-bikes by minors in the streets.

4 16. Moreover, Y.G. had time to apply the e-bike’s brakes before slamming into the Mazda
5 SUV, but failed to do so.

6 17. Ayden’s Parents, MING and TING, bring this claim to recover for their unimaginable loss
7 and to try to make the streets safer in Burlingame so no other parents have to endure the unimaginable
8 pain they have suffered.

9 **II. JURISDICTION AND VENUE**

10 18. This Court has jurisdiction over this matter because, at all times relevant, the events which
11 combined to produce the injuries sustained by PLAINTIFFS occurred in the County of San Mateo,
12 California. This Court is competent to adjudicate this action and the amount in controversy exceeds the
13 jurisdictional minimum of this Court.

14 19. Venue is proper in the County of San Mateo pursuant to California Code of Civil
15 Procedure § 395 because substantially all of the events, acts, omissions, and/or transactions complained
16 of herein occurred in/or originated from San Mateo County, California.

17 20. Venue is further proper in this Court pursuant to California Code of Civil Procedure § 394
18 as PLAINTIFFS are residents of this county, and the CITY OF BURLINGAME is located in this County.

19 **III. GOVERNMENT CLAIMS**

20 21. On November 12, 2025, PLAINTIFFS through counsel submitted proper government
21 claims to the CITY OF BURLINGAME pursuant to statute.

22 22. The CITY did not respond to the claims submitted. Therefore, the government claim is
23 deemed declined under Government Code § 912.4(c).

24 **IV. PARTIES**

25 **A. PLAINTIFFS**

26 23. PLAINTIFF XIAOMING FANG (“MING”) is, and at all relevant times was, a resident of
27 San Mateo County, California. He is the father of decedent Ayden Fang, a 4-year-old child who was
28 killed on August 8, 2025, as a result of the acts and omissions alleged herein.

1 24. PLAINTIFF TING TING LIU (“TING”) is, and at all relevant times was, a resident of
2 San Mateo County, California. She is the mother of decedent Ayden Fang, a 4-year-old child who was
3 killed on August 8, 2025, as a result of the acts and omissions alleged herein.

4 **B. DEFENDANTS**

5 25. The DEFENDANT CITY OF BURLINGAME (“CITY”) is, and at all times herein
6 mentioned was, a municipal corporation duly organized and existing under the laws of the State of
7 California, located in San Mateo County. PLAINTIFFS are informed and believe, and thereon allege that
8 the CITY, and/or its servants, agents, representatives, and employees owned, operated, and maintained
9 the public parking lot and adjacent sidewalk and roadway on Donnelly Avenue in Downtown Burlingame,
10 including the driveway exit from which the vehicle involved in the crash emerged. The CITY is and was
11 at all relevant times responsible for maintaining, managing, and operating the parking lot exit and
12 Donnelly Avenue including but not limited to roadway design, sight lines, and the location of legal
13 parking spots.

14 26. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANT MARI
15 ABEY is, and at all relevant times was, a 19-year-old resident of San Mateo County, California. On
16 August 8, 2025, DEFENDANT MARI ABEY was operating a Mazda compact SUV that struck and killed
17 Decedent Ayden Fang on a public sidewalk on Donnelly Avenue in downtown Burlingame.

18 27. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANT MARK
19 ABEY is, and at all relevant times was, a resident of San Mateo County, California, and is the father and
20 a legal guardian of DEFENDANT MARI ABEY. On information and belief, MARK ABEY owned
21 and/or exercised control over the Mazda compact SUV operated by DEFENDANT MARI ABEY on
22 August 8, 2025, and entrusted said vehicle to MARI ABEY.

23 28. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANT JEANNE
24 ELAINE HONG (“HONG”) is, and at all relevant times was, a resident of San Mateo County, California,
25 and is the mother and a legal guardian of DEFENDANT MARI ABEY. On information and belief,
26 HONG owned and/or exercised control over the Mazda compact SUV operated by DEFENDANT MARI
27 ABEY on August 8, 2025, and entrusted said vehicle to MARI ABEY.

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1 29. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANT Y.G. is,
2 and at all relevant times was, a minor resident of San Mateo County, California. On August 8, 2025,
3 DEFENDANT Y.G. was operating a Class 2 e-bike that struck the Mazda compact SUV while travelling
4 eastbound on Donnelly.

