ELECTRONICALLY
FILED
1/18/2024 9:31 AM

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SAN LUIS OBISPO SUPERIOR COURT
BY Carol L. McGuirk
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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN LUIS OBISPO

UNLIMITED CIVIL JURISDICTION

DENISE SMART; STAN SMART; MATTHEW SMART; and LINDSEY STEWART, individuals, Plaintiffs, v. CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO a California Public University; and DOES 1 through 10 inclusive, Defendant.	24CV-0046 Case No. _____ **COMPLAINT:** **(1) NEGLIGENCE** **(2) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS** **(3) WRONGFUL DEATH** **DEMAND FOR JURY TRIAL**

LEWIS + LLEWELLYN LLP

Plaintiffs Denise Smart, Stan Smart, Matthew Smart, and Lindsey Stewart ("Plaintiffs" or the "Smart Family") for their complaint against Defendant California Polytechnic State University, San Luis Obispo ("Defendant" or the "University" or "Cal Poly") allege as follows:

NATURE OF THE ACTION

1. Kristin Smart was in the final weeks of her freshman year at Cal Poly when she was murdered by another student on the Cal Poly Campus, in his dorm room on campus.

2. Kristin was murdered over 27 years ago, but Plaintiffs did not begin to understand the multitude of failings by Cal Poly until May 2023, when Cal Poly's President publicly apologized to the family and stated: "[W]e recognize that things should have been done differently – and I personally wish that they had."

3. Cal Poly's breaches of its legal duty include but are not limited to the following: it did not pursue a missing person case promptly, did not interview witnesses timely, did not seal the primary suspect's dorm room as a crime scene, allowed the suspect's room to be sanitized and cleaned before it was searched, and did not search the suspect's room until sixteen days after Kristin disappeared.

4. Perhaps even more shocking and devastating, before the murderer killed Kristin, multiple other reports had been made about Paul Flores on the basis of his threatening, stalking, and harassing behavior.

5. If Cal Poly had properly acted on those reports, conducted an investigation, and appropriately disciplined the student, he would not have been on campus, and therefore would not have been able to murder Kristin. Flores also would have been prevented from assaulting and raping countless other women, in the years after he murdered Kristin.

6. As a result of Cal Poly's failures, Plaintiffs have suffered immeasurable damage.

7. Plaintiffs lost their daughter and their sister – a profound, perpetual void and sense of incompleteness that nothing can fill.

8. Plaintiffs also endured decades of trauma and emotional distress caused by knowing that Kristin's murderer was still free and that her body was still hidden, and that her murderer could hurt other women.

9. Cal Poly was in the best position to prevent these tragedies from ever occurring – both the death of Kristin and the freedom her murderer enjoyed for almost twenty-five years – and Cal Poly is therefore responsible for allowing those tragedies to unfold.

PARTIES

10. Plaintiff Stan Smart is Kristin Smart's father and lives in Stockton, California.

11. Plaintiff Denise Smart is Kristin Smart's mother and lives in Stockton, California.

12. Plaintiff Matthew Smart is Kristin Smart's brother and lives in San Diego, California.

13. Plaintiff Lindsey Stewart (nee Smart) is Kristin Smart's sister and lives in Palo Alto, California.

14. Cal Poly is a California public university located in San Luis Obispo, California.

15. Plaintiffs are unaware of the true names and capacities of defendants Does 1 through 10. Plaintiffs will amend this complaint to show the true names and capacities of these defendants when ascertained. Plaintiffs are informed and believe that each of the defendants, including each fictitiously named defendant, is liable in some manner for the events referred to in the complaint.

16. At all times relevant to this complaint, Defendants, and each of them, were acting as each other's agents, and were acting within the course and scope of their agency with the full knowledge, consent, permission, authorization and ratification, either express or implied, of each of the other Defendants in performing the acts alleged in this complaint.

17. Defendants are sued herein individually and as principals, participants, and aiders and abettors in the wrongful conduct complained of and the liability of each arises from the fact that each has engaged in all or part of the improper acts, plans, conspiracies, or transactions complained of herein. The acts alleged to have been done by Defendants were authorized, ordered or done by them and their officers, agents, employees, or representatives while actively engaged in the management of each of the Defendants' affairs.

JURISDICTION AND VENUE

18. Jurisdiction is proper in California because it has general subject matter jurisdiction over Plaintiffs' claims and no statutory exceptions to jurisdiction exist.

