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

10 MADISON AMMEN and OLIVIA AMMEN, by
11 and through their Guardian *Ad Litem* Michael
Ammen,
12
13 **Plaintiffs,**
14
15 v.
16 CESAR SALTO MORALES; KYLE HARRISON;
SUSANA SALTO ALVAREZ; ARNOLD A.
MORALES; E. S.; J. M.; and DOES 1 through 20,
17 inclusive,
Defendants.

Electronically
FILED
by Superior Court of California, County of San Mateo
ON 6/6/2023
By /s/ Jennifer Torres
Deputy Clerk

CASE NO. 23-CIV-02538
COMPLAINT FOR:
1. NEGLIGENCE (WRONGFUL DEATH)
2. NEGLIGENT ENTRUSTMENT
DEMAND FOR JURY TRIAL

28

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1 Plaintiffs **MADISON AMMEN** (“**MADISON**”) and **OLIVIA AMMEN** (“**OLIVIA**”), by and
2 through their Guardian *Ad Litem* Michael Ammen, (collectively referred to as “Plaintiffs”) bring this
3 action, by and through their attorneys, for wrongful death. Plaintiffs hereby complain of Defendants,
4 and/or each of them, named hereinabove as follows:

5 **I. INTRODUCTION**

6 1. **GREGORY AMMEN** (“**GREG**”) was a forty-four year old father of two seven-year-
7 old twin girls, **MADISON** and **OLIVIA**. **GRACE SPIRIDON** (“**GRACE**”), forty-two years old, was
8 **GREG**’s wife, and the twin girls’ mother.

9 2. **GREG** and **GRACE** were killed on November 4, 2022, at approximately 8:00pm, in a
10 tragic collision on El Camino Real and Finger Avenue in Redwood City, California. Their deaths were
11 caused by the Defendants drag racing with no regard for human life.

12 3. On the evening of the accident, **GREG**, **GRACE**, **MADISON**, and **OLIVIA**
13 (collectively referred to as the “**AMMENS**”) were driving home from a family dinner, at **GRACE**’s
14 mother’s home in Palo Alto. Their twin daughters, **MADISON** and **OLIVIA**, were sitting in the
15 backseats at the time of the collision. Miraculously, the twins sustained injuries, but survived.

16 4. **GRACE** and **GREG**’s lives were cut short due to the negligent conduct of Defendants,
17 **KYLE HARRISON** (“**HARRISON**”) and **CESAR SALTO MORALES** (“**MORALES**”), as well as
18 **E. S.** and **J. M.**, passengers in **MORALES**’ car.

19 5. Immediately before the collision, **HARRISON**, driving a silver 2018 BMW M3, and
20 **MORALES**, driving a silver 2005 Mercedes Benz E55 (V1), stopped at a red light. **HARRISON** and
21 **MORALES** signaled to each other to race, while **MORALES**’ passengers, **E. S.** and **J. M.**, egged
22 **HARRISON** on, taunting him, and encouraging the two to race their vehicles down El Camino Real.
23 Defendants rolled the dice with the lives of others.

24 6. **MORALES** and **HARRISON** accelerated their vehicles to between 80 and 100 miles
25 per hour down southbound down El Camino Real on a busy Friday evening, in a neighborhood
26 frequented by pedestrians, cyclists, and other vehicles.

27 7. While **MORALES** and **HARRISON** were racing, the **AMMENS**, driving a Chevrolet
28 Bolt, were lawfully turning left onto Finger Avenue, in the northbound direction. **MORALES** then

1 driving in excess of 100 miles per hour hammered the **AMMENS'** vehicle. **HARRISON** sped away
2 immediately after the collision only to be located by law enforcement approximately two weeks later.

3 **II. JURISDICTION AND VENUE**

4 8. This Court has jurisdiction over this matter because, at all times relevant, the events
5 which combined to produce the injuries sustained by Plaintiffs occurred in the County of San Mateo,
6 State of California. This Court is competent to adjudicate this action and the amount in controversy
7 exceeds the jurisdictional minimum of this Court.