5 30. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANT SOUAD
6 GULER (“SOUAD GULER”) is and at all relevant times was a resident of San Mateo County, California,
7 and is the mother and legal representative of Y.G., who struck the Mazda compact SUV operated by
8 DEFENDANT MARI ABEY while traveling down Donnelly Avenue in Burlingame. SOUAD GULER
9 owned and/or exercised control over the Class 2 e-bike bicycle operated by Y.G. on August 8, 2025, and
10 entrusted said e-bike to Y.G., who was also carrying a 10-year-old passenger.

11 31. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANT SALIH
12 GULER (“SALIH GULER”) is and at all relevant times was a resident of San Mateo County, California,
13 and is the father of the Y.G., who struck the Mazda compact SUV operated by DEFENDANT MARI
14 ABEY while traveling down Donnelly Avenue in Burlingame. SALIH GULER owned and/or exercised
15 control over the Class 2 e-bike operated by Y.G. on August 8, 2025, and entrusted said e-bike to Y.G.,
16 who was also carrying a 10-year-old passenger.

17 **C. OTHER DEFENDANTS**

18 32. The true names and capacities, whether individual, corporate, associate or otherwise of
19 the DEFENDANTS DOES 1 through DOES 20, inclusive, are unknown to PLAINTIFFS who therefore
20 sue said DEFENDANTS by such fictitious names pursuant to Code of Civil Procedure § 474.
21 PLAINTIFFS further allege that each of said fictitious DEFENDANTS is in some manner responsible
22 for the acts and occurrences hereinafter set forth. PLAINTIFFS will amend this Complaint to show their
23 true names and capacities when the same are ascertained, as well as the manner in which each fictitious
24 DEFENDANT is responsible.

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1 **V. FACTS**

2 **A. AYDEN'S PARENTS, AND ANYONE WHO KNEW AYDEN, ADORED HIM AND**
3 **RECOGNIZED THAT HE WAS A SPECIAL CHILD**

4 33. Ayden Fang was born on February 23, 2021 in San Francisco, California. Ayden was
5 MING and TING's first child.



17 34. Ayden was a bright, energetic little boy with a huge heart and a positive outlook. When
18 Ayden was two years old, MING and TING welcomed their second boy to the family. Ayden was an
19 incredible big brother who adored spending time with his little brother and teaching him what he knew
20 about the world.



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35. Ayden was a kind and joyful boy that was full of life. He carried an infectious smile, walked around singing, and made sentences into songs. He also appreciated all aspects of life, when given something ordinary like new toothpaste he responded “thank you, and I love it” with so much gratitude and delight. He was also generous with his love and freely shared with those around him. He once said “when I grow up I want to take care of babies and my brother because it’s nice. Playing is nice and learning is nice. I’m gonna do everything my brother needs. I will be the biggest grown-up, bigger than mommy, bigger than daddy!”

36. Four years old was the beginning of a special time in Ayden’s life. He started to write, read, swim without a floatie, bike without training wheels, and sing in Spanish. He had just begun to bloom as an individual, and his parents suddenly had a new best friend.

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1 37. Ayden loved to paint and had an eye for colorful compositions. Ayden also started to
2 learn the basics of aviation, ask where water came from, and develop his own dreams. Just four days
3 before the crash, Ayden told his preschool teacher that he wanted to be an astronaut, an eye doctor, a dad,
4 and a teacher when he grew up. Later that evening during diner, he told MING that “dad, you and mama
5 made my name Ayden and it’s perfect”.

6 38. Two days before his passing, Ayden insisted on doing something different after dinner.
7 Instead of reading or playing ball with his brother like a typical evening, he wanted to play with Legos.
8 With a sense of purpose, he said he wanted to build something. He then made a tower that he was so
9 proud of that he wanted to take a photo with it. Instead of breaking down the tower and putting the Legos
10 away like he usually does, he insisted on putting this creation on top of the family room mantel himself
11 with his other artwork. The Lego creation was built with blocks displaying the following words: **“Protect
12 Our City.”** That message resonates for this case.