19. Defendant is subject to personal jurisdiction within California and the County of San

Luis Obispo.

20. Venue is proper in San Luis Obispo County because Cal Poly is a public university located in that county. Furthermore, the negligent acts and/or omissions proximately leading thereto, occurred in San Luis Obispo, California.

PROCEDURAL POSTURE

21. On August 25, 2023, Plaintiffs filed claims against Cal Poly in accordance with the California Government Claims Act.

22. These claims were timely because they did not begin to accrue until May 2023, when Cal Poly's President publicly apologized to the family and stated: "[W]e recognize that things should have been done differently – and I personally wish that they had."

23. It was at this point that the Smart family began to understand Cal Poly's failings.

24. Even now, the Smart family still does not know what information, in the possession of Cal Poly's President, and uniquely available to him and/or Cal Poly, led him to make the apology.

25. In fact, Cal Poly's investigative file has never been fully provided to the Smart Family.

26. On September 15, 2023, Cal Poly responded by stating that "we have determined that all four claims were and have not been timely presented after the relevant event or occurrence within the time period required by law."

27. Cal Poly further stated that the only recourse available for Plaintiffs was to apply to the California State University for leave to present a late claim.

28. On September 25, 2023, Plaintiffs responded to Cal Poly by reiterating why the claims were, in fact, timely, and stating that even though the claims were timely presented, Plaintiffs "in an abundance of caution and without prejudice to our clients' rights and remedies" would promptly apply for leave to present late claims.

29. On November 7, 2023, Cal Poly responded to the Application for Leave to Present a Late Claim and "confirmed [its] prior determination that the claims were not timely presented."

30. Plaintiffs have complied with all procedural requirements under the Claims Act, even including applying for leave to present late claims despite those claims not being late.

31. Due to the failures of Cal Poly in responding to Plaintiffs' claims, Plaintiffs hereby bring the present lawsuit.

FACTUAL ALLEGATIONS

Kristin Disappears

32. Kristin was a nineteen-year-old freshman at Cal Poly when she disappeared.

33. On the night of Friday, May 24, 1996, Kristin attended a party off-campus with other Cal Poly students.

34. Multiple witnesses reported that they last saw her walking back to her on-campus dorm with another Cal Poly student named Paul Flores.

35. Given the state of her dorm room and her bed Saturday morning, Kristin's friends knew that Kristin did not return to her dorm room on Friday night.

Cal Poly Fails To Properly And Reasonably Investigate Kristin's Disappearance

36. Kristin's friends and family reported her missing to the Cal Poly Police Department ("CPPD") almost immediately after she disappeared.

37. In fact, two of her friends and dormmates contacted CPPD on Sunday – the very next day.

38. CPPD, however, refused to take a report and told Kristin's friends that, because it was Memorial Day Weekend, they wanted to wait until the holiday weekend was over before proceeding to take a missing person report.

39. CPPD suggested that maybe Kristin had spontaneously left town, despite her friends' insistence that she had done no such thing.

40. Similarly, when Kristin's mother, Denise Smart, spoke to CPPD to report her missing, CPPD told Denise that Kristin probably went camping with friends, even though Denise told them it would be entirely uncharacteristic for Kristin to do so.

41. CPPD's failure to act promptly on multiple reports of a missing student was just the first of a multitude of failures by Cal Poly during this critical period.

42. Those failures include, but are not limited to, the following:

a. CPPD did not take a missing person report until ***four days*** after Kristin

disappeared. In fact, when multiple concerned friends from Kristin's dorm tried to report Kristin as missing on both Sunday and Monday, CPPD officers told them that it was too early to make a missing person report.

b. CPPD did not interview witnesses until ***four days*** after Kristin disappeared.

c. Campus police did not interview Flores, whom multiple witnesses had informally identified as the last person seen with Kristin, until ***four days*** after Kristin disappeared.

d. CPPD did not seal off Flores' dorm room as a potential crime scene, despite multiple witnesses identifying him as the last person seen with Kristin.

e. CPPD did not search Flores' dorm room until ***sixteen days*** after Kristin disappeared, despite multiple witnesses identifying him as the last person seen with Kristin.