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

11 **III. PARTIES**

12 **A. PLAINTIFFS**

13 10. **MADISON AMMEN** is an eight year-old minor child as of the time of this filing.
14 **MADISON'S** parents were **GREGORY AMMEN** and **GRACE SPIRIDON** who tragically lost their
15 lives as a result of Defendants' negligence as alleged herein.

16 11. **OLIVIA AMMEN** is an eight year-old minor child as of the time of this filing.
17 **OLIVIA'S** parents were **GREGORY AMMEN** and **GRACE SPIRIDON** who tragically lost their
18 lives as a result of Defendants' negligence as alleged herein.

19 12. Michael Ammen is **GREGORY AMMEN'S** brother, and Guardian *ad Litem* for
20 **MADISON** and **OLIVIA** in this action.

21 **B. DEFENDANTS**

22 13. Defendant **KYLE HARRISON** is a natural person who is, and at all times relevant in
23 this complaint was, a resident of San Mateo County, California.

24 14. Defendant **CESAR SALTO MORALES** is a natural person who is, and at all times
25 relevant in this complaint was, a resident of San Mateo County, California. At the time of the subject
26 incident, **MORALES** was a minor.

1 15. **SUSANA SALTO ALVAREZ** (“**SUSANA**”) a natural person who is, and at all times
2 relevant in this complaint was, a resident of San Mateo County, California. **SUSANA** is **MORALES**’
3 mother.

4 16. **ARNOLD A. MORALES** (“**ARNOLD**”) is a natural person who is, and at all times
5 relevant in this complaint was, a resident of San Mateo County, California. **ARNOLD** is **MORALES**’
6 father.

7 17. **E. S.** is a natural person who is, and at all times relevant in this complaint was, a resident
8 of San Mateo County, CA. **E. S.** was a passenger in **MORALES**’ car at the time of the subject incident.

9 18. **J. M.** is a natural person who is, and at all times relevant in this complaint was, a
10 resident of San Mateo County, CA. **J. M.** was a passenger in **J. M.** car at the time of the subject
11 incident.

12 **C. OTHER DEFENDANTS**

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

19 **D. SECONDARY LIABILITY**

20 20. At all times herein mentioned, Defendants, and each of them, hereinabove, were the
21 agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of
22 each of the other Defendants named herein and were at all times operating and acting within the
23 purpose and scope of said agency, service, employment, partnership, enterprise, conspiracy, and/or joint
24 venture, and each Defendant has ratified and approved the acts of each of the remaining Defendants.
25 Each of the Defendants aided and abetted, encouraged, and rendered substantial assistance to the other
26 Defendants in breaching their obligations to Plaintiffs, as alleged herein. In taking action to
27 substantially assist the commission of these wrongful acts and other wrongdoings complained of, as
28 alleged herein, each of the Defendants acted with an awareness of his/her/its primary wrongdoing and

1 realized that his/her/its conduct would substantially assist the accomplishment of the wrongful conduct,
2 wrongful goals, and wrongdoing.

3 **IV. FACTUAL BASIS FOR THE CLAIMS ASSERTED**

4 **A. GREGORY AMMEN AND GRACE SPIRIDON HAD A BEAUTIFUL**
5 **MARRIAGE, AND LOVINGLY PARENTED MADISON AND OLIVIA, THEIR**
6 **7-YEAR OLD TWIN GIRLS**

7 21. Known affectionately by friends and family as “The G’s” or “The G-Unit” **GREG** and
8 **GRACE** were meant for each other. **GREG** was enthusiastic, outgoing with a life-long love of music.
9 **GRACE** had a curious mind and resilient spirit. She was humble about her success, known for lifting
10 others up with her positive energy. They were a beautiful couple and incredibly devoted, loving parents
11 to **OLIVIA** and **MADISON**, their seven-year-old twins.



