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14 *Attorneys for Plaintiffs*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

17 **ALVIN DANDAN**, as successor in the interest  
18 to the **ESTATE OF CORAZON DANDAN**;  
19 **RENATO DANDAN**, an individual;  
20 **RICARDO DANDAN**, an individual;  
21 **DANILO DANDAN**, an individual;  
22 **CARMELITA ESGUERRA**, an individual;  
**NICANOR DANDAN**, an individual; and  
**REYNALDO DANDAN**, an individual,

23 Plaintiffs,

24 v.

25 **BAY AREA RAPID TRANSIT DISTRICT,**  
26 **and DOES 1-10**

27 Defendants.

CASE NO.

**COMPLAINT FOR:**

1. **LIABILITY FOR BREACH OF DUTIES—WRONGFUL DEATH**
2. **DANGEROUS CONDITION ON PUBLIC PROPERTY—WRONGFUL DEATH**
3. **ELDER ABUSE**
4. **SURVIVAL ACTION**

**DEMAND FOR JURY TRIAL**

ELECTRONICALLY

**FILED**

Superior Court of California,  
County of San Francisco

**01/21/2025**

**Clerk of the Court**

BY: SAHAR ENAYATI

Deputy Clerk

**CGC-25-621614**

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1 **I. INTRODUCTION**

2 **A. The Tragic Death of Corazon Dandan**



11 *Corazon Dandan. Photo courtesy of the Dandan Family.*

12

13 1. This case involves the tragic death of a 74-year-old Daly City resident at the BART

14 station that she relied on to be safe as she traveled to and from work each day. On July 1, 2024, at

15 the Powell Street BART station, Corazon Dandan's life ended when Trevor Belmont (also known

16 as Hoak Taing), a man known to BART as a criminal and who had previously been ordered by a

17 judge to stay away from BART stations, pushed Corazon into an oncoming BART train. Corazon

18 (pictured above) was returning home to Daly City after her night shift as a telephone operator at

19 the Hilton's Parc 55 Hotel in Union Square, a position she held for over 30 years. Corazon's head

20 struck the oncoming train, and she fell backwards onto the platform. She suffered and died after

21 being taken to the hospital from her injuries.

22 2. Corazon's family characterized her as a highly independent and driven woman,

23 traits which were evident not only by her ability to live, commute, and work on her own far into

24 retirement age but also by her ability to work two jobs for over 25 years. Corazon demonstrated

25 incredible generosity in her life, feeding scores of neighbors and always opening her doors to

26 friends, family, neighbors and the needy. With no children of her own, Corazon helped to finance

27 the education of many of her family members, including her beloved nephew Alvin Dandan,

28

1 whom she treated as her own son from a young age and whom she assisted with the tuition and  
2 expenses of medical school, which enabled him to become an intensive care doctor.

3 **B. BART Enables Horrific Crimes to Continue on Platforms and Trains**

4 3. In the wake of this unimaginable loss, DEFENDANT BAY AREA RAPID TRANSIT  
5 DISTRICT (“BART” or “DEFENDANT”) has not indicated any plan to enhance safety at BART  
6 stations following this tragic incident. As stated by Jim Wunderman, President and CEO of the  
7 Bay Area Council, “We need to take strong, decisive and immediate action that violent and other  
8 crime will not be tolerated on BART, particularly crime targeting Asian Americans, women,  
9 seniors and other vulnerable communities... There must be zero tolerance for crime on BART.”<sup>1</sup>

10 4. More violence followed the tragic death of Corazon Dandan. On November 2,  
11 2024, a man slashed the throat of a 54-year-old Asian woman on a BART train rolling into 24th  
12 Street station. On November 13, 2024, another man was found stabbed to death outside the  
13 Embarcadero BART station, after which the perpetrator escaped into the station. These recent  
14 tragedies serve to highlight decades of violence known, but ignored, by BART.

15 **C. BART’s Complete Failure to Take Action for Safety**

16 5. These failures in safety are a longstanding issue. BART has repeatedly failed to make  
17 its stations safe for its riders, whether through increased safety staffing or physical security features.  
18 Belmont, Corazon’s killer, was a known criminal and fare jumper and had not paid his fare the night  
19 that he pushed Corazon into an oncoming train. This complaint calls on BART to take responsibility for  
20 its negligence, address all of the failures set forth herein that led to Corazon’s death and improve safety  
21 for all riders.

22 6. BART’s lack of safety, particularly for members of the Asian American and Pacific  
23 Islander (AAPI) community, has compelled San Francisco elected officials and community leaders  
24 throughout California to write to Governor Gavin Newsom requesting that he dispatch California  
25

26  
27 <sup>1</sup> “AAPI Coalition and Bay Area Council Requests Gov. Newsom Deploy the CHP on BART to  
28 Improve Safety” *Bay Area Council* (November 13, 2024) <https://www.bayareacouncil.org/press-releases/aapi-coalition-and-bay-area-council-requests-gov-newsom-deploy-the-chp-on-bart-to-improve-safety/>

1 Highway Patrol Officers to BART to help protect Bay Area citizens. (“Newsom BART Letter”)<sup>2</sup>  
2 The November 13, 2024 Newsom BART Letter points to a major surge in verbal and physical  
3 harassment against Asian Americans since the onset of the COVID-19 pandemic, including being  
4 disproportionately targeted on public transit. According to a 2023 poll on BART safety cited by  
5 the letter, when survey participants were asked if they would describe BART as “very safe,” 0  
6 percent of AAPI respondents agreed. The Newsom BART Letter goes on to call for “[u]rgent  
7 action and additional resources...to ensure that no more lives are lost or injured and that travelers  
8 in the AAPI community and other vulnerable populations feel safe on transit.” For the entire Bay  
9 Area community, BART needs to address its longstanding and numerous failures to keep riders  
10 safe.

11 **II. JURISDICTION AND VENUE**

12 7. This Court has personal jurisdiction over the named defendant because they conduct  
13 business in, and engaged in alleged misconduct alleged herein, in the state of California. BART is  
14 also headquartered in Oakland, California.

15 8. At all times relevant times, the events which combined to produce the injuries  
16 sustained by the plaintiff occurred in the State of California. This Court is competent to adjudicate  
17 this action and the amount in controversy exceeds the jurisdictional minimum of the Court.

18 9. This Court has subject matter jurisdiction over this matter because the claims asserted  
19 herein arise under the laws of the State of California.

20 10. Venue is proper in the County of San Francisco because Defendants wrongful acts  
21 and conduct complained herein arose in this County.

22 **III. EXHAUSTION OF ADMINISTRATIVE REMEDY**

23 11. On September 4, 2024, within six months of Corazon’s death, Plaintiffs timely  
24 submitted the requisite Government Claim to BART on behalf of themselves and the Estate of  
25 Corazon Dandan.

26 12. On October 19, 2024, BART rejected each Plaintiff’s Claims by operation of law,  
27 with notice given via mail. This action is properly filed pursuant to Government Code Section

28 \_\_\_\_\_  
<sup>2</sup> Attached hereto as EXHIBIT 1.

1 945.6.

2 **IV. THE PARTIES**

3 **A. Plaintiffs**

4 13. Plaintiff **Alvin Joseph Dandan** is a resident of Quincy, Illinois and is the nephew of  
5 Corazon Dandan. Plaintiff Alvin Dandan is the current and sole Successor Trustee of the  
6 **CORAZON G. DANDAN 2002 TRUST** dated June 24, 2002.

7 14. Plaintiff **Reynaldo Dandan** is the youngest brother of Corazon Dandan and the  
8 father of Alvin Dandan. Reynaldo Dandan resides in Daly City, California.

9 15. Plaintiff **Renato Dandan** is the oldest brother of Corazon Dandan and resides in  
10 San Bruno California.

11 16. Plaintiff **Ricardo Dandan** is the brother of Corazon Dandan and resides in  
12 Redwood City, California.

13 17. Plaintiff **Danilo Dandan** is the brother of Corazon Dandan and resides in Fairfield,  
14 California.

15 18. Plaintiff **Carmelita Esguerra** is the sole surviving sister of Corazon Dandan.  
16 Carmelita Esguerra resides in Paranaque City, Philippines.

17 19. Plaintiff **Nicanor Dandan** is the brother of Corazon Dandan. Nicanor Dandan  
18 resides in Paranaque City, Philippines.

19 **B. Defendant**

20 20. Defendant **Bay Area Rapid Transit (“BART”)** operates a series of over 50  
21 railway stations across the California Bay Area. BART acts as the main railway transportation  
22 system for the Bay Area and is operated by the San Francisco Rapid Transit District. BART  
23 averaged around 157,700 weekday passengers as of the first quarter of 2024.

24 **C. Doe Defendants**

25 21. In addition to the named Defendant, various other individuals and entities  
26 performed acts and made statements in furtherance thereof, and otherwise participated in, the  
27 violations of law alleged herein. The true names and capacities of these individuals and entities,  
28 Does 1 through 10, inclusive, are unknown to Plaintiffs at this time. Plaintiffs, therefore, sue these

1 Defendants, Does 1 through 10, by such fictitious names. Plaintiffs further allege that each of  
2 these Defendants, Does 1 through 10, is responsible for the acts and occurrences set forth herein.  
3 Plaintiffs are informed and believe that discovery will reveal additional information concerning the  
4 identities of these Defendants, Does 1 through 10, and each of their acts and statements made in  
5 furtherance of the violations of law alleged herein. Plaintiffs will seek to amend this complaint to  
6 show the true names and capacities of each of these Defendants, Does 1-10, and the manner in  
7 which each of them is responsible for the damages alleged herein, when such information is  
8 ascertained.

9 **V. CONSPIRACY, AIDING AND ABETTING, AND CONCERTED ACTION**

10 22. At all relevant times, Defendants (including Does 1-10) were agents of other  
11 Defendants, and in doing the acts alleged herein, were acting within the course or scope of such  
12 agency. Defendants and Does 1-10, are individually sued as participants and as aiders and abettors  
13 in the improper acts, plans, schemes, and transactions that are the subject of this Complaint.