f. By the time CPPD sealed and restricted access to Flores' room, more than sixteen days after Kristin disappeared, Flores had moved out of the room, and items from the room, including pieces of furniture, were missing. Furthermore, CPPD allowed a Cal Poly custodial crew to fully sanitize the room before conducting a forensic investigation, thereby destroying evidence.

g. CPPD did not have a crime scene investigator on-staff, struggled to retain such an investigator from another jurisdiction because they were "too busy," and did not conduct a formal crime scene investigation of Flores' room until ***thirty-one days*** after Kristin disappeared.

h. Upon information and belief, even after multiple witnesses identified Flores as the last person seen with Kristin, CPPD failed to identify Flores' substantial history of reports of aggressive and threatening behavior, which prevented CPPD from fully realizing why its investigation into Flores needed to be urgent and thorough, which it was not.

i. Even when CPPD did become aware of Flores' prior arrest and outstanding warrant, just days after Kristin disappeared, this information did not cause CPPD to realize why its investigation into Flores needed to be urgent and thorough.

j. CPPD failed to hand the case over to San Luis Obispo County's Sheriff's Office in a reasonable timeframe. It was unreasonable for CPPD to retain jurisdiction over an investigation that was clearly indicating serious foul play for an entire month. The Sheriff's Office indisputably had vastly more expertise and manpower to handle such an investigation.

43. The Smart Family did not begin to understand Cal Poly's failings until the President of Cal Poly apologized in May 2023.

44. The Smart Family still does not know what information in the possession of Cal Poly's President, uniquely available to him, led him to make the apology.

45. In fact, Cal Poly's investigative file has never been fully provided to the Smart Family.

46. To add insult to injury, when Kristin's mother requested her school files after she disappeared, Cal Poly gave her Kristin's transcript from the spring of 1996 – the semester she was murdered. Kristin's mother saw that Cal Poly gave Kristin a failing grade in each of her classes that semester, because she did not appear for her final exams.

Flores Is Eventually Arrested For Kristin's Murder

47. On June 26, 1996, CPPD finally turned the case over to the Sheriff's Office. But at that point, the damage by CPPD had already been done.

48. Cal Poly's egregious failures to pursue credible leads and conduct a proper investigation created a morass of problems that were impossible for the Sheriff to easily untangle.

49. Paul Flores, the man whom multiple witnesses told CPPD was last seen with Kristin, was not arrested for her murder until April 13, 2021. It was almost twenty-five years, ***a quarter of a century***, after Kristin first disappeared.

50. However, during those two and a half decades, Flores engaged in a series of horrific and disturbing attacks on women. Set forth below is a brief summary of some of those attacks:

a. Upon information and belief, one week after Kristin disappeared, Flores appeared at an Arroyo Grande high school prom after-party. At the party, witnesses observed him carrying a plastic pitcher of a mixed alcoholic drink. He pressured multiple girls to drink it, even when they declined.

b. Upon information and belief, while working at Outback Steakhouse in Irvine in 1997, Flores once carried a coworker into his apartment, turned off the lights, and tried to sexually assault her until she threatened to scream and wake up his sister.

c. Upon information and belief, in the 2004-2007 timeframe, Flores was at a bar

in Redondo Beach. A woman went outside to smoke a cigarette and Flores followed her. He grabbed her and tried to get her into his car. She hit him and he hit her back. Other patrons of the bar came outside to investigate the disturbance and Flores ran away.

d. Upon information and belief, in or about 2011, Flores sexually assaulted a woman at a San Pedro bar. Shortly before the assault, she had not yet finished her first beverage before she felt drugged and partially unconscious.

e. Upon information and belief, also in 2011, Flores was kicked out of a San Pedro bar for stalking a woman, and inappropriately touching another intoxicated woman.

f. In 2008, Flores met a woman at a bar, gave her a glass of what was purportedly water, and then the woman fell unconscious. She woke up several times to Flores raping her, including one time with a ball gag in her mouth as he raped her anally.

g. In 2013, the Los Angeles County District Attorney's Office received and reviewed rape allegations against Flores stemming from an incident in Redondo Beach.

h. Los Angeles Police Department investigators tracked down two women who alleged that Flores drugged and raped them after Kristin's disappearance.

i. During a 2020 raid of Flores' San Pedro home, law enforcement discovered a file of videos entitled "Practice." In that file, Flores had saved videos he had taken of himself sodomizing and sexually assaulting women, many of whom were unconscious in the videos.

j. During a 2020 raid of Flores' home, law enforcement discovered two bottles of date rape drugs.