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23 *Greg Ammen and Grace Spiridon*

24 22. **GREG** and **GRACE** met at Palo Alto High School but did not date until they reunited at
25 a Giants game in 2004. They married in 2009 and settled in Redwood City and then San Carlos
26 becoming parents in 2015. In 2022, **GRACE** signed up to be room parent for **OLIVIA**’s 2nd grade
27 class, **GREG** was room parent for **MADISON**’s. The family baked together, cheered at the girl’s
28

1 soccer games and enjoyed the outdoors—camping, hiking, biking. They were open minded,
2 kindhearted, genuine, and fun loving.

3 23. **GREG** was born in San Francisco on June 28, 1978. In his youth he was enthusiastic
4 about Boy Scouts, backpacking, cars and playing percussion in the El Camino Youth Symphony. His
5 love of music led him to earn a BA degree in Sound Arts from SAE Expression College, Emeryville,
6 CA. He used his creativity and leadership skills as an Engineering Manager, CET QA, at Dolby
7 Laboratories. **GREG** loved the outdoors, biking, hiking and camping, all of which he shared with Grace
8 and his girls. He quietly led by example and was always there for friends and family.

9 24. On March 23, 1980, **GRACE** was born in Palo Alto. She enjoyed piano, ballet, dancing,
10 karate, soccer, and traveling. When **GRACE** put her mind to something, she would reach it regardless
11 of the obstacles. This quality was needed in 1998 when she survived a life-threatening car crash making
12 her more determined to love life, her family, friends and colleagues. She earned a BA at UC Davis, and
13 later an MBA from Columbia University and UC Berkeley while working at Gap. In October **GRACE**
14 received a promotion at Google, where she worked for the past 8 years, becoming Head of New Service
15 Introduction. She is remembered for her trademark smile, positive outlook and respect for others.

16 25. **GREG** and **GRACE** were inseparable in life, and now in death as a result of the
17 Defendants' wanton conduct.

18 **B. THE FATAL COLLISION**

19 26. **GREG, GRACE, MADISON** and **OLIVIA** had a family dinner every other Friday at
20 the girls' grandmother's (**GRACE**'s mother's) home, located in Palo Alto.

21 27. On Friday November 4, 2022 at approximately 8:00pm, on their way back from family
22 dinner at the grandmother's house, **GRACE** was driving the family in their Chevrolet Bolt back to their
23 home, located in at in San Carlos, due to **GREG** having back pain which made it uncomfortable to
24 drive on occasion. Finger Street, the street they were turning left on, is a well-known route amongst
25 residents to access the San Carlos hills. At the time of the collision, the **AMMENS** were approximately
26 a six minute drive away from their home in San Carlos.

27 28. **GRACE** was driving the vehicle, **GREG** was seated in the front passenger seat, and
28 **MADISON** and **OLIVIA** were in the backseats.

1 29. At approximately 7:50am, **MORALES** pulled up to the stop light in the right lane of El
2 Camino Real, at the intersection of El Camino and Howard Avenue in San Carlos. **MORALES** was
3 driving southbound in a silver 2005 Mercedes Benz E55 (V1). There were two passengers in his car: **E.**
4 **S.** and **J.M.**

5 30. At the same time, **HARRISON** pulled up to the same red light, in the left southbound
6 lane of El Camino Real, driving a silver 2018 BMW M3.

7 31. **HARRISON** told law enforcement **MORALES** challenged him to a race by signaling
8 him with his index and middle finger and pointing in a forward direction back and forth, and that he and
9 **MORALES** began “revving” their engines back and forth, which **HARRISON** understood was a
10 “direct challenge to race.” **E. S.** and **J. M.**, along with **MORALES** shouted at **HARRISON** and his
11 passengers in an effort to begin the street race.

12 32. A passenger in **HARRISON**’s car yelled to **MORALES** to “blow the light.” **E. S.** and **J.**
13 **M.** yelled to **HARRISON**, taunting him, and encouraging him to race. **MORALES** nodded his head at
14 **HARRISON**, and revved his engine, communicating to **HARRISON** his agreement to drag race as
15 soon as it turned green.