14 23. In committing the wrongful acts alleged herein, Defendants and Does 1-10 have  
15 pursued, or joined in the pursuit of, a common course of conduct, and have acted in concert with  
16 and conspired with one another in furtherance of the improper acts, plans, schemes, and  
17 transactions that are the subject of this Complaint. In addition to the wrongful conduct herein  
18 alleged as giving rise to primary liability, Defendants and Does 1-10 further aided and abetted  
19 and/or assisted each other in breaching their respective duties.

20 24. Defendants and Does 1-10, and each of them, engaged in a conspiracy, common  
21 enterprise, and/or common course of conduct. During all times relevant hereto, Defendants and  
22 Does 1-10, and each of them, initiated a course of conduct that was designed to and did conceal the  
23 wrongful acts alleged herein. In furtherance of this plan, conspiracy, and course of conduct,  
24 Defendant and Does 1-10, collectively and individually, took the actions set forth herein.

25 25. The purpose and effect of Defendants and Does 1-10's conspiracy, common  
26 enterprise, and/or common course of conduct was, among other things, to disguise and conceal  
27 their egregious conduct and violations of law.

28 26. Defendants and Does 1-10 accomplished their conspiracy, common enterprise,



1 and/or common course of conduct. Defendants and Does 1-10, and each of them, was a direct,  
2 necessary, and substantial participant in the conspiracy, common enterprise, and/or common  
3 course of conduct complained of herein.

4 27. Defendants and Does 1-10 aided and abetted and rendered substantial assistance in  
5 and material contribution to the wrongs complained of herein. In taking such actions to  
6 substantially assist and materially contribute to the accomplishment of that wrongdoing,  
7 complained of herein, Defendants and Does 1-10 acted with knowledge of the primary  
8 wrongdoing, substantially assisted in and materially contributed to the accomplishment of that  
9 wrongdoing, and was aware of his or her overall contribution to and furtherance of the  
10 wrongdoing.

11 **VI. FACTUAL BACKGROUND**

12 **A. Corazon Dandan Was Pushed In Front of A BART Train By A Person Known**  
13 **By BART To Be A Violent Criminal and Fare Jumper**

14 28. On the night of July 1, 2024, Corazon Dandan left her job at the Marriott Hotel in Union  
15 Square and waited on the platform at the Powell Street BART station to board the train headed towards  
16 Daly City, as was her routine.

17 29. While Corazon waited at the station, Trevor Belmont also occupied the platform.  
18 Belmont had been arrested at least 27 times in multiple Bay Area counties over the past two decades.<sup>3</sup>  
19 In 2018, he was convicted for engaging in lewd conduct when he publicly exposed himself on a BART  
20 train near Oakland’s Lake Merritt and ordered by a Superior Court judge to stay away from BART  
21 trains and stations for three years. Regarding this incident, the arresting officers said that Belmont had  
22 told them that he struggled to control his sexual urges. Despite being known to BART as a prior convict  
23 and serial fare evader, BART allowed him to continue to enter its premises, and records show that  
24 Belmont repeatedly violated the 2018 stay-away order. He was arrested again in 2018 after officers saw  
25 him swinging his fists at BART patrons on the platform of the Dublin/Pleasanton BART station. BART  
26 later confirmed that on the night he pushed Corazon, Belmont again paid no fare. BART spokesperson

27 \_\_\_\_\_  
28 <sup>3</sup> Nora Mishanec, “Man accused of shoving woman to her death at S.F. BART station had dozens  
of arrests in Bay Area” *SF Chronicle*, <https://www.sfchronicle.com/sf/article/bart-woman-shoved-powell-suspect-history-19829753.php>

1 Alicia Trost also confirmed that officers had “prior contact” with him but did not provide details or the  
2 contacts. BART and its officials knew Belmont was a person who had committed several crimes at  
3 other BART stations.

4 30. At approximately 11:06 pm, Corazon Dandan was pushed by Belmont from the BART  
5 platform towards the station tracks into an oncoming train. Corazon sustained severe head injuries from  
6 the oncoming train, fell backward onto the platform, and collapsed shortly after according to transit  
7 officials.

8 31. Corazon was then immediately transported to San Francisco General Hospital, where  
9 she died from her injuries.

10 32. Belmont stayed on the platform and was arrested eight (8) minutes after pushing  
11 Corazon into the train and charged with murder and elder abuse. His criminal murder trial is pending.

## 12 **B. BART Failed and Refused to Provide Adequate Safety Measures**

### 13 **1. BART Knows Its Security Cameras Are Fake or Defective**

14 33. In 2016, BART faced scrutiny from the public when it was revealed that many of the  
15 security cameras passengers observed on train cars were either decoys or defective and inoperable. That  
16 cameras were not working became known shortly after 19-year-old Carlos Misael Funez Romero was  
17 fatally shot while on board a BART train at the Oakland BART station. There was no camera footage  
18 of this incident, despite witnesses claiming that the attack took place in plain view of what passengers  
19 believed to be a security camera. After an investigation by the SF Chronicle was conducted, BART  
20 admitted to the public that 77 percent of train cameras were fake or broken (with fake cameras  
21 amounting to 70% in this figure).<sup>4</sup>

22 34. These decoy cameras are clearly indicative of the cost-cutting measures that BART  
23 utilizes at the expense of riders’ safety. By June 2017, BART had replaced all of the decoy cameras  
24 installed in train cars with real ones, spending approximately \$1.42 million on the endeavor.<sup>5</sup> The

25 \_\_\_\_\_  
26 <sup>4</sup> Demian Bulwa, “BART admits 77 percent of train cameras are fake or don’t work” *SFGATE*,  
(Feb 29, 2018) <https://www.sfgate.com/crime/article/BART-admits-77-percent-of-train-cameras-are-fake-6818459.php>

27 <sup>5</sup> Evan Sernoffsky, “BART replaces all decoy cameras on train cars with real ones” *SFGATE* (Jun.  
28 28, 2017), <https://www.sfgate.com/news/article/BART-replaces-all-decoy-on-cameras-on-train-cars-11253276.php>

1 impetus to install cameras on these trains was not to better safeguard riders from violent attacks but  
2 rather was done as a response to growing public outcry.

3 **2. BART Allows Known Violent Criminals at Stations, Platforms, and In Trains**

4 35. BART has failed to keep violent criminals off platforms even when bans have been  
5 instituted. In 2020, Anthony Delgado, a 52-year-old janitor for BART, described how he was  
6 assaulted while performing his job at the 16th St. Mission BART station. The attacker struck  
7 Delgado with a blunt metallic object, which Delgado believed to be a gun or brass knuckles. The  
8 attacker struck Delgado after believing he had thrown away his lunch. Delgado underwent four  
9 surgeries resulting from the injuries he has sustained from this attack. Although the perpetrator  
10 was banned from using BART after this assault, Delgado revealed that this ban was never  
11 enforced, as he subsequently witnessed the perpetrator multiple times at 16th St. Mission station.

12 36. Similarly, despite being ordered by a judge in 2018 to stay away from BART stations,  
13 Belmont, Corazon’s killer, repeatedly violated that stay-away order, undeterred and unhindered by  
14 BART’s lax security practices.<sup>6</sup>

15 37. Events such as these reveal BART’s apathy towards ensuring a safe experience for  
16 both riders and even their own employees.

17 **3. BART Knows Fare Jumpers Commit Violent Crimes on BART Platforms and**  
18 **Trains and Fails to Prevent and Allows Fare Jumpers to Enter BART**

19 38. Fare jumping is one of the most debilitating financial issues BART faces and is closely  
20 intertwined with the crime that takes place at BART stations. Many of these fare jumpers go on to  
21 commit horrific crimes at BART stations.

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28 <sup>6</sup> Nora Mishanec, “Man accused of shoving woman to her death at S.F. BART station had dozens  
of arrests in Bay Area” *San Francisco Chronicle* (October 17, 2024)  
<https://www.sfchronicle.com/sf/article/bart-woman-shoved-powell-suspect-history-19829753.php>

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39. Corazon was pushed and killed by a fare jumper. Shortly after Corazon was killed, Chris Filippi, BART spokesperson stated, “The reality is that people who fare evade - not every fare evader commits a crime, but it is not uncommon for us to see that people who have unwanted behavior on BART have fare evaded to get in.”

40. BART Police Department statistics reveal that 80% of those arrested for crimes at BART stations are fare jumpers, or those who have not paid a fare.<sup>7</sup> Further, violent crime at BART has increased significantly. Crime in 2019 had more than doubled since the year 2014.<sup>8</sup> Many transit officials linked the rise in crime to unchecked fare-evasion. In a 2019 civil grand jury

<sup>7</sup> Dan Brekke, “BART Board Votes to Oppose Bill That Would Decriminalize Fare Evasion”, *KQED* (Jul 28, 2023), <https://www.kqed.org/news/11956833/bart-board-votes-to-oppose-bill-that-would-decriminalize-fare-evasion>

<sup>8</sup> Rachel Swan, "Violent crime on BART more than doubles in four years", *SF Chronicle* (Jun. 25, 2019) <https://www.sfchronicle.com/crime/article/Violent-crime-on-BART-doubles-in-four-years-14039170.php>

1 report, a senior manager at BART estimated that as many as 15% of riders do not pay their fares,  
2 totaling as much as \$25 million in annual losses for BART.