51. If Cal Poly had properly and reasonably investigated Kristin's disappearance, the countless women that Flores attacked and assaulted, over the course of the subsequent twenty-five years, could have been spared the severe pain and trauma of those horrific experiences.

52. A jury convicted Flores of Kristin's murder and he was sentenced in March 2023 when the judge overseeing the criminal trial publicly declared him "a cancer to society."

Evidence Emerges That Cal Poly Could and Should Have Prevented Kristin's Murder

53. Before Kristin disappeared, Cal Poly had already received multiple reports of Flores' aggressive and harassing behavior, particularly toward women.

54. Those reports include, but are not limited to, the following:

a. On December 17, 1995, a female Cal Poly student filed a police report stating that Flores had been harassing her. Flores had climbed the trellis of her apartment building to spy on her from the balcony. When police arrived, they found Flores and identified him as the culprit.

b. On March 27, 1996, three female Cal Poly students filed police reports stating that Flores had been harassing and stalking them. He had been calling them for six weeks and had filled their entire answering machine tape with nothing but silent, hang-up calls. The three women told officers that, in December 1995, Flores had climbed on their apartment balcony and tried to break into their apartment.

c. On January 14, 1996, someone reported to Cal Poly that Flores vandalized Cal Poly grounds and property while intoxicated.

d. On January 17, 1996, Cal Poly required Flores to attend a "Mediation/Information Meeting" with the Coordinator of Student Development, Nancy Day. This meeting was being held because Flores harassed a staff member at Cal Poly. At the meeting, Cal Poly discussed with Flores "the seriousness of harassing a staff member at Cal Poly" and also mentioned future possible cancellation of his housing contract with Cal Poly.

55. Upon information and belief, Cal Poly had records of all of these reports at the time Kristin disappeared.

56. Upon information and belief, if Cal Poly had run a CLETS (California Law Enforcement Telecommunications Systems) report on Flores at the time it received these reports of harassment by the women, they would have uncovered an additional assault and battery charge brought against Flores dated December 2, 1994.

57. The CLETS system allows law enforcement throughout the state to check criminal histories, driver records, and other databases across agencies.

58. These five previously reported incidents should have caused Cal Poly to conduct a thorough investigation of Flores.

59. Cal Poly's own "Sexual Misconduct Policy" states that harassment and sexual conduct are prohibited by both the Standards for Student Conduct and federal law codified in Title

IX.

60. Cal Poly's current policy states that, in response to reports of sexual misconduct, the Title IX coordinator will take "immediate steps" to investigate, there is a disciplinary process, and that process may result in probation, suspension, or expulsion.

61. It is unclear if Cal Poly had the same Sexual Misconduct Policy in place during the relevant period, but Title IX was enacted years before Kristin disappeared, and in effect at the time of the five previously reported incidents about Flores.

62. After becoming aware of five reports of Flores' harassing, stalking, and violent behavior, any reasonable university would have engaged in a disciplinary process related to Flores.

63. In light of the seriousness of the reports, a reasonable university would have expelled, or at least suspended, Flores.

64. If Cal Poly had expelled or even suspended Flores, he would not have attended classes and could have lost access to his on-campus housing.

65. These repercussions could have sent Flores home to his family in Arroyo Grande, miles away from Kristin and the dorm room where he murdered her.

66. When Flores murdered Kristin, the Smart Family lost Kristin's love, companionship, comfort, care, assistance, and affection in their lives.

67. This loss is profound, and it has affected the Smart Family every single day since Kristin was murdered.

68. Upon information and belief, Cal Poly's failure to investigate and discipline Flores for his behavior allowed Flores' continued access to Kristin, continued access to the scene of the murder, and at least partially caused Kristin's murder.

Cal Poly's Failures Wreak Havoc Upon The Smart Family

69. The decades between Kristin's disappearance and Cal Poly's public apology to the Family were marked by extreme emotional distress and trauma for the Smart Family.

70. While the Smart Family certainly would have been devastated by the immediate arrest of Flores and the prompt discovery that Kristin had been murdered, it would have at least truncated the agony of simply not knowing what happened to their daughter and sister.