16 33. Upon the light turning green, **HARRISON** and **MORALES** immediately accelerated at
17 a high rate of speed of approximately 75 and 80 miles per hour, according to several witness accounts.
18 Onlookers described each of the drivers as clearly racing and reckless. Video surveillance of the crash
19 provides a clear indication of the excessive speeds both the Mercedes and BMW were traveling when
20 the collision occurred, as it shows the colossal force of the impact.

21 34. The **AMMENS** were facing northbound on El Camino Real, at the intersection of Finger
22 Avenue, in Redwood City. They were making a left hand turn onto Finger Avenue. The Mercedes
23 driven by **MORALES** approached the same intersection at a speed in excess of 100 mph, according to
24 analysis of the Redwood City Police Department. The BMW M3 driven by **HARRISON** was also
25 traveling at an extremely high rate of speed but was traveling slower than **MORALES**.

26 35. The **AMMENS**’ Chevrolet Bolt was struck along the front passenger side by the
27 Mercedes driven by **MORALES**. The force of the impact was so significant that the Chevrolet Bolt
28 was thrown over 100 feet.



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21 **C. DEFENDANTS’ DANGEROUS AND RECKLESS CHOICES CONTRIBUTED**
22 **TO THE HARM**

23 39. The dangerous conduct that **HARRISON** and **MORALES** were engaged in is clearly
24 demonstrated by the number of cars and pedestrians, as well as local businesses that are readily
25 observable on this very busy stretch of El Camino Real, particularly on a Friday early evening when it
26 is dark outside.

27 40. Prior to the accident, on information and belief **HARRISON** had dinner with friends in
28 Belmont and consumed alcohol.

1 41. And after the accident, **HARRISON** sped away from the accident scene immediately
2 thereafter, only to be located by law enforcement approximately two weeks later at his home in
3 Redwood City. While **HARRISON** sped away, several other motorists stopped and engaged in a
4 desperate attempt to free all occupants from the burning vehicles.

5 42. **MORALES'** vehicle, the 2005 Mercedes Benz E55 (V1) was modified with a smaller
6 supercharger pulley, which causes the supercharger to spin faster and produce more power, and had the
7 catalytic converters and mufflers removed, which may increase power and makes the car much louder.

8 43. The BMW M3 that **HARRISON** drove the night of the crash, is a high performance
9 vehicle that is modified by the factory to increase its speed and performance capabilities. It is referred
10 to as a "factory-equipped race BMW." Defendant **HARRISON** told law enforcement that he purchased
11 the vehicle earlier that year for \$70,000.

12 **D. SUSANA SALTO ALVAREZ AND ARNOLD A. MORALES KNEW CESAR**
13 **MORALES, THEIR MINOR SON, HAD A PROCLIVITY FOR STREET**
14 **RACING**

15 44. Plaintiffs were harmed because **SUSANA** and **ARNOLD** negligently permitted
16 **MORALES** to use the 2005 Mercedes Benz E55 (V1) with full knowledge of his dangerous proclivity
17 for speeding and/or racing cars.

18 45. At the time of the collision, **MORALES** was a minor. As such **SUSANA** and **ARNOLD**
19 owned the vehicle operated by him, gave **MORALES** permission to drive the 2005 Mercedes Benz
20 E55 (V1), and allowed him to modify it, permitting him to drive it at an unsafe and excessive speed.

21 46. **SUSANA** and **ARNOLD** paid for modifications to the 2005 Mercedes Benz E55 (V1).

22 47. On information and belief, **SUSANA** and/or **ARNOLD** purchased the vehicle.
23 **ARNOLD** is the registered owner of the vehicle.

24 48. As alleged above, the 2005 Mercedes Benz E55 (V1) **MORALES** was driving on the
25 night of the accident was modified to increase its power, speed, and attract attention by making it
26 louder.

27 49. On information and belief, **MORALES** was a street racing enthusiast, was part of a
28 group of other individuals who enjoyed racing, regularly discussed racing publicly with those
individuals and others, and was well known as having a proclivity for racing and/or speeding.