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19 *Fare jumper evading new fare gates at Civic Center Station. Photo courtesy of Joe Kukura*  
20 *(SFist.com).*

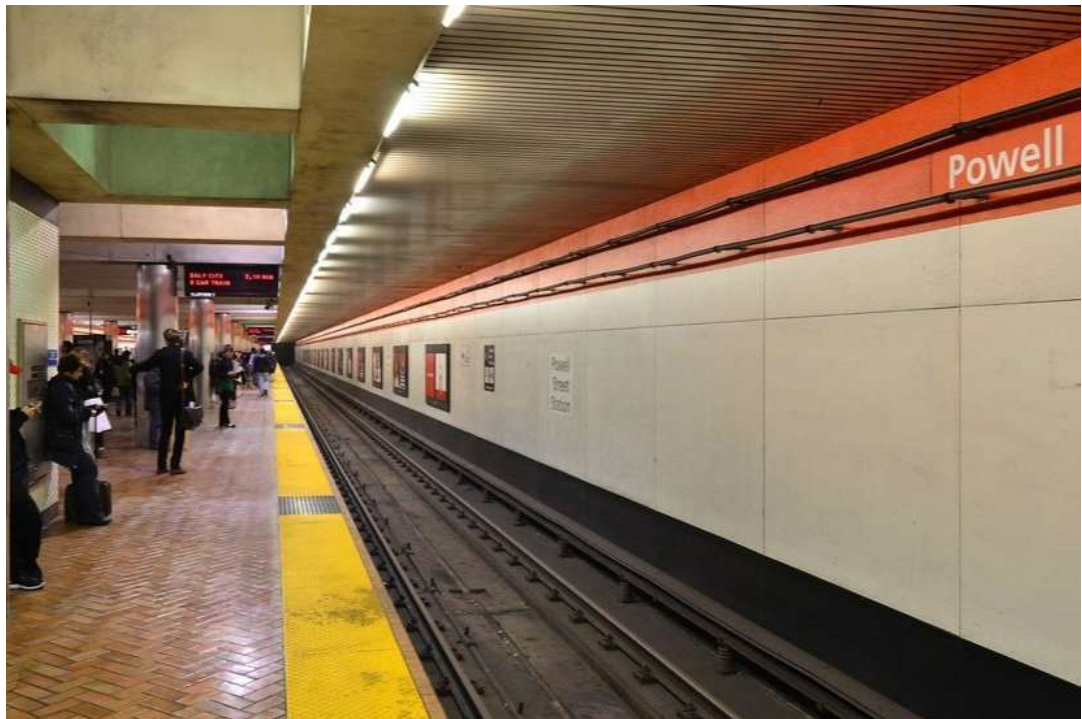
21 41. BART has failed or has been slow to install upgraded fare gates across their stations to  
22 halt fare evasion. On December 28, 2023, three prototype gates were installed at West Oakland BART  
23 station, followed by new gates at Civic Center and Fruitvale in August 2024. But these measures have  
24 proven to be too little too late—the new gates have already been shown to be ineffective. As shown in  
25 the photo above, evaders have already figured out how to force their way through the gates, hop over  
26 them, “piggy-back” by shadowing someone who has properly paid their fee through the gates, or simply  
27 walk through unlocked emergency exit gates—which are unlocked when there is no station agent at  
28

1 their station.<sup>9</sup> BART’s perpetual inaction in addressing fare evasion, and the subsequent crimes that  
2 arise out of enabling said evasions, lead to the countless acts of violence that have occurred at BART  
3 stations, including the attack against Corazon Dandan.

4 **C. BART Acknowledges Its History of Violence and Lack of Safety**

5 **1. BART Knows Riders Are Pushed or Have Fallen on BART Tracks**

6 42. The horrific murder of Corazon Dandan does not constitute an unforeseeable  
7 accident but rather is a direct result of the violence that BART has ignored and enabled throughout  
8 their stations through its negligent conduct. It is well documented that BART failed to uphold its  
9 duty to protect its passengers from harm through its negligent security practices, unsafe platform  
10 design, and negligent employees, including the failure of BART police and turnstile workers to  
11 prevent Belmont from accessing the platform despite his prior conviction, which had been known  
12 by BART from numerous prior arrests.



24 *Exposed track along the Powell Street station platform. Photo by Cora Middleton.*

25  
26 <sup>9</sup> Joe Kukura “BART’s New ‘Evasion-Proof’ Fare Gates Apparently Not Completely Evasion-  
27 Proof” *SFist* (September 18, 2024) <https://sfist.com/2024/09/18/barts-new-evasion-proof-fare-gates-apparently-not-completely-evasion-proof/>; Tomokoi Chien, “BART has fancy new fare  
28 gates. Determined evaders are still getting through.” *The San Francisco Standard* (September 18,  
2024) <https://sfstandard.com/2024/09/18/bart-evading-fares-new-gates/>

1           43.     This history of people becoming victims of BART’s unsafe platforms goes back  
2 over a decade. The following are a few incidents publicly reported but for which few details are  
3 available.

4           44.     On October 2, 2024, a fatality was reported on the tracks of the Fruitvale BART  
5 station just before 9:00 p.m. Both the Fruitvale and Lake Merritt BART stations were closed  
6 following the incident, which involved a train fatally hitting a person. It was not reported whether  
7 the person was pushed or jumped.

8           45.     On October 5, 2024, a collision was reported around 8:30 a.m. when someone  
9 allegedly jumped in front of a train at the Embarcadero station and was fatally struck by the train.  
10 Their body was recovered underneath the train.

11          46.     On September 30, 2024, a person was fatally struck by a BART train after entering  
12 the trackway at Hayward station. The collision was reported shortly before 9:00 p.m. and closed  
13 the station for about two hours.

14          47.     On August 28, 2024, a person who was standing on the platform at Downtown  
15 Berkeley BART station was hit and killed by a BART train. A caller advised police just after 5:45  
16 p.m. that a person had been hit by a train. BART spokesperson Jim Allison said that “[t]here was  
17 an individual on the platform while a train approached and apparently there was a collision.”<sup>10</sup>  
18 The person was pronounced dead a short time later.

19          48.     On May 15, 2024, a man was hit and killed by a BART train at the El Cerrito del  
20 Norte BART station. Sonny Jones-Lathan, 32, of San Pablo, was struck by the train at about 6  
21 p.m. and died at the scene, closing the station for about an hour.

22          49.     On April 1, 2024, a man in a wheelchair was struck by BART train at the North  
23 Berkeley station. The incident occurred shortly before 3:30 p.m. and the Berkeley Fire  
24 Department transported the 61-year-old man, Brett Estes, to a local hospital with critical injuries.  
25 Just before the collision, Berkeley police had been dispatched to the 1300 block of University  
26 Avenue to check on Mr. Estes because a person who was concerned about his welfare called the  
27 \_\_\_\_\_

28 <sup>10</sup> Jason Green, “BART train hits, kills person in Berkeley” *East Bay Times* (August 29, 2024)  
<https://www.eastbaytimes.com/2024/08/28/bart-train-hits-kills-person-in-berkeley/>

1 Berkeley Police Department, according to emergency dispatches. Mr. Estes was not there when  
2 the police went to look for him and the emergency call at BART came out while they were trying  
3 to find him. Mr. Estes died from his injuries.

4 50. On November 30, 2023, a person was hit and killed by a train at the Richmond  
5 BART station. Luis Mata, of Richmond, was 24 when he died at the scene after being hit by the  
6 BART train.

7 51. On January 25, 2022, a person allegedly fell onto the trackway at San Bruno Station  
8 and was reported as a “major medical emergency.” The man fell onto the tracks at around 2:50  
9 p.m. and got stuck under the train. Crews worked for an hour to release him from under the train,  
10 after which he was transported to the hospital.

11 52. On September 13, 2021, a woman was killed after she exited a BART car while her  
12 dog remained leashed inside—when the doors closed on the leash, the train departed, and she was  
13 dragged and pulled into the track. An investigation by the National Transportation Safety Board  
14 followed, and a report was released on February 28, 2023, which found that there were “dim  
15 ambient lighting conditions” that made it difficult for the train operator to reliably monitor the  
16 platform.<sup>11</sup>

17 53. In March 2021, a woman was assaulted by a man while commuting on a BART  
18 train. The perpetrator, Torres-Pena threw a 24-ounce beer can at the woman which she was able to  
19 block. When she left at the Bay Fair Station, the man followed her off the train, onto the platform,  
20 and forcibly pushed her towards the train tracks. The victim was only three feet from the edge of  
21 the platform when she was pushed toward the trackway that had an electrified third rail. The  
22 woman was narrowly able to keep her balance and remain on the platform.

23 54. On June 15, 2020, a man was pushed onto the tracks of Downtown Berkeley BART  
24 station as a Richmond-bound train arrived at the platform. The victim was waiting for the train  
25 shortly after 9 p.m. when he was shoved, unprovoked, by a woman from the edge of the platform  
26 onto the trackway about 5 feet below. As the train was oncoming, the man was able to narrowly  
27

28 <sup>11</sup> National Transportation Safety Board Railroad Investigation Report: RIR-23/02  
<https://www.nts.gov/investigations/AccidentReports/Reports/RIR2302.pdf>



1 avoid being hit by scrambling to safety in a narrow crawl space between the platform and the train.

2 55. In 2019, 13 people were hit by BART trains, 6 of whom died. That same year,  
3 BART General Manager Bob Powers cancelled a pilot program to install a barrier between the  
4 platform and tracks at Oakland's 12th Street Station, which would have stopped people from  
5 falling or jumping into the paths of trains. That barrier was never installed, nor are there plans for  
6 the pilot program to be reinstated.

7 56. On August 28, 2018, a person standing on BART tracks was struck and killed by an  
8 East Bay-bound train. The person was seen standing on BART tracks about 6:15 p.m. before  
9 being hit by the Pittsburg/Bay Point-bound train at the San Bruno station. The train was evacuated  
10 after the fatal collision, and the San Bruno station remained closed, and trains moved through the  
11 area until the scene was cleared around 8:45 p.m.

12 57. On March 8, 2018, a BART train fatally struck a person at MacArthur station in  
13 Oakland. The station was closed for more than three hours, with no information as to how or why  
14 the person was on the tracks.

15 58. On August 15, 2016, a man was struck and killed by a BART train at the  
16 MacArthur station. The victim fell in front of a Richmond-bound train leaving the station about  
17 6:50 p.m., falling at the far end of the platform.

18 59. On January 19, 2016, a person died after being struck by a train shortly after it had  
19 left North Berkeley BART station heading to Richmond. The North Berkeley BART station  
20 closed for over an hour.