71. Trying to maintain hope that Kristin might one day arrive home, and having that hope repeatedly destroyed over two decades, was excruciating for the Smart Family.

72. Simultaneously, suspecting that Kristin's murderer was still on the loose, and freely living his life, was also agonizing.

73. The failure to find Kristin's body has been equally traumatizing and has prevented the family from ever putting Kristin to rest. Not knowing where Kristin's remains are has prevented the family from ever feeling peace, and has continued to give Flores power over them.

74. The family has also been traumatized by knowing that Flores victimized countless other women after he murdered Kristin. Each time the family heard about another victim, their hearts broke all over again, wondering if those subsequent, heinous crimes could have been prevented.

75. These ongoing issues were the primary sources of the Smart Family's emotional distress and trauma.

76. Members of the Smart Family have experienced a quarter of a century of anxiety, hopelessness, depression, and even suicidal ideation related to thinking Kristin might come home, knowing that her killer was still free, and being unable to find her body.

77. The extreme emotional distress has affected the Smart Family's ability to form relationships with other people, and trust other people.

78. The emotional distress has also prevented members of the Smart Family from pursuing educational and professional opportunities.

79. During those twenty-five years, the Smart Family doggedly pushed law enforcement to investigate and arrest Flores but, because CPPD had compromised and destroyed evidence in the investigation during that first critical month of Kristin's disappearance, the evidence of Flores' culpability was difficult to confirm.

80. The failures by CPPD created insurmountable hurdles to overcome.

81. If Cal Poly had done the right thing from the outset, Flores would have never had the opportunity to kill Kristin.

82. If Cal Poly had done the right things from the outset, Flores would have never had

the opportunity to victimize countless other women.

83. Even after Kristin died, if Cal Poly had conducted a reasonable investigation, Flores would have been arrested and convicted decades earlier, and the Smart Family would have been spared decades of emotional distress and trauma.

84. In May 2023, Cal Poly's President, Jeffrey Armstrong, issued a public apology to the Smart family, stating: "[W]e recognize that things should have been done differently – and I personally wish that they had."

85. Cal Poly's failures are indefensible, and it must be held accountable to prevent this cycle of callous negligence from ever occurring again.

FIRST CAUSE OF ACTION

(Negligence Brought By All Plaintiffs Against All Defendants)

86. Plaintiffs re-allege and incorporate by reference the allegations set forth in each of the preceding paragraphs of this Complaint as though fully set forth herein.

87. When Cal Poly's law enforcement arm, CPPD, voluntarily assumed a protective duty toward Plaintiffs to investigate Kristin's disappearance, it undertook that action on behalf of Plaintiffs, thereby inducing reliance.

88. As a result, Cal Poly owed a legal duty of care to Plaintiffs.

89. Cal Poly breached its duty of care by failing to reasonably investigate and act on prior reports of Flores' behavior. Cal Poly's breaches include, but are not limited to:

a. Failing to properly investigate and discipline Flores in December 1995, when a female Cal Poly student filed a police report stating that Flores had been harassing her.

b. Failing to properly investigate and discipline Flores in March 1996, when three female Cal Poly students filed police reports stating that Flores had been harassing them.

c. Failing to properly investigate and discipline Flores in January 1996, when he vandalized Cal Poly grounds and property while intoxicated.

d. Failing to properly investigate and discipline Flores in January 1996, when he harassed a Cal Poly staff member.

e. Failing to run a CLETS report on Flores in response to any of the four above-

mentioned incidents, which would have notified Cal Poly of Flores' additional assault and battery charge, stemming from December 1994.

90. Cal Poly also breached its duty by failing to conduct a reasonable investigation into Kristin's disappearance and into Flores himself. Cal Poly's breaches include, but are not limited to:

a. Failing to take a missing person report until ***four days*** after Kristin disappeared.

b. Failing to interview witnesses until ***four days*** after Kristin disappeared.

c. Failing to interview Flores, whom multiple witnesses had informally identified as the last person seen with Kristin, until ***four days*** after Kristin disappeared.

d. Failing to seal off Flores' dorm room as a potential crime scene, despite multiple witnesses identifying him as the last person seen with Kristin.

e. Failing to search Flores' dorm room until ***sixteen days*** after Kristin disappeared, despite multiple witnesses identifying him as the last person seen with Kristin.