25 39. Ayden’s family members were not his only admirers. Ayden’s teachers at preschool
26 recalled fondly that he was the youngest child to ever join his preschool and how he had unique self-
27 control, ability to listen and follow directions, motivation, and pure innocence: he loved to laugh, sing,
28 make up pretend games, and play with classmates. According to Ayden’s teacher, because of his calm

1 and pleasant personality, he was the “go to child” and “little helper” who aided in resolving conflicts and
2 transitioning new students. The parents at Ayden’s preschool often comment on how Ayden’s bright
3 spirit, joyful presence, and gentle kindness continue to make an impact on his classmates even to this
4 day. One parent shared Ayden has been influential in his son’s personality as “Ayden was his most
5 favorite person in the world and [Ayden] was the kindest friend he’s ever had.” Another parent stated
6 that Ayden “intuitively knew and loved his role as a protector and a caretaker of others, and I will always
7 see him as that protector.” A friend of the family once said that “Ayden is so kind, he was going to
8 change the world one day.”

9 40. Ayden’s parents and all who were lucky enough to know Ayden knew he was destined for
10 great things in his life. Ayden’s passing is an unspeakable tragedy that no parents should ever have to
11 live through.

12 **B. AYDEN WAS SENSELESSLY KILLED BY A CAR WHILE PLAYING WITH A**
13 **FRIEND ON A SIDEWALK IN DOWNTOWN BURLINGAME**

14 41. On the evening of August 8, 2025, at approximately 6:20 p.m., Ayden was playing on a
15 public sidewalk of the Truffle Poké Bar restaurant located on Donnelly Avenue in downtown Burlingame
16 with his 6-year-old friend and the friend’s father near-by.

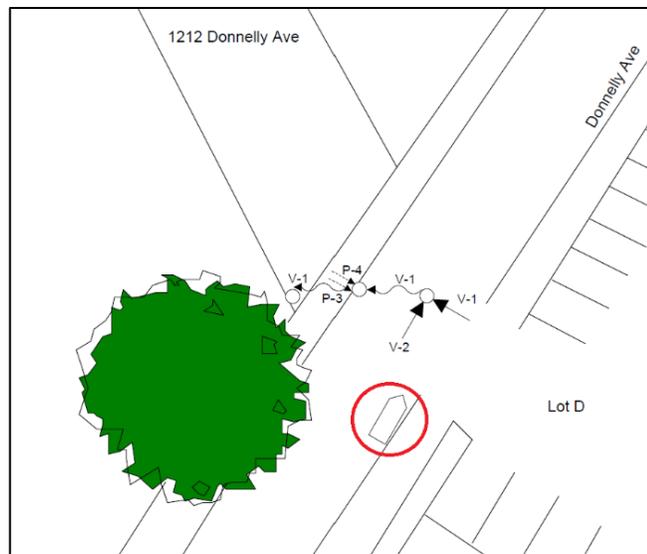
17 42. While Ayden played, DEFENDANT MARI ABEY was operating a Mazda compact SUV
18 and exited the CITY-owned and CITY-maintained Parking Lot D (“Lot D”) via a driveway exit onto
19 Donnelly Avenue across from Truffle Poke Bar. MARI ABEY had only recently begun driving and was
20 relatively inexperienced at operating motor vehicles on city streets.

21 43. The exit to Lot D has a parking space right next to the driveway. On the night when MARI
22 ABEY pulled out of Lot D, this parking space was occupied by a large SUV that severely restricted MARI
23 ABEY’s line of sight into oncoming eastbound traffic.

24 44. When MARI ABEY pulled out of Lot D to make a left-hand turn going West onto
25 Donnelly, Y.G., then approximately 11 years old, was operating a Class 2 electric bicycle (throttle-
26 assisted, capable of speeds up to 20 miles per hour) traveling eastbound on Donnelly Avenue. Y.G. was
27 carrying his 10-year-old sister as a passenger on the back of that same e-bike. The Class 2 e-bike had
28 been entrusted to Y.G. by his parents, SOUAD GULER and SALIH GULER.

1 45. Because her line of sight into oncoming traffic was obstructed by a large SUV, MARI
2 ABEY did not see the Y.G. traveling eastbound down Donnelly. Similarly, Y.G.'s view of MARI ABEY
3 was impeded. Cars parked on the edge of the driveway were a dangerous condition that the CITY
4 allowed.