21 60. On January 14, 2015, a man on the tracks was struck and killed on the tracks by a  
22 BART train at the Powell station. The person was reported under an East Bay-bound train at about  
23 7:55 a.m. The station was closed and caused major delays systemwide.

24 61. On May 15, 2014, a pedestrian on the tracks at the Pleasant Hill BART station was  
25 struck by a train headed for San Francisco Airport. The fatal collision happened around 10:05 a.m.  
26 and the person was pronounced dead at the scene.

27 62. On November 7, 2014, a woman was killed after jumping in front of a BART train  
28 at the San Leandro station. Witnesses watched her step off the station platform into the tracks just

1 about 9:30 a.m.

2 63. On October 19, 2013, two BART employees investigating a dip in the rail were  
3 killed by a BART train near the Walnut Creek station. Following this incident, BART was forced  
4 to drop a controversial policy in which workers on the tracks were solely responsible for their own  
5 safety and had no communication with train drivers.

6 64. On June 27, 2011, a woman was struck and killed by a train at the Ashby BART  
7 station. The incident occurred at 12:47 p.m. with witnesses saying that a woman was on the  
8 trackway at the end of the station.

9 65. These are only a handful of reported incidents. BART has taken no meaningful  
10 action to make its platforms safer in order to prevent people being pushed or falling onto the  
11 tracks. In contrast, following similar occurrences on platforms in New York City, the New York  
12 MTA installed sliding screen doors in three of its busiest stations. As pictured below, these barrier  
13 doors open and close only when the train is in the station.



*New York City sliding screen doors on MTA tracks. Photo by Michelle Young.*

27  
28

1           66.     Had BART implemented similar safety measures, Corazon’s death would have been  
2 prevented.

3           67.     Bevan Dufty, one of BART’s directors and a former San Francisco Supervisor,  
4 acknowledged the need for platform barriers across the system but emphasized that the installation  
5 of the new train control system needs to happen first.<sup>12</sup> According to BART’s website, that train  
6 control system will not be fully installed until 2032.

7                           **2. BART Has a Known History of Violence and Assault at Its Stations**

8           68.     BART has long been on notice that it fails to keep its passengers safe. Despite BART’s  
9 celebrated claim that “Nothing is more important than your safety”, BART has failed to address the  
10 everyday violence that takes place at its stations, on its platforms, and inside its trains.

11           69.     On July 10, 2024, just nine days after Corazon was pushed onto the tracks at the Powell  
12 Street BART station and died, a teenage girl was kidnapped at the same Powell Street station. The  
13 young woman was forcibly removed from the station and put into a car by a male assailant, without any  
14 BART police on the scene to stop him. A witness reported the incident, which was confirmed via  
15 surveillance video. San Francisco police found the missing teen, reunited her with her family the next  
16 day, and arrested a 37-year-old man.

17           70.     On May 12, 2023, another woman reported that she was attacked while riding BART.  
18 Karin P, a Walnut Creek resident, was attacked during her trip after she boarded her train at the Walnut  
19 Creek Station to head towards San Francisco. She stated that a passenger got close to her and then  
20 followed her as she moved from different train cars in an attempt to avoid him or find a BART police  
21 officer until the man threatened to kill the woman’s husband. Not able to find a BART officer, Karin  
22 decided to deboard the train before her stop, at which point the man grabbed her purse and ran out of the  
23 train car. Karin, still holding onto the purse, was then dragged, with her head hitting the ground and the  
24 train car at multiple points. Bystanders assisted her as it took BART police 9 minutes to respond. Her  
25 attacker was not identified.

26           71.     On May 13, 2021, another woman, Mantakarn Seenin, was physically assaulted by a  
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28 <sup>12</sup> Neal Wong, “Platform barriers on BART still years away” *Golden Gate Express* (October 21,  
2024) <https://goldengatexpress.org/108347/beyond-sfsu/platform-barriers-on-bart-still-years-away/>

1 man who demanded her phone on a BART train headed Eastbound through San Francisco. Seenin was  
2 repeatedly punched in the face before the perpetrator grabbed her phone and ran out of the train car at  
3 the Civic Center station. It took around 10-15 minutes for BART officials to respond to the assault.  
4 Seenin also expressed frustration that the financial burden of this attack fell upon her, stating that she  
5 “did not do anything wrong”.

6 72. On July 22, 2018, three sisters, Nia, Letifah, and Tashiya Wilson, were horrifically  
7 attacked in a crowd by a man wielding a knife at MacArthur Station in Oakland. Both Nia and Letifah  
8 were violently stabbed in the neck by the assailant, and 18-year-old Nia tragically lost her life. The  
9 perpetrator, 27-year-old John Lee Cowell, was on parole from a violent past, spending much of his time  
10 in and out of jail for harassing and threatening people, some of whom had restraining orders against  
11 him. Cowell’s other violent attacks included battering a man and his daughter in front of their home in  
12 Concord at the age of 18, and at 22, battering another victim in Walnut Creek. Cowell was transient and  
13 was cited as having an extensive history of mental illness. Before this attack, Cowell had already been  
14 confronted by BART police for fare evasion just four days prior. Nia Wilson was one of three homicide  
15 victims killed at a BART station in 2018 alone.

16 73. In August 2017, the Oakland Coliseum station was the scene of a mob robbery by 50 to  
17 60 or more teenagers. At least seven different people were attacked, beaten, and robbed of their  
18 belongings at various locations at the station. On the day of this attack, only two BART police officers  
19 were on duty at the Oakland Coliseum station who had been moving through the parking lot earlier that  
20 day. Despite these BART officers’ presence, preventative actions were not taken, and the attack was  
21 conducted unimpeded. Lawsuits brought against BART for this incident detail how victims were  
22 assaulted on the platform at the Coliseum station, only for the huge mob to enter the train to further  
23 assault additional victims. The lawsuits also detail the experiences of two other parties who were  
24 subject to mob-style attacks just days before the August mob Attacks.

25 74. On April 1, 2016, a 12-year-old boy was robbed at gunpoint at the El Cerrito Del Norte  
26 BART station platform at around 6 p.m. The boy was returning home after visiting his cousin when a  
27 male assailant came up to the boy from behind brandishing a gun, which he then pointed at the boy  
28 before physically pressing the weapon against the boy’s waist. The assailant then ordered the boy to

1 walk down the station’s stairway and stop at a location where there were no cameras, where the  
2 assailant reached into the boy’s pocket and stole his wallet. When the armed assailant demanded the  
3 boy’s backpack, the boy was able to flee. There were no BART police officers present during or after  
4 the robbery.

5 **D. Crimes at BART Stations are Daily**

6 75. The examples of crimes at BART illustrated herein constitute only a fraction of the  
7 violent crime that passengers have been subject to at BART stations. BART’s own statistics show that  
8 violent crime and passenger safety issues have only increased in recent years.

9 76. In July of 2022, there were 180 reports of violent crime. Crime increased by July of  
10 2023, when there were 224 cases of violent crime reported to the BART Police Department, constituting  
11 a 24% increase from July 2022. Of the crimes committed up to July 2023, robberies made up 136 of  
12 those total violent crimes. By December 2023, the total number of violent crimes committed was 397,  
13 up 13% from 2022. Of these crimes, instances of aggravated assault increased by 35%.

14 **E. BART Has a Known History of Mismanagement**

15 77. BART has been criticized for and acknowledges financial mismanagement for  
16 years. In 2020, BART Board Director Deborah Allen acknowledged BART’s financial problems,  
17 stating, “BART’s failure to cut operating expenses will continue to worsen its grave financial  
18 condition and cause irreparable harm to the long-term sustainability of the system.”<sup>13</sup>

19 78. BART has been unable to keep track of and now acknowledges their own personnel  
20 gaming the system at their stations internally. In 2024 alone, investigators found at least three  
21 instances where BART employees frequently reported to work, clocked in, and then immediately  
22 went home. A report from BART’s inspector general indicates that these workers were receiving  
23 both their regular salary and overtime pay. One technician, for example, who is responsible for the  
24 automatic fare collection system, clocked in but never actually worked during his shift,

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27 <sup>13</sup> Debora Allen, “Opinion: BART spending increases during pandemic fiscally insane”, *The*  
28 *Mercury News* (Jul.23, 2020), <https://www.mercurynews.com/2020/07/23/opinion-bart-spending-increases-during-pandemic-fiscally-insane/>

1 accumulating a total of 106 hours over 18 days in 2023.<sup>14</sup> Further investigations by BART’s  
2 Office of the Inspector General uncovered instances of conflict-of-interest violations, where  
3 former BART employees would bid for contracts after leaving the agency.<sup>15</sup> The Office of the  
4 Inspector General also confirmed violations of Government Code Section 1090, which bars  
5 employees from participating in making government contracts where they have a financial interest.  
6 Instead of working with the very oversight department that uncovered these problematic issues, a  
7 2022 Alameda County Civil Grand Jury report found that BART’s board, management, and unions  
8 resisted cooperating with the Office of the Inspector General and instead engaged in a “pattern of  
9 obstruction” against the Office.<sup>16</sup> This lack of cooperation and compliance with BART’s own  
10 oversight watchdog demonstrates BART’s refusal and inability to properly manage their  
11 organization as well as instill standards and ethics into their workforce.

12           79. Moreover, BART is currently operating with an 18-person deficit in its safety staffing.<sup>17</sup>  
13 These positions are meant to ride the trains and patrol the stations, acting as the first point of  
14 contact for rider safety. Yet in 2023, these positions were left open: the listed salary of a BART  
15 police officer was around \$81,223.17, with a police dispatcher making around \$77,488.94; the  
16 starting salary for a BART Crisis Intervention Specialist as of January 2024 is \$86,907.46; a  
17 Transit Ambassador makes between \$61,000 and \$75,000; a Fare Inspection Officer makes  
18 between \$72,643 and \$87,168.<sup>18</sup> BART has failed to fund and hire these positions, even as it  
19 receives millions of dollars in state and federal aid and pays its General Manager \$410,077  
20 annually.