1 50. **SUSANA** and **ARNOLD** knew, or should have known, that **MORALES** was
2 incompetent or unfit to drive the vehicle, based on his known proclivity for reckless driving, and/or
3 racing. **SUSANA** and **ARNOLD** permitted **MORALES** to drive it anyhow, including on the night of
4 the accident. **ARNOLD** admitted as much in conversations.

5 51. In the evening after the collision, **ARNOLD** approached a mechanic’s shop close to the
6 accident site, trying to acquire the security video footage capturing the accident for himself before law
7 enforcement did so as part of its criminal investigation. This interference with a criminal investigation
8 was documented by police.

9 52. **MORALES**’s incompetence or unfitness to drive was a substantial factor in causing
10 harm to **GREG** and **GRACE**, including their deaths.

11 **E. NEGLIGENCE PER SE**

12 53. California law required that Defendants drive the posted speed limit. The speed limit on
13 El Camino Real in Redwood City and San Carlos, CA is 35 miles per hour.

14 54. In addition to California law requiring drivers to drive the posted speed limit, according
15 to California Vehicle Code § 22350, “No person shall drive a vehicle upon a highway at a speed greater
16 than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface
17 and width of, the highway, and in no event at a speed which endangers the safety of persons or
18 property.”

19 55. **HARRISON** and **MORALES** were driving down El Camino Real, a main thoroughfare,
20 on a Friday evening. There were many cars, pedestrians, and bicyclists going by at the time of the
21 accident. It is shocking that these two drivers would engage in this behavior at the subject location, at
22 that time of night.

23 56. **HARRISON** and **MORALES** also violated Vehicle Code § 23109, “Speed contests and
24 exhibitions of speed,” which provides in pertinent part:

25 (a) A person shall not engage in a motor vehicle speed contest on a highway or in an
26 offstreet parking facility. As used in this section, a motor vehicle speed contest includes a
motor vehicle race against another vehicle, a clock, or other timing device. . . .

27 Veh. Code, § 23109

28

1 66. As a direct and legal result of the wrongful acts and omissions of **MORALES**,
2 **HARRISON, E. S., and J. M., GREG and GRACE** died.

3 67. Plaintiffs are informed and believe, and thereon allege, that at the time of the subject
4 collision, **MORALES and HARRISON** and DOES 1 through 10, and each of them, at all times
5 mentioned, were under a statutory duty to comply with California Vehicle Code §§ 22350 and 23109,
6 as set forth above.

7 68. On November 4, 2022, **MORALES and HARRISON** violated California Vehicle Code
8 §§ 22350 and 23109 when they recklessly drove their vehicles, racing them, and causing the subject
9 collision that killed **GREG and GRACE**.

10 69. **GREG and GRACE** were one of the class of persons whose protection California
11 Vehicle Code §§ 22350 and 23109 were afforded.

12 70. By reason of the wrongful death of **GREG and GRACE** resulting from the wrongful
13 acts and omissions of **MORALES, HARRISON, E. S., and J. M.** and DOES 1 through 10, Plaintiffs
14 have incurred funeral and burial expenses, and related medical expenses, in an amount to be determined
15 at trial.

16 71. By reason of the wrongful death of **GREG and GRACE**, resulting from the wrongful
17 acts and omissions of **MORALES, HARRISON, E. S., J. M.,** and DOES 1 through 10, and each of
18 them, Plaintiffs suffered, and continue to suffer, loss of love, companionship, comfort, affection, solace
19 and the moral and economic support of their mother and father.

20 72. By reason of the wrongful death of **GREG and GRACE** resulting from the wrongful
21 acts and omissions of **MORALES, HARRISON, E. S., J. M.,** and DOES 1 through 10, and each of
22 them, Plaintiffs have incurred, and will incur, economic losses, including but not limited to the
23 reasonable value of household services that **GREG and GRACE** would have provided.