5 46. Defendant MARI ABEY pulled out in front of the Y.G. while attempting to make a left-
6 hand turn. Y.G. struck the compact SUV on the rear driver's side door at a high rate of speed. A police
7 sketch of the incident is pictured below, which included a sketch of a vehicle parked in the space (circled
8 in red) that caused the obstruction of DEFENDANT MARI ABEY's and Y.G.'s line of sight:



19 47. Following this collision, MARI ABEY negligently accelerated the vehicle up to 27 miles
20 per hour across two lanes of traffic, over the curb, onto the sidewalk, and struck Ayden Fang before
21 crashing through the front of the Truffle Poke Bar where Ayden's parents were sitting with friends.



1 48. Ayden’s parents MING and TING, who were inside the restaurant with their second son,
2 experienced the vehicle crashing into the restaurant and then rushed to Ayden’s aid. MING and TING
3 searched under the vehicle in attempts to help Ayden, only to observe their son lying there, motionless,
4 with large skull fracture and spilled brain matter.

5 49. Ayden Fang sustained catastrophic and fatal injuries as a result of being struck by the
6 SUV. He was pronounced dead at the scene. His parents witnessed the entire unthinkable tragedy
7 firsthand.

8 **C. THE CITY OF BURLINGAME FAILED TO TIMELY ADDRESS A KNOWN**
9 **DANGEROUS CONDITION**

10 50. The driveway exiting Parking Lot D (“Lot D”) onto Donnelly was well known by locals
11 to be dangerous due to the parking space to the left of the driveway that blocked the line of sight into
12 oncoming eastbound traffic. Employees of multiple businesses located in the area stated that the Lot D
13 driveway was well known to be problematic and dangerous.

14 51. Heather Sanguinette, the store manager at Anthem Interiors located at 1208 Donnelly,
15 stated that leaving Lot D has always been a problem due to cars parked in the space adjacent to Lot D
16 that block sight lines. Rachel Martinez, an associate at the store, stated that “as a driver, you need to inch
17 your way out of the driveway just to see if cars are coming. By the time you have inched your way out to
18 see, you find yourself in the middle of the street.”

19 52. Other local business owners and employees corroborated that exiting the driveway has
20 always been dangerous.

21 53. Ms. Sanguinette further stated that she had informed the former mayor and Burlingame
22 City Counsel member who was a frequent customer of Anthem Interiors, of this issue in the past.

23 54. According to the City’s records, Burlingame Police Department has responded to over 92
24 service calls related to Donnelly Avenue within the past ten (10) years. Of the 92 calls, the **location for**
25 **10 of those service calls was in front of Parking Lot D** (1200-1212 Donnelly).

26 55. The CITY OF BURLINGAME acknowledged the danger of the parking space adjacent to
27 Lot D and had identified that parking space as a hazard to visibility. The CITY’s own Public Works
28 Director, Syed Murtuza, acknowledged that removal of that parking space was warranted prior to the

1 crash to provide better site visibility and improve safety at that location *See Parking space near fatal*
2 *crash removed*, San Mateo Daily Journal (September 22, 2025). Murtuza stated that visibility benefits
3 from removal of the parking space were identified and known to the CITY in 2024. *Id.*

4 56. The CITY OF BURLINGAME recognized the danger of the driveway before Ayden’s
5 death. The parking spot next to the driveway slated to be removed as a part of Burlingame’s 2025 Street
6 Resurfacing Program. Despite this knowledge, the parking space remained in place over a year later on
7 the date of the incident, August 8, 2025.

8 57. The CITY did not remove the parking space until September 2025, a few weeks after
9 Ayden Fang’s death. On September 3, 2025, at approximately 9:14 am, the CITY began to remove the
10 metered parking spot in front of Parking Lot D, which initially caused the obstructed view of the driver.



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August 2025



September 2025

58. The hazard the CITY OF BURLINGAME had identified and failed to remediate was confirmed by the crash itself: DEFENDANT MARI ABEY stated to investigating officers that her view was obstructed by the vehicles parked on the south curb-line of Donnelly Avenue near the driveway of Lot D at the time of the incident. Photos from the scene of the crash corroborate that there was an SUV obstructing Defendant MARI ABEY’s line of sight.





59. While the State of California has attempted to prioritize pedestrian safety and passed laws such as AB 413, known as the “daylighting law” to improve visibility and protect pedestrians, the CITY OF BURLINGAME has a history of prioritizing more parking and traffic flow at the expense of pedestrian safety, which has resulted in tragic consequences.