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22 \_\_\_\_\_  
23 <sup>14</sup> “BART employees spent work shifts at home, costing agency thousands, investigation finds”  
24 *ABC News*, (Mar. 21, 2024), [https://abc7news.com/bart-investigation-employee-time-theft-transit-](https://abc7news.com/bart-investigation-employee-time-theft-transit-workers-leaving-work/14553517/)  
25 [workers-leaving-work/14553517/](https://abc7news.com/bart-investigation-employee-time-theft-transit-workers-leaving-work/14553517/)

26 <sup>15</sup> Kevin Truong, “BART probes \$350K homeless outreach contract, ethics violations”  
27 *sfstandard.com* (Feb 14, 2023), [https://sfstandard.com/2023/02/14/bart-probes-350k-homeless-](https://sfstandard.com/2023/02/14/bart-probes-350k-homeless-contract-ethics-violations/)  
28 [contract-ethics-violations/](https://sfstandard.com/2023/02/14/bart-probes-350k-homeless-contract-ethics-violations/)

<sup>16</sup> *Id.*

<sup>17</sup> Velen Jones “BART sees 15% drop in overall crime amid ridership surge” *NBC Bay Area*  
(October 9, 2024) [https://www.nbcbayarea.com/news/local/bart-drop-overall-crime-ridership-](https://www.nbcbayarea.com/news/local/bart-drop-overall-crime-ridership-surge/3675602/)  
[surge/3675602/](https://www.nbcbayarea.com/news/local/bart-drop-overall-crime-ridership-surge/3675602/)

<sup>18</sup> San Francisco Bay Rapid Transit District “Pay Schedule” As of January 1, 2024  
<https://www.bart.gov/sites/default/files/2024-03/Salary%20Schedule%201.1.2024.pdf>

1           80.     In 2023, the Bay Area’s Metropolitan Transportation Commission announced it  
2 would allocate a lifeline of \$352 million in state and regional dollars to help keep BART afloat—if  
3 BART could demonstrate efforts to crack down on crime and improve public safety.

4           **F.     BART Riders Are Unsafe and Experience or Witness Daily Crime**

5           81.     Crime at BART stations has fostered growing fears and distrust among Bay Area  
6 residents and visitors. In a survey conducted in April of 2023 of more than 1,000 Bay Area residents,  
7 over a quarter of participants held strongly unfavorable views of the BART system. At least 45% of  
8 respondents expressed safety concerns or fear as factors that prevented them from riding BART.

9           82.     Polling by the Bay Area Council found that 78% of BART riders, as well as those who  
10 have previously used BART services but have since stopped, say they would ride BART more often if it  
11 was cleaner and safer. Over 46% of respondents and 51% of avid BART riders also reported that they  
12 have personally witnessed various forms of crime and harassment including sexual harassment take  
13 place on BART trains, platforms, and stations. At least 18% of total respondents and 24% of BART  
14 riders have reported that they have personally been the victim of crime while riding on BART.

15           **G.     State and Local Officials and Community Leaders Beg Governor to Deploy**  
16 **California Highway Patrol Officers on BART**

17           83.     On November 14, 2024, in a move of desperation, state and local elected officials,  
18 alongside a number of Asian American and Pacific Islander groups, wrote to Governor Gavin  
19 Newsom, imploring him to dispatch California Highway Patrol officers on BART trains and in  
20 stations. (“Newsom BART Letter”)<sup>19</sup> The Newsom BART Letter cited a 2023 poll on BART  
21 safety that showed that 78% of AAPI respondents said that they are worried that they will be the  
22 victim of a crime when riding BART. That same polling indicates that concerns about safety, fear,  
23 and cleanliness are the top reasons that people do not ride BART more often. The poll cited in the  
24 Newsom BART Letter revealed the following:

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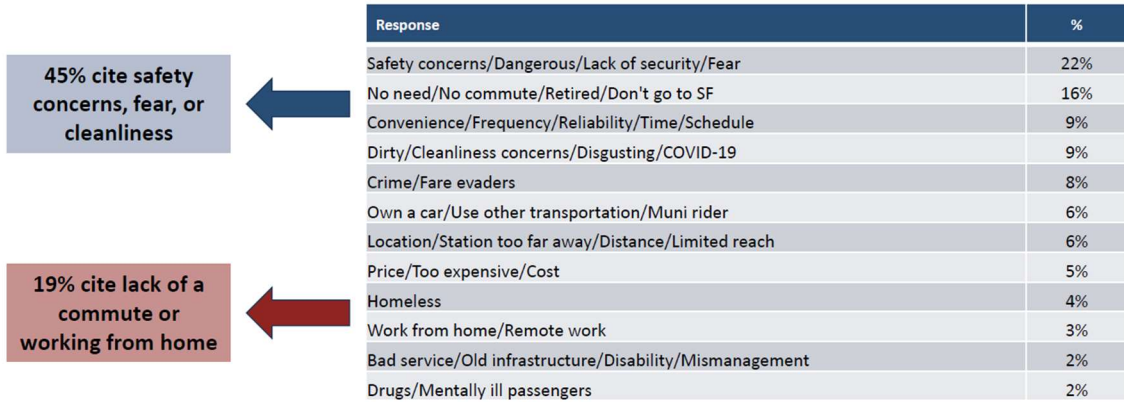
<sup>19</sup> Attached hereto as Exhibit 1.

# Reasons For Not Riding BART



Concerns about safety, fear, and cleanliness, are the top-cited reasons not to ride BART more often.

What is the main thing that keeps you from riding BART more often than you are now, if anything? (open-ended question, responses coded for analysis)



Q11.

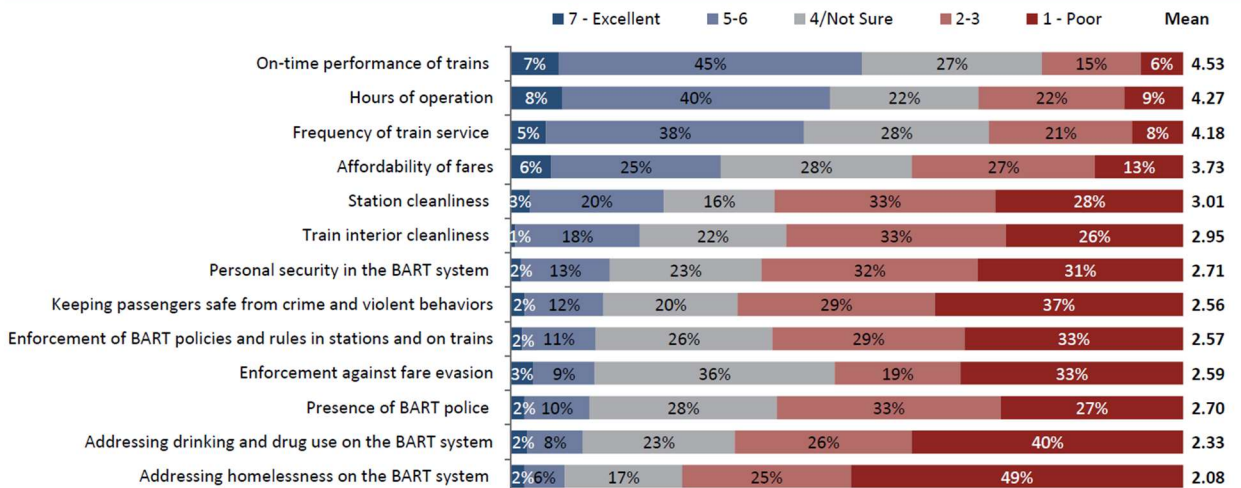
23-8862 BART Service Area Research | 8

84. The poll also showed that Bay Area residents feel that BART is doing a “particularly poor job” addressing, among other grievances, fare evasion and keeping passengers safe from crime and violence.

# BART Performance Ratings



Residents feel BART is doing a particularly poor job with addressing homelessness on the system, dealing with drinking, drug use, and fare evasion, and keeping passengers safe from crime and violence.



Q25-37. Whether you ride BART yourself or not, on a scale from 1 to 7 where 1 means poor and 7 means excellent, how would you rate BART on each of the following?

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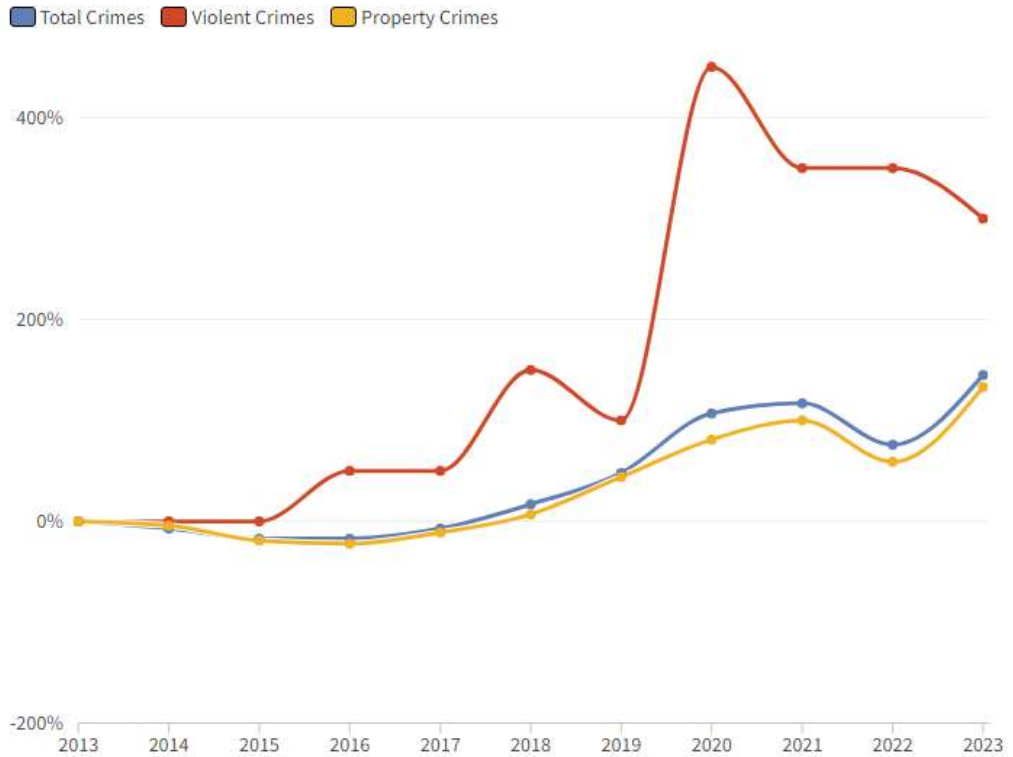
85. And indeed, BART Police Department data from 2013 to 2024 shows an overall increase in crime rates over that period, with significant spikes in recent years. Total crime rates



1 show a steady upward trend over the decade, rising sharply in 2023. Violent crimes, which peaked  
2 during the pandemic, still remain at an over 200% increase compared to a decade ago.

