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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF SAN DIEGO - CENTRAL DISTRICT**

19 Keira Doshi, by and through her Guardian
20 ad Litem Tina Doshi,

21 Plaintiff,

22 v.

23 Mission Bay Aquatic Center, Kevin Straw,
24 California State University dba Associated
25 Students of San Diego State University and
26 Regents of California dba University of
27 California San Diego Recreation, YMCA of
28 San Diego County dba T. Claude and
Gladys B. Ryan Family YMCA and DOES
1 through 50, inclusive,

Defendants.

Case No.:

Complaint for Damages

- (1) Negligence**
- (2) Negligent Hiring, Supervision, or Retention**

JURY TRIAL DEMANDED

29 **Plaintiff Keira Doshi by and through her Guardian ad Litem Tina Doshi brings this**
30 **action against Defendants Mission Bay Aquatic Center (hereinafter “MBAC”), Kevin Straw,**
31 **California State University dba Associated Students of San Diego State University (hereinafter**
32 **“Associated Students of SDSU”), Regents of California dba University of California San Diego**
33 **Recreation (hereinafter “UCSD Recreation”), YMCA of San Diego County dba T. Claude and**

1 **Gladys B. Ryan Family YMCA** (hereinafter “YMCA”), and **DOES 1 through 50**, inclusive
2 (collectively, “Defendants”) to recover for her personal injuries.

3 **General Allegations**

4 1. This case arises from Defendants’ gross mismanagement and reckless disregard for
5 the safety of the children in Defendants’ care at “The Watersports Camp” at Mission Bay Aquatic
6 Center. Defendants’ deliberate defiance of safety protocols, substandard training, and recruitment
7 and retention of unqualified individuals predictably resulted in severe injury to a child in their care
8 while using a jet ski to tow wakeboarders.

9 2. Specifically, Defendants knew that no one at The Watersports Camp had any training
10 or experience operating jet skis, particularly the use of jet skis to tow child campers on wakeboards.
11 In fact, the jet skis had not been used by the Camp in over a year and no training had been conducted
12 during that time. Mission Bay Aquatic Center director, Kevin Straw knew this and was, in fact,
13 warned hours prior to the incident that operating jet skis at The Watersports Camp was inherently
14 dangerous. Straw promised to personally operate the jet skis in light of this warning. Yet, in direct
15 defiance of certain danger and contradiction to his promise, Straw instructed an unqualified and unfit
16 employee, Nicholas Cox to operate the jet ski to tow wakeboarders.

17 3. Defendants failed to train, instruct, and supervise Cox – who admitted to Straw that
18 he had merely four hours total experience on a jet ski in his life. Defendants also negligently hired
19 and retained Cox after he was denied a Coast Guard Captain’s license and failed to complete required
20 training courses.

21 4. Defendants also knew that the children in their care lacked the necessary training,
22 instruction, experience, and understanding to act as an observer on the jet skis, which requires
23 maintaining the tow line for wakeboarders. Yet again, Defendants acted in defiance of this certain
24 danger.

25 5. In July 2022, as a direct result of Defendants’ gross negligence, 15-year-old Plaintiff
26 Keira Doshi sustained traumatic amputation of three fingers from her left hand when the tow line
27 became wrapped around her hand and Cox failed to operate the jet ski at a safe speed.
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Factual Allegations

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2 6. On or about July 28, 2022, Defendants sponsored, operated and/or hosted “The
3 Watersports Camp,” a day camp for children aged 6 to 17 to participate in “wakeboarding, sailing,
4 surfing, paddling, marine science and much more.” The 2022 Summer Camp met at MBAC’s facility
5 in Mission Bay in San Diego, California.

6 7. At the time of the incident, Defendant MBAC’s website represented to campers and
7 their parents that safety is “central to the culture at The Watersports Camp,” and “MBAC staff are
8 trained to the highest industry standards” and are “certified in American Red Cross Waterfront
9 Lifeguarding and US Powerboating Safe Powerboat Handling. Wakeboarding and waterskiing
10 instructors also hold a United States Coast Guard Captain’s License.”

11 8. But this was not true. Unfortunately, this was the first of many failings by Defendants
12 to ensure the safety of the children in their custody.