60. Ayden’s death marked the third pedestrian fatality on Burlingame’s streets in the calendar year preceding the crash at issue in this case. Burlingame’s pedestrian fatality rate is three-four times the per-capita national annual average. On March 11, 2025, 61-year-old Arelene O’Campo was crossing the street at El Camino and Trousdale Drive when she was struck in a fatal hit-and run crash.¹ On September 12, 2024, a devoted mother was struck and killed by a vehicle as she walked across the intersection of the city lines of Burlingame and San Mateo.²

61. In Burlingame, while pedestrians and cyclists are involved in only 22% of collisions, they make up around 50% of serious injuries and fatalities.³

62. The CITY OF BURLINGAME has also taken no substantive action in the face of increasing numbers of minors racing around CITY streets on e-bikes, often without helmets and in

¹ https://www.smdailyjournal.com/news/local/burlingame-community-mourns/article_f46de191-0186-46ac-b3c5-f1fca591820e.html

² <https://www.kron4.com/news/bay-area/mother-killed-in-peninsula-pedestrian-crash-leaves-behind-special-needs-daughter/>

³ https://www.smdailyjournal.com/news/local/burlingame-looking-at-possible-reduction-in-some-speed-limits/article_ce784a32-b67b-4109-bb3c-94624a36871b.html

1 disregard of traffic laws. To date, it remains **legal** for minors of any age to operate Class 2 e-bikes on
2 Burlingame city streets, which travel up to 20 miles per hour without the need to pedal. The CITY's lack
3 of any law, regulation, or policy regarding Class 2 e-bikes permitted the 11-year-old rider with his 10-
4 year-old sister on the back to travel down a busy city street going up to 20 miles per hour without any
5 type of restriction. The CITY's inaction with respect to e-bikes is another contributing factor.

6 63. The CITY's inaction after Ayden's death is illustrative of the CITY's years-long refusal
7 to take pedestrian safety seriously. There is no excuse for the CITY's continued silence and failure to act
8 to prevent future pedestrian deaths.

9 **D. DEFENDANT MARI ABEY NEGLIGENTLY OPERATED THE VEHICLE THAT**
10 **FATALLY STRUCK AYDEN**

11 64. DEFENDANT MARI ABEY had only learned to drive months prior to August 2025 and
12 had recently obtained her driver's license.

13 65. When DEFENDANT MARI ABEY was struck by Y.G., she accelerated the vehicle up to
14 27 miles per hour (at 91% acceleration) rather than either continuing her turn onto Donnelly or stopping
15 the vehicle.

16 66. After initially accelerating the vehicle, DEFENDANT MARI ABEY failed to apply the
17 brakes. She travelled approximately 40 feet across Donnelly Avenue without applying the brakes and/or
18 continuing to accelerate.

19 67. She continued over a curb up onto the sidewalk without applying the brakes. She travelled
20 across the sidewalk and struck Ayden without applying the brakes. She then smashed through the front
21 of the restaurant, which stopped her forward progress. The car came to rest mere feet from MING and
22 TING.

23 68. DEFENDANT MARI ABEY owed a duty to other drivers and pedestrians to act
24 reasonably under the circumstances and breached that duty by failing to apply the brakes and driving her
25 vehicle onto the sidewalk, into pedestrians, and through a building.

26 69. Leading up to the collision, DEFENDANT MARI ABEY violated multiple sections of the
27 vehicle code, including but not limited to Vehicle Code § 21804(a) (failure to yield to oncoming traffic)

1 and Vehicle Code § 22350 (driving at an unreasonable speed that endangers the safety of persons or
2 property).

3 **E. DEFENDANTS MARK ABEY AND JEANNE HONG NEGLIGENTLY**
4 **ENTRUSTED THEIR VEHICLE TO MARI ABEY**

5 70. On information and belief, DEFENDANTS MARK ABEY and/or JEANNE HONG
6 owned the Mazda compact SUV that DEFENDANT MARI ABEY was operating on August 8, 2025, or
7 otherwise exercised dominion and control over said vehicle and entrusted it to DEFENDANT MARI
8 ABEY for her use.

9 71. On information and belief, DEFENDANTS MARK ABEY and/or JEANNE HONG
10 purchased the Mazda SUV and are listed as the owners on the title of the vehicle.