### 3 **Crime percentage changes on BART compared to 2013**

4 BART crime rates remain higher than they were 10 years ago.



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Note: Data for some BART stations is unavailable.  
Source: BART Police Department, BART Ridership Reports  
Chart by Jovi Dai - Bay Area News Group

19 86. A 2019 investigative report—preceding the serious spike shown above in the chart  
20 of crime percentage changes on BART—showed that BART’s crime rates were among the worst  
21 in the nation.

22 87. It is clear that BART has consistently failed to keep its patrons safe. For Corazon  
23 Dandan, BART’s failures to secure its platform from a known criminal and failure to provide any  
24 safety measures that would have prevented her from being pushed into an oncoming train, led to  
25 the tragic end of her life.

1 **VII. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **LIABILITY FOR BREACH OF DUTIES—WRONGFUL DEATH**

4 *(Plaintiffs Renato Dandan, Ricardo Dandan, Danilo Dandan, Nicanor Dandan, Carmelita*  
5 *Esguerra, and Reynaldo Dandan Against Defendant BART and Does 1 through 10)*

6 88. Plaintiffs hereby reallege and incorporate by reference each and every allegation set  
7 forth in the above paragraphs, as if fully set forth herein.

8 89. Plaintiffs Renato Dandan, Ricardo Dandan, Danilo Dandan, Nicanor Dandan,  
9 Carmelita Esguerra, and Reynaldo Dandan are the surviving siblings of the Decedent and have  
10 standing to sue under California Code of Civil Procedure section 377.60 (a) and California Probate  
11 Code Section 6402 for the wrongful death of the Decedent.

12 90. Defendants BART and Does 1 through 10 owed a duty to Plaintiffs and to the  
13 public at large to own, operate, maintain, install, inspect, and repair the Powell Street BART  
14 station in a reasonably safe manner.

15 91. Such duties include the duty to conduct these activities in a non-negligent manner,  
16 including, without limitation, to reasonably hire, train, and supervise employees who conduct such  
17 activities, maintaining a safe platform design unsafe platform design including taking meaningful  
18 action to make its platforms safer in order to prevent people being pushed or falling onto the  
19 tracks, prevent fare jumpers from entering BART platforms, provide adequate security measures,  
20 and addressing the increase in violent crimes that have taken place both at their stations and within  
21 their trains.

22 92. Defendants BART and Does 1 through 10 violated their duties to Plaintiffs and the  
23 public when they failed to ensure that the Powell Street BART station was adequately staffed on  
24 the night of July 1, 2024, including the failure of BART police and turnstile workers to prevent  
25 known BART offender Belmont from fare jumping and illegally entering the Powell Street BART  
26 station, failing to provide adequate security measures including replacing its current fare gates with  
27 clear, sensor-activated panel to prevent fare jumping, maintaining an unsafe platform design  
28 including taking no meaningful action to make its platforms safer in order to prevent people being

1 pushed or falling onto the tracks, and addressing the increase in violent crimes that have taken  
2 place both at their stations and within their trains.

3 93. Defendant BART and Does 1 through 10 breached their duties to Plaintiffs and to  
4 the public at large to own, operate, maintain, install, inspect, and repair the Powell Street BART  
5 station in a reasonably safe manner caused the injuries and damages to the Plaintiffs because such  
6 negligence caused the tragic death of Corazon as set forth above.

7 94. Plaintiffs allege, based on information and belief, that at all times mentioned herein,  
8 Defendant BART and Does 1 through 10 breached their duty of care when they negligently failed  
9 to keep Belmont, a known offender, off the Powell Station platform. Additionally, BART and  
10 BART security failed to identify Belmont, who presented as a threat to passengers' safety because  
11 he had already committed at least one violent offense on a BART platform in the past. Finally,  
12 BART failed to provide adequate security to Corazon the night of the attack, in line with BART's  
13 longstanding failure to remedy violent attacks at their stations for over a decade.

14 95. BART and Does 1 through 10 breached their duties to Plaintiffs and to the public  
15 and is subject to liability under California law.

16 96. First, pursuant to California Government Code §820(a) and §815.2(a), BART and  
17 Does 1-10 are liable to the same extent as if the above-described acts and omissions were  
18 performed by a private person. The above-described acts and omissions by public employees  
19 defendants Does 1-10 were performed in the course and scope of their employment, and BART is  
20 liable for its employees acts and omissions.

21 97. Second, BART and Does 1 through 10 failed to follow their own policies and  
22 procedures, including but not limited to BART Ordinance 2017-2, California Penal Code Section  
23 640(g), California Civil Code 2188, California Public Utilities Code 99580, and the BART PD  
24 Policy Manual, including but not limited to Policy 419.

25 98. Third, BART is a common carrier. Pursuant to California Civil Code §2100,  
26 California law imposes a heightened duty of care on BART, in which a common carrier "must use  
27 the utmost care and diligence for their safe carriage, must provide everything necessary for that  
28 purpose, and must exercise to that end a reasonable degree of skill." BART owed such heightened

1 duty of care to Corazon, who had entered the BART system, and BART was in the course of  
2 performing her contract of carriage when her injuries and death occurred, and Corazon was injured  
3 by the train itself.

4 99. The Plaintiffs' injuries were a direct, proximate, and legal result of the negligence,  
5 acts and omissions by Defendant BART and Does 1 through 10, as alleged above.

6 100. Prior to her death, the Decedent was the loving sister of Plaintiffs Renato Dandan,  
7 Ricardo Dandan, Danilo Dandan, Reynaldo Dandan, Nicanor Dandan, and Carmelita Esguerra. As  
8 a direct, proximate, and legal cause of the Defendants' wrongful conduct and negligence and of the  
9 death of the Decedent, Plaintiffs have suffered, without limitation, the full extent of damages set  
10 forth in CACI 3921 and the wrongful death statute and severe emotional distress.

11 101. Such economic damages include, without limitation:

- 12 a. The value of the financial support that the Decedent would have contributed to  
13 Plaintiffs during the life expectancy of the Decedent and/or the life expectancy of  
14 Plaintiffs;
- 15 b. The loss of gifts and benefits that Plaintiffs could have expected to receive from the  
16 Decedent;
- 17 c. Funeral and burial expenses;

18 102. Such non-economic damages include:

- 19 a. The loss of Decedent's love, companionship, comfort, care, assistance, protection,  
20 affection, society, and moral support; and
- 21 b. The loss of Decedent's future training and guidance

22 103. As a factual and legal result of the aforementioned negligence, Plaintiffs have suffered  
23 damages in an amount that exceeds the minimum jurisdictional limits of this court, according to proof at  
24 the time of trial.

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**SECOND CAUSE OF ACTION**  
**DANGEROUS CONDITION ON PUBLIC PROPERTY – WRONGFUL DEATH**

*(Plaintiffs Renato Dandan, Ricardo Dandan, Danilo Dandan, Nicanor Dandan, Carmelita Esguerra, and Reynaldo Dandan Against Defendant BART and Does 1 through 10)*

104. Plaintiffs hereby reallege and incorporate by reference each and every allegation set forth in the above paragraphs, as if fully set forth herein.

105. Plaintiffs Renato Dandan, Ricardo Dandan, Danilo Dandan, Nicanor Dandan, Carmelita Esguerra, and Reynaldo Dandan are the surviving siblings of the Decedent and have standing to sue under California Code of Civil Procedure section 377.60 (a) and California Probate Code Section 6402 for the wrongful death of the Decedent.

106. California Government Code section 835 reads as follows:

107. Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either:

- (a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or
- (b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

108. At all times mentioned herein, BART was duly formed public entity in accordance with the laws of the State of California. The Plaintiffs are informed and believe that BART has ongoing and continuous ownership and/or control over, and responsibility for, among other things, the Powell Street BART station and the adjacent and surrounding area.

109. At all times mentioned herein, BART had a duty to Corazon and the public to protect Corazon and the public from serious harm or death by remedying, repairing, correcting, providing safeguards against and/or warning of any dangerous condition on and/or around the

1 Powell Street BART station including without limitation, maintaining a safe platform design,  
2 prevent fare jumpers from entering BART platforms, provide adequate security measures, and  
3 addressing the increase in violent crimes that have taken place both at their stations and within  
4 their trains

5 110. At all times mentioned herein, despite actual knowledge that BART stations are  
6 hubs for dangerous crime, violence, and criminal activity, and although Defendant BART had  
7 actual notice of the danger their systems posed to the public through the countless attacks and  
8 violent incidents that took place at their stations for years, as well as through public surveys which  
9 demonstrated that passengers feared their safety when using BART services, Defendant BART  
10 maintained and continues to maintain their stations in a dangerous condition. BART has  
11 maintained this dangerous condition by failing to protect passengers against fare-gate jumpers and  
12 other unauthorized entities from entering their platforms allowing criminals to access BART  
13 stations and trains without restriction, by failing to enforce or institute bans against dangerous  
14 individuals from their services when such individuals are charged for crimes deriving from actions  
15 which they conducted on BART trains and platforms, by failing to maintain an adequate security  
16 presence at BART stations, by neglecting to provide adequate operations coverage at BART  
17 stations, and by enabling crime to openly take place at stations through its lack of enforcement.