f. Failing to seal and restrict access to Flores' room until more than sixteen days after Kristin disappeared such that Flores had moved out of the room, and items from the room, including pieces of furniture, were missing.

g. Allowing a Cal Poly custodial crew to fully sanitize the room before conducting a forensic investigation, thereby destroying evidence.

h. Failing to have a crime scene investigator on-staff, and failing to conduct a formal crime scene investigation of Flores' room until ***thirty-one days*** after Kristin disappeared.

i. Failing to identify Flores' substantial history of reports of aggressive and threatening behavior, which prevented CPPD from fully realizing why its investigation into Flores needed to be urgent and thorough, which it was not.

j. Failing to recognize and act on the importance of Flores' prior arrest and outstanding warrant.

k. Failing to hand the case over to San Luis Obispo County's Sheriff's Office in a reasonable timeframe.

91. Cal Poly's negligence, recklessness, and/or lack of diligence were a substantial factor

in causing the harm suffered by Plaintiffs.

92. It was highly foreseeable to Cal Poly that its failure to reasonably investigate and act on prior reports of Flores' behavior posed a substantial risk of harm to Plaintiffs.

93. It was also highly foreseeable to Cal Poly that its failure to conduct a reasonable investigation into Kristin's disappearance and into Flores himself posed a substantial risk of harm to Plaintiffs.

94. As a direct and proximate result of Cal Poly's negligence, recklessness, and/or lack of diligence, Plaintiffs have suffered damages in an amount to be proven at trial.

SECOND CAUSE OF ACTION

(Negligent Infliction of Emotional Distress Brought By All Plaintiffs Against All Defendants)

95. Plaintiffs re-allege and incorporate by reference the allegations set forth in each of the preceding paragraphs of this Complaint as though fully set forth herein.

96. When Cal Poly's law enforcement arm, CPPD, voluntarily assumed a protective duty toward Plaintiffs to investigate Kristin's disappearance, it undertook that action on behalf of Plaintiffs, thereby inducing reliance.

97. As a result, Cal Poly owed a legal duty of care to Plaintiffs.

98. Cal Poly breached its duty to Plaintiffs by failing to act with reasonable care so as to avoid foreseeable harm to Plaintiffs.

99. As set forth above, it was highly foreseeable to Cal Poly that: (1) its failure to reasonably investigate and act on prior reports of Flores' behavior posed a substantial risk of harm to Plaintiffs; and (2) its failure to conduct a reasonable investigation into Kristin's disappearance and into Flores himself posed a substantial risk of harm to Plaintiffs.

100. As a direct and proximate result of Cal Poly's negligence, Plaintiffs suffered severe emotional distress and sustained damages in an amount to be proven at trial.

THIRD CAUSE OF ACTION

(Wrongful Death Brought By Plaintiffs Stan and Denise Smart Against All Defendants)

101. Plaintiffs re-allege and incorporate by reference the allegations set forth in each of the preceding paragraphs of this Complaint as though fully set forth herein.

102. Negligent acts by Cal Poly caused Kristin Smart's death.

103. Cal Poly's negligent acts were at least partially to blame for her death.

104. Cal Poly owed a duty to Plaintiffs to act reasonably and rationally under the circumstances.

105. Cal Poly failed to act in such a way and breached that duty.

106. Cal Poly breached its duty by failing to reasonably investigate and act on prior reports of Flores' behavior, which posed a substantial risk of harm to Plaintiffs.

107. As a direct and proximate result of Cal Poly's negligent acts and breach, Plaintiffs lost, among other things, Kristin's love, companionship, comfort, care, assistance, affection, and future income and earning potential.

108. Plaintiffs sustained damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Cal Poly as follows:

1. For money damages according to proof;

2. For pre- and post-judgment interest on money damages allowed by law;

3. For costs of suit herein, including attorneys' fees as allowed by law; and

4. For such other and further relief as the court may deem proper.

Dated: January 18, 2024

LEWIS & LLEWELLYN LLP

By: _____

Marc R. Lewis
Attorneys for Plaintiffs
DENISE SMART, STAN SMART, MATTHEW SMART and LINDSEY STEWART

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial as to all causes of action.

Dated: January 18, 2024

LEWIS & LLEWELLYN LLP

By: _____

Marc R. Lewis
Attorneys for Plaintiffs
DENISE SMART, STAN SMART, MATTHEW SMART and LINDSEY STEWART