11 72. On information and belief, DEFENDANTS MARK ABEY and/or JEANNE HONG paid
12 all insurance payments, registration payments, and costs of maintenance on the Mazda compact SUV.

13 73. DEFENDANTS MARK ABEY and/or JEANNE HONG knew that DEFENDANT MARI
14 ABEY was 19-years-old and had limited driving experience when they entrusted the Mazda SUV to her.
15 One of both parents knew or should have known that DEFENDANT MARI ABEY is on a prescription
16 drug that is known to impair judgment especially when driving. One or both parents knew or should have
17 known that DEFENDANT MARI ABEY's driving posed a danger to the safety of other drivers and
18 pedestrians.

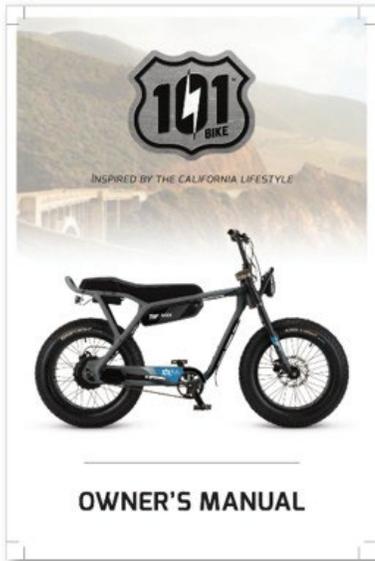
19 **F. DEFENDANTS SOUAD GULER AND SALIH GULER NEGLIGENTLY**
20 **ENTRUSTED THEIR VEHICLE TO Y.G.**

21 74. DEFENDANTS SOUAD GULER and/or SALIH GULER owned the Class 2 e-bike that
22 hit the compact SUV that DEFENDANT MARI ABEY was operating on August 8, 2025, or otherwise
23 exercised dominion and control over said e-bike and entrusted it to Y.G. for his use.

24 75. DEFENDANTS SOUAD GULER and/or SALIH GULER purchased the Class 2 e-bike
25 and controlled its use.

26 76. DEFENDANTS SOUAD GULER and/or SALIH GULER knew or should have known
27 that Y.G. was an 11-year-old who was incapable of safely operating the e-bike on Burlingame city streets.
28

1 Indeed, the Owner’s Manual for the type of e-bike Y.G. was riding **states on the very first page that**
2 **the minimum age of use is twelve years old.**



⚠ WARNING: This ebike is not to be operated by anyone under the age of 12. Children under the age of 12 may lack the necessary judgment and skill to safely operate the ebike, potentially resulting in damage to the bike, damage to other property, serious injury, and/or death. Please also check your local laws, which may require a higher age.



15 77. Moreover, DEFENDANTS SOUAD GULER and SALIH GULER knew or should have
16 known that permitting Y.G. to transport his 10-year-old sister on the back of the Class 2 e-bike added an
17 additional layer of risk to Y.G.’s operation of the e-bike, as the added weight made it harder to maneuver
18 and stop the e-bike. Again, the User’s Manual specifically prohibits passengers because “Carrying extra
19 weight significantly affects braking, acceleration, turning, balancing, etc. . . . Extra weight will increase
20 the time it takes to slow the bike when braking.”

Carrying loads (rider and cargo) safely

Total maximum payload of the 101 Bike (350 lb). Single rider only. **No passengers.**

• Carrying extra weight significantly affects braking, acceleration, turning, balancing, etc. These effects can be increased by challenging riding conditions, such as when roads are wet or slick. Hills that are normally easy to climb or descend without cargo can become challenging or even dangerous once extra weight is loaded onto the bike. Extra weight will increase the time it takes to slow the bike when braking.

26 78. DEFENDANTS SOUAD and/or SALIH GULER knew or should have known that Y.G.’s
27 operation of the e-bike carrying his sister on the back posed a danger to the safety of drivers, other cyclists,
28 and pedestrians.

1 89. As a direct and proximate result of the aforementioned acts and omissions of
2 DEFENDANTS, PLAINTIFFS hereby seek recovery of other such relief as may be just and provided for
3 under California Code of Civil Procedure § 377.61.

4 90. WHEREFORE, Plaintiffs pray for the relief set forth below.