18 111. Defendants BART and Does 1 through 10 violated their duties to Corazon and the  
19 public by causing, creating and permitting to exist a dangerous condition when they failed to  
20 ensure that the Powell Street BART station was adequately staffed on the night of July 1, 2024,  
21 including the failure of BART police and turnstile workers to prevent known BART offender  
22 Belmont from fare jumping and illegally entering the Powell Street BART station, failing to  
23 provide adequate security measures including replacing its current fare gates with clear, sensor-  
24 activated panel to prevent fare jumping, maintaining an unsafe platform design, and addressing the  
25 increase in violent crimes that have taken place both at their stations and within their trains.

26 112. Among other issues, and without limitation, BART's property was in a dangerous  
27 condition.

28

1           113. BART had actual notice of the dangerous condition described herein, within the  
2 meaning of Government Code §§ 835.2(a) and 840.4(a), as BART created the dangerous condition  
3 by their negligent and wrongful acts and omissions including without limitations failing to uphold  
4 its duty to protect its passengers from harm through its inadequate security practices, unsafe  
5 platform design including taking no meaningful action to make its platforms safer in order to  
6 prevent people being pushed or falling onto the tracks, and negligent employees, including the  
7 failure of BART police and turnstile workers to prevent known dangerous offender Belmont from  
8 accessing the platform despite his failure to pay the entry fee and prior convictions, which had  
9 been or should have been known by BART.

10           114. BART had constructive notice of the dangerous condition described herein, within  
11 the meaning of Government Code §§ 835.2(b) and 840.4(b), because the dangerous condition,  
12 including without limitation BART's history of violence and assaults at stations, history of riders  
13 having been pushed or fallen onto the tracks, fare jumpers, and mismanagement resulting in  
14 negligent hiring and retention, existed for such a period of time and was of such an obvious nature  
15 that BART should have discovered the condition and its dangerous character, which created a  
16 reasonably foreseeable risk that the kind of injury Corazon suffered would result from the  
17 dangerous condition, and thereafter failed to take measures to warn of, protect against or remedy  
18 said condition including preventing known violent offender Belmont from accessing the platform  
19 despite his failure to pay the entry fee and prior convictions.

20           115. At all times mentioned herein, Corazon could not have appreciated and did not  
21 appreciate the dangerous and violent conditions associated with performing her routine commute  
22 home as described herein and had no way of knowing that the Powell Street BART station would  
23 permit a known criminal offender and fare jumper to access the BART station while providing no  
24 safety measures.

25           116. At all times mentioned herein, Corazon did not cause or contribute to her injuries or  
26 to the occurrence of any of the events that caused her injuries.

27           117. Plaintiffs' injuries were not caused by the plan or design approved by a  
28 government entity and providing for the construction or improvement of public property. To the

1 extent that Plaintiffs' injuries were caused by a plan or design, that plan or design was neither  
2 approved in advance by the legislative bodies of BART or another body or employee exercising  
3 discretionary authority to give such approval nor prepared in conformity with standards previously  
4 approved.

5 118. As a direct and proximate result of BART's wrongful acts, omissions and breach of  
6 statutory duties, their failure to properly monitor and maintain the area around the Powell Street  
7 BART station, and their failure to warn of the danger presented by fare jumpers especially known  
8 fare jumper Belmont, as herein alleged, Corazon was caused to suffer severe and ultimately fatal  
9 injuries due to being pushed onto the tracks and struck on the head by an oncoming BART train.

10 119. Plaintiffs' damages were a direct, proximate, and legal result of negligent acts and  
11 omissions by BART.

12 120. Prior to her death, Corazon was the loving sister of Plaintiffs Renato Dandan,  
13 Ricardo Dandan, Danilo Dandan, Reynaldo Dandan, Nicanor Dandan, and Carmelita Esguerra. As  
14 a direct, proximate, and legal cause of the Defendants' wrongful conduct and negligence and of the  
15 death of the Decedent, Plaintiffs have suffered, without limitation, the full extent of damages set  
16 forth in CACI 3921 and the wrongful death statute and severe emotional distress.

17 121. Such economic damages include, without limitation:

- 18 a. The value of the financial support that the Decedent would have contributed to  
19 Plaintiffs during the life expectancy of the Decedent and/or the life expectancy of  
20 Plaintiffs;
- 21 b. The loss of gifts and benefits that Plaintiffs could have expected to receive from the  
22 Decedent;
- 23 c. Funeral and burial expenses;
- 24 d. Such non-economic damages include:
  - 25 e. The loss of Decedent's love, companionship, comfort, care, assistance, protection,  
26 affection, society, and moral support; and
  - 27 f. The loss of the Decedent's future training and guidance.



**THIRD CAUSE OF ACTION**  
**ELDER ABUSE**

*(By Plaintiff Alvin Dandan Against Defendant BART and Does 1 through 10)*

122. Plaintiff hereby reallege and incorporate by reference each and every allegation set forth in the above paragraphs, as if fully set forth herein.

123. This cause of action is brought pursuant to California Welfare & Institutions Code sections 15600 et seq. (The Elder Abuse and Dependent Adult Protection Act). Under the Welfare & Institutions Code, “the death of the elder or dependent adult does not cause the court to lose jurisdiction of a claim for relief for abuse of that elder or dependent.” Welf. & Inst. Code § 15657.3(c).

124. The right to continue an elder abuse action “shall pass to an intestate heir whose interest is affected by the action” or to the “decedent’s successor in interest, as defined in Section 377.11 of the Code of Civil Procedure.” Welf. & Inst. Code § 15657(d)(1)(A) & (B). *See also Mack v. Soung* (2008) 80 Cal.App.4th 966, 971-972. The same facts supporting Corazon’s claim support her successor in interest, Alvin Dandan.

125. At all relevant times, Corazon Dandan was an elder as defined by Welfare & Institutions Code section 15610.27. She was 74 years old at the time of BART’s conduct, therefore, entitled to the statutory protections from abuse provided by Welfare & Institutions Code sections 15610.07.

126. The actions described above constitute physical abuse as defined by the Welfare and Institutions Code section § 15610.63 including assault under Section 240 of the Penal Code and battery under Section 2402 of the Penal Code as BART deliberately disregarded the high degree of probability that an injury would occur. Among other things, BART failed to:

- a. uphold its duty to protect its passengers from harm, especially its elderly passengers, due to its inadequate security practices,
- b. maintain a safe platform design including taking meaningful action to make its platforms safer in order to prevent people from being pushed or falling onto the tracks,

- 1 c. hiring negligent employees, including the failure of BART police and turnstile  
2 workers to prevent violent offender Belmont from accessing the platform despite  
3 his failure to pay the entry fee and prior convictions, which had been or should have  
4 been known by BART
- 5 d. failing to provide adequate security measures including replacing its current fare  
6 gates with clear, sensor-activated panel to prevent fare jumping, and
- 7 e. addressing the increase in violent crimes that have taken place both at their stations  
8 and within their trains.

9 127. By its actions, BART is responsible for elder abuse because BART's recklessness,  
10 knowledge of a high degree of probability of an injury due to the dangerous conditions of its  
11 BART stations, and deliberate disregard of these dangerous conditions as described above, resulted  
12 in physical harm and/or pain and/or mental suffering in violation of Welfare & Institutions Code §  
13 15610.07(a) and Corazon is entitled to the remedies provided by the Elder Abuse Act.

14 128. BART's acts and omissions as alleged constitute neglect, as defined In Welfare and  
15 Institutions Code § 15610.57, done with malice, oppression, fraud, and recklessness within the  
16 meaning of Welfare and Institutions Code § 15657.

17 129. BART'S conduct was a substantial factor in causing Corazon to suffer physical,  
18 emotional, and economic harm, as well as other damages in an amount to be determined according  
19 to proof. As a legal result of the alleged acts and omissions, Corazon incurred damages for pain  
20 and suffering.

21 130. These alleged acts and omissions were despicable conduct carried on with willful  
22 and conscious disregard of the rights and safety of Corazon, which is malice within the meaning of  
23 Civil Code § 3294(c)(1).

24 131. These alleged acts and omissions also subjected Corazon to cruel and unjust  
25 hardship, in conscious disregard of their rights and safety, which is oppression within the meaning  
26 of Civil Code § 3294(c)(2).

27 132. Among other things, BART neglected to take the necessary precautions to prevent  
28 Corazon's injuries and eventual death. Plaintiff is entitled to compensatory damages, as well as

1 punitive damages in an amount to be determined according to proof, as well as attorney's fees and  
2 costs pursuant to Welfare and Institutions Code section 15657. Plaintiff is entitled to recover  
3 damages for Corazon's pain and suffering under Welfare and Institutions Code § 15657(b).

4 133. As a legal result of their recklessness, malice, and oppression, Plaintiff is entitled, in  
5 addition to special damages for the neglect and abuse of Corazon, to an award of general damages  
6 and reasonable attorney fees under Welfare and Institutions Code § 15657, to punitive damages  
7 under Civil Code § 3294 and to treble punitive damages under Civil Code § 3345.

8 **FOURTH CAUSE OF ACTION**  
9 **SURVIVAL ACTION**

10 ***(By Plaintiff Alvin Dandan Against Defendant BART and Does 1 through 10)***

11 134. Plaintiff Alvin Dandan hereby realleges and incorporates by reference each and  
12 every allegation set forth in the above paragraphs, as if fully set forth herein.

13 135. Due to the aforementioned negligent, reckless, unlawful, and/or wrongful acts and  
14 omission of Defendants, and each of them, Corazon was killed.

15 136. On July 13, 1, 2024, and prior to her death, Corazon suffered damages, including  
16 costs for medical care, lost, damaged, and/or destroyed personal property, and pre-death pain and  
17 suffering from the physical injuries she experienced prior to her death due to Defendants'  
18 negligence.