24 73. As a direct and legal result of the aforementioned acts of **MORALES, HARRISON, E.**
25 **S., J. M.,** and DOES 1 through 10, inclusive, Plaintiffs, by reason of the wrongful death of **GREG and**
26 **GRACE**, resulting from the wrongful acts and/or omissions of Defendants, hereby seek recovery of
27 other such relief as may be just and provided for under Code of Civ. Proc. § 377.61.

28 74. WHEREFORE, Plaintiffs pray for relief as set forth below.

1 **SECOND CAUSE OF ACTION**
2 **NEGLIGENT ENTRUSTMENT – WRONGFUL DEATH**
3 **(Against DEFENDANTS SUSANA SALTO ALVAREZ, ARNOLD A. MORALES, and DOES 11**
4 **through 20, inclusive)**

5 75. Plaintiffs hereby reallege and incorporate by reference each and every of the paragraphs
6 above as fully set forth herein.

7 76. **SUSANA SALTO ALVAREZ** and **ARNOLD A. MORALES** are Defendant
8 **MORALES's** parents. **MORALES** was a minor at the time of the collision.

9 77. Defendant **ARNOLD** at all times mentioned herein, was the registered owner of the
10 silver 2005 Mercedes Benz E55 (V1), license plate number 8XNM932 CA operated by **MORALES**,
11 which collided with the Chevrolet Bolt operated by GRACE.

12 78. On or around 8:00pm on November 4, 2022, **SUSANA, ARNOLD,** and DOES 11
13 through 20, and/or each of them, entrusted and/or permitted Defendant **MORALES** to drive the 2005
14 Mercedes Benz E55 (V1). At the time **SUSANA, ARNOLD,** and DOES 11 through 20, and/or each of
15 them, permitted and/or entrusted **MORALES** with the use of the 2005 Mercedes Benz E55 (V1),
16 **SUSANA, ARNOLD,** and DOES 11 through 20, and/or each of them, knew, or should have known,
17 that **MORALES** was incompetent and /or unfit to safely drive the vehicle.

18 79. At all times preceding the collision, the incompetence and/or unfitness of **MORALES** to
19 drive was the legal cause of Plaintiffs' injuries.

20 80. As a direct and legal result of the aforementioned wrongful conduct and/or omissions of
21 Defendants DOES 11 through 20, and/or each of them, Plaintiffs suffered the damages hereinabove set
22 forth.

23 81. WHEREFORE, Plaintiffs pray for the relief set forth below.

24 **VI. PRAYER FOR RELIEF**

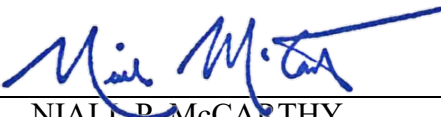
25 WHEREFORE, Plaintiff prays judgment against Defendants as hereinafter set forth:

- 26 1. For compensatory and general damages in an amount according to proof at trial;
- 27 2. For past and future medical, incidental, household, and service expenses according to
28 proof at trial;
3. For damages allowable under the wrongful death statute;

4. For pre- and post-judgment interest on all damages as allowed by the law;
5. For attorneys' fees under all applicable bases as allowable by law, including but not limited to Cal. Code Civ. Proc. § 1021.4 in the event any of the Defendants listed herein are convicted of a felony for which this action is based.
6. For costs of suit incurred herein;
7. For such other and further relief as the Court may deem just and proper.

Dated: June 6, 2023

COTCHETT, PITRE & McCARTHY, LLP

By: 

NIALL P. McCARTHY
TAMARAH P. PREVOST
OWAIS M. BARI


*Attorneys for Plaintiffs Madison Ammen and Olivia Ammen by
and through Guardian ad Litem Michael Ammen*

VII. DEMAND FOR JURY TRIAL

Plaintiffs demand trial by jury on all issues so triable.

Dated: June 6, 2023

COTCHETT, PITRE & McCARTHY, LLP

By: 

NIALL P. McCARTHY
TAMARAH P. PREVOST
OWAIS M. BARI

*Attorneys for Plaintiffs Madison Ammen and Olivia Ammen by
and through Guardian ad Litem Michael Ammen*