5 **SECOND CAUSE OF ACTION**
6 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
7 **(Against DEFENDANTS MARI ABEY, JEANNE ELAINE HONG, MARK ABEY, Y.G.,**
8 **SOUAD GULER, SALIH GULER, and DOES 11 through 20)**

9 91. PLAINTIFFS hereby reallege and incorporate by reference each and every of the
10 paragraphs above as fully set forth herein.

11 92. DEFENDANTS' negligence described herein caused Ayden's death.

12 93. PLAINTIFFS MING and TING, Ayden Fang's parents, were at the scene, in the zone of
13 danger, and witnessed their son's death.

14 94. As a direct result of witnessing the death and injuries of their son and child, PLAINTIFFS
15 suffered and continue to suffer severe emotional distress, including but not limited to: shock, grief, horror,
16 depression, anxiety, post-traumatic stress, and profound psychological injury.

17 95. DEFENDANTS' negligence was a substantial factor in causing MING and TING's severe
18 emotional distress.

19 96. WHEREFORE, PLAINTIFFS pray for the relief set forth below.

20 **THIRD CAUSE OF ACTION**
21 **NEGLIGENT ENTRUSTMENT**
22 **(Against DEFENDANTS MARK ABEY, JEANNE ELAINE HONG, SALIH GOULER, and**
23 **SOUAD GULER, and DOES 21 through 30, inclusive)**

24 97. PLAINTIFFS hereby reallege and incorporate by reference each and every paragraph
25 above as fully set forth herein.

26 98. DEFENDANTS MARK ABEY and JEANNE ELAINE HONG are DEFENDANT MARI
27 ABEY's parents.

28 99. DEFENDANTS SOUAD GULER and SALIH GULER are the parents of the 11-year-old
e-bike operator (Y.G.).

///

1 109. The CITY OF BURLINGAME owned and controlled Parking Lot D, Donnelly Avenue,
2 and the driveway, sidewalk, and curb connecting Parking Lot D to Donnelly Avenue.

3 110. The driveway exiting Parking Lot D was in a dangerous condition at the time that
4 DEFENDANT MARI ABEY pulled out of the driveway and was struck by Y.G. Specifically, the parking
5 space to the left of the driveway exiting Lot D permitted parked vehicles to dangerously obstruct the line
6 of sight into oncoming eastbound traffic on Donnelly Avenue for cars pulling out of the parking lot.
7 Donnelly Street is also offset, further exacerbating the problem.

8 111. DEFENDANT CITY OF BURLINGAME had notice of the dangerous condition of this
9 driveway for at least a year prior to Ayden Fang's death.

10 112. PLAINTIFFS were harmed due to losing their first-born son due to the crash that occurred
11 due to the CITY's failure to remedy the dangerous condition to Lot D by removing the parking space to
12 the left of the driveway.

13 113. The existence of the parking space to the left of Lot D was a substantial factor in causing
14 Ayden Fang's death and PLAINTIFFS' harm.

15 114. WHEREFORE, PLAINTIFFS pray for the relief set forth below.

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1 **VII. PRAYER FOR RELIEF**

2 WHEREFORE, PLAINTIFFS pray judgment against DEFENDANTS as hereinafter set forth:

- 3 1. For compensatory and general damages in an amount according to proof at trial;
- 4 2. For past and future medical, incidental, household, and service expenses according to
- 5 proof at trial;
- 6 3. For damages allowable under the wrongful death statute;
- 7 4. For pre- and post-judgment interest on all damages as allowed by the law;
- 8 5. For costs of suit incurred herein;
- 9 6. For such other and further relief as the Court may deem just and proper.

10 Dated: March 12, 2026

COTCHETT, PITRE & McCARTHY, LLP

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13 By: _____

NIALI P. McCARTHY
ZACHARY N. ZAHAROFF
REGINA WANG

Attorneys for Plaintiffs Xiaoming Fang and Ting Ting Liu

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18 **VIII. DEMAND FOR JURY TRIAL**

19 PLAINTIFFS demand trial by jury on all issues so triable.

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21 Dated: March 12, 2026

COTCHETT, PITRE & McCARTHY, LLP

22
23 By: _____

NIALI P. McCARTHY
ZACHARY N. ZAHAROFF
REGINA WANG

Attorneys for Plaintiffs Xiaoming Fang and Ting Ting Liu

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