19 137. Plaintiff Alvin Dandan was Corazon's beloved nephew and has been appointed  
20 administrator of the Estate of Corazon Dandan. Pursuant to operation of Code of Civil Procedure  
21 § 377.10, without limitation, the administrator lawfully succeeds to the causes of action held by the  
22 Decedent at the time of her death and/or is authorized to so act by her successors. Plaintiff Alvin  
23 Dandan is the personal representative and successor in interest of Decedent Corazon Dandan as  
24 defined in Code of Civil Procedure § 377.11.

25 138. As a proximate and legal result of the combined and concurrent wrongful and  
26 negligent conduct of BART and Does 1 through 10, the Estate of Corazon Dandan, has sustained  
27 pecuniary damages which include, but are not limited to, medical and incidental expenses, loss of  
28 income, earnings and earning capacity, future earning potential, and an inability to pursue

1 employment. The Estate of Corazon Dandan has further suffered loss of valuable tangible items of  
2 personal property as well as funeral, burial, and incidental expenses which were paid on behalf of  
3 the Decedent.

4 139. Plaintiff Alvin Dandan as the successor-in-interest to the Estate of Corazon Dandan,  
5 brings this survival claim to recover Corazon's pre-death damages in her stead.

6 **VIII. PRAYER FOR RELIEF**

- 7 1. For general damages and compensatory damages in an amount according to proof  
8 at trial.
- 9 2. For special damages in an amount according to proof at trial.
- 10 3. For costs, interest upon any judgment and attorney's fees as provided by law.

11 **IX. DEMAND FOR JURY TRIAL**

12 Please take notice that PLAINTIFFS demand a trial by jury in this action.

13  
14 Dated: January 21, 2025

Respectfully submitted,

15 **COTCHETT, PITRE & McCARTHY, LLP**  
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17 Sarvenaz J. Fahimi (SBN 226148)  
18 Gia Jung (SBN 340160)  
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21 NANCI E. NISHIMURA

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26 **PRITZKER LEVINE LLP**  
27 Elizabeth C. Pritzker (SBN 146267)  
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/s/ Elizabeth C. Pritzker  
ELIZABETH C. PRITZKER

*Attorneys for Plaintiffs*

# **Exhibit 1**



November 13, 2024

Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

Dear Governor Newsom,

We write today seeking your immediate attention and action in response to recent violent crimes on BART trains and in stations targeting the Asian American and Pacific Islander (AAPI) community, seniors and other vulnerable populations. We call for the immediate deployment of California Highway Patrol (CHP) officers on BART trains and in stations to ensure the safety of the community.

Since the onset of the COVID-19 pandemic, there has been a major surge in verbal and physical harassment against Asian Americans. Hate crimes against the AAPI community increased by 145 percent from 2019 to 2020 in our nation's most populous cities, while San Francisco saw a more than 500 percent increase in 2021 as compared to 2020. While that percentage has started to decline in more recent years, Asian Americans continue to be disproportionately targeted on public transit and in other public spaces in the Bay Area. Unfortunately, fear within the AAPI community remains heightened.

Safety issues and concerns on public transit in the Bay Area, actual and perceived, is particularly high amongst this community. This month, a 54-year-old AAPI woman suffered serious and potentially fatal injuries after an unprovoked knife attack on a Saturday morning BART train. In July, a 74-year-old AAPI woman was pushed onto a train at the BART Powell Street station and tragically lost her life. According to a 2023 poll on BART safety, when survey participants were asked if they would describe BART as "very safe," 0 percent of AAPI respondents agreed. In the same poll, 78 percent of AAPI respondents said they are worried that they will be the victim of a crime when riding BART, and 70 percent answered that they often or somewhat frequently hear about people committing crimes or harassing others on BART.

The looming threat of violence against the AAPI community and other vulnerable populations on transit and in other public spaces forces individuals to often find less convenient and more expensive but safer modes of travel, pushing thousands out of our transit systems and public spaces and alters other behaviors such as avoiding travel at certain times, traveling with self-defense products and abandoning any unnecessary trips. The impact is tangible in our communities and on our transit systems, most all of which are struggling to maintain service and keep their systems in operation post-pandemic.

Notably, polling shows overwhelming support by the AAPI community for a stronger law enforcement presence on BART trains and in stations. The aforementioned 2023 poll on BART safety shows that 80 percent of the AAPI community agree with the statement, "I feel more comfortable riding BART if there

is a uniformed BART police or security officer on my train.” Similarly, 76 percent of AAPI respondents answered that it is a high priority to add more uniformed, armed officers on trains and in stations.

The Bay Area Council has been working hard since 2022 to spotlight the issue of safety on BART and other transit systems as one of the key reasons as to why ridership has been slow to recover, and we continue to advocate for solutions. While progress has been made, it is incremental and slow due to the limited capacity of an already strained transit system. Urgent action and additional resources are needed to ensure that no more lives are lost or injured and that travelers in the AAPI community and other vulnerable populations feel safe on transit.

We thank you for your dedication to public safety throughout the state and in the Bay Area. Recent CHP surges in San Francisco and Oakland, and this month’s announcement to continue CHP’s presence in the greater Oakland area is greatly appreciated. Additional support is needed on BART while maintaining the resources already allocated to these and other high-crime areas in the Bay Area. **We call on you and your administration to deploy a surge of CHP officers on BART trains and in stations and otherwise dedicate resources to ensure the safety of the AAPI community, seniors and other vulnerable populations on our region’s primary public transit system.**

Thank you for your consideration of this critically important and life-saving request on behalf of the Bay Area community and industry alike. Should you have any questions or require additional information, please don’t hesitate to reach out to me at [jim@bayareacouncil.org](mailto:jim@bayareacouncil.org).

Sincerely,

Jim Wunderman  
President and CEO  
Bay Area Council

1990 Institute

Advance SF

ACE NextGen

Angel Island  
Immigration Station

APAPA National

APAPA San Francisco

Asian America  
Foundation

Asian Hustle Network

Asian Inc.

Asian Justice  
Movement

Asian Leaders  
Alliance

Asian Pacific American  
Leadership Institute

Asians are Strong

BeChinatown

Chime TV Inc.

Chinatown Merchants Association San Francisco	Chinese American Democratic Club	Chinese Consolidated Benevolent Association	Communities As One / Asians Belong
Contemporary Asian Theatre Scene	Dear Community	East Bay Leadership Council	Edwin M. Lee Asian Pacific Democratic Club
FACE LA	Goldbridge Institute	IntegrArte SF	Leaders Forum
Liucrative Media	LUUM, Inc	Mission Blue Coffee and Gifts	Nihonmachi Street Fair, Inc.
Oakland Chinatown Chamber Foundation	Oakland Metropolitan Chamber of Commerce	Office of Victim and Witness Rights, City and County of San Francisco	RADII Media
San Francisco Chamber of Commerce	Save Cantonese at CCSF	SF CAUSE	Stand With Asians
Stand with Asian Americans	Stop Crime Action SF	Subtle Asian Real Estate	The Association for the Advancement of Asians
Third State Books	Value Culture	Vincent Chin Institute	Walnut Creek Chamber of Commerce & Visitors Bureau
Andrew Chau, Co-Founder/CEO, Boba Guys Inc.	Carl Chan, Community Advocate	Norman Chen, Community Advocate	Olivia Cheng, Community Activist, Actor



David Chiu,  
City Attorney of  
San Francisco

Franco Finn,  
TV Personality

Assemblymember  
Mike Fong

Parag Gupta, School  
Board-elect, San Francisco

Assemblymember  
Matt Haney

Thien Ho, Sacramento  
County District Attorney

Steve Jang, Founder and  
Managing Director,  
Kindred Ventures

Mary Jung, former Chair,  
San Francisco  
Democratic Party

Phong La, Alameda County  
Assessor

Michael Lai,  
Community Advocate

Scott Lan, Executive  
Director, Cameron House

Ivy Lee, Director, Office of  
Victim and Witness Rights,  
San Francisco

Bill Lee, former City  
Administrator,  
City of San Francisco

Steven Lee, Partner,  
SV Angel

Stan Lee, Acting  
Lieutenant, SFFD

Steven Lee, Small  
Business Advocate

Catherine Liang,  
former Miss California

Jeremy Liew, Partner,  
Lightspeed Venture  
Partners

Lisa Ling, Journalist and  
TV Personality

Betty Louie,  
Philanthropist

Evan Louie, National  
AANHPI Advocate

Allan Low,  
Community Advocate

Assemblymember  
Evan Low

Fiona Ma, CPA,  
State Treasurer

John Maa, Former  
President, Northern  
California Chapter,  
American College of  
Surgeons, Board Trustee  
Asian Art Museum

Senator Dave Min

Assemblymember  
Stephanie Nguyen

Danny Sauter, District 3  
Supervisor-elect,  
San Francisco

Sharon Seto,  
Philanthropist

Wendy Soone-Broder,  
Chief Philanthropy Officer,  
The Asia Foundation

Lisa Spivey, Executive  
Director, National  
Association of  
Corporate Directors

Supervisor Catherine  
Stefani, Assemblymember  
-elect, San Francisco

Lydia So, former BART  
Business Advisory Council  
Member

Adam Swig,  
Philanthropist

Yuan Yuan Tan,  
International Prima  
Ballerina and Assoluta

Garry Tan, CEO,  
Y-Combinator

Assemblymember  
Phil Ting

Garret Tom, Former  
Deputy Police Chief,  
SFPD

Eric Toda, Executive  
Director, Meta Prosper

Marlene Tran, Retired  
Schoolteacher,  
Community Activist

Nancy Tung, San Francisco  
Democratic Party Chair

Kristi Yamaguchi, AAPI  
Trailblazer, Olympic Gold  
Medalist

Andrew Yang, American  
Businessman and Attorney

Sasanna Yee, Community  
Advocate / Executive  
Director, Communities  
As One / Asians Belong

Paul Yep, Retired Police  
Commander, SFPD

C.C. Yin, Philanthropist

Mark Young,  
Community Advocate

Perry Yung, Community  
Activist, Actor

Helen Zia, Founder,  
Vincent Chin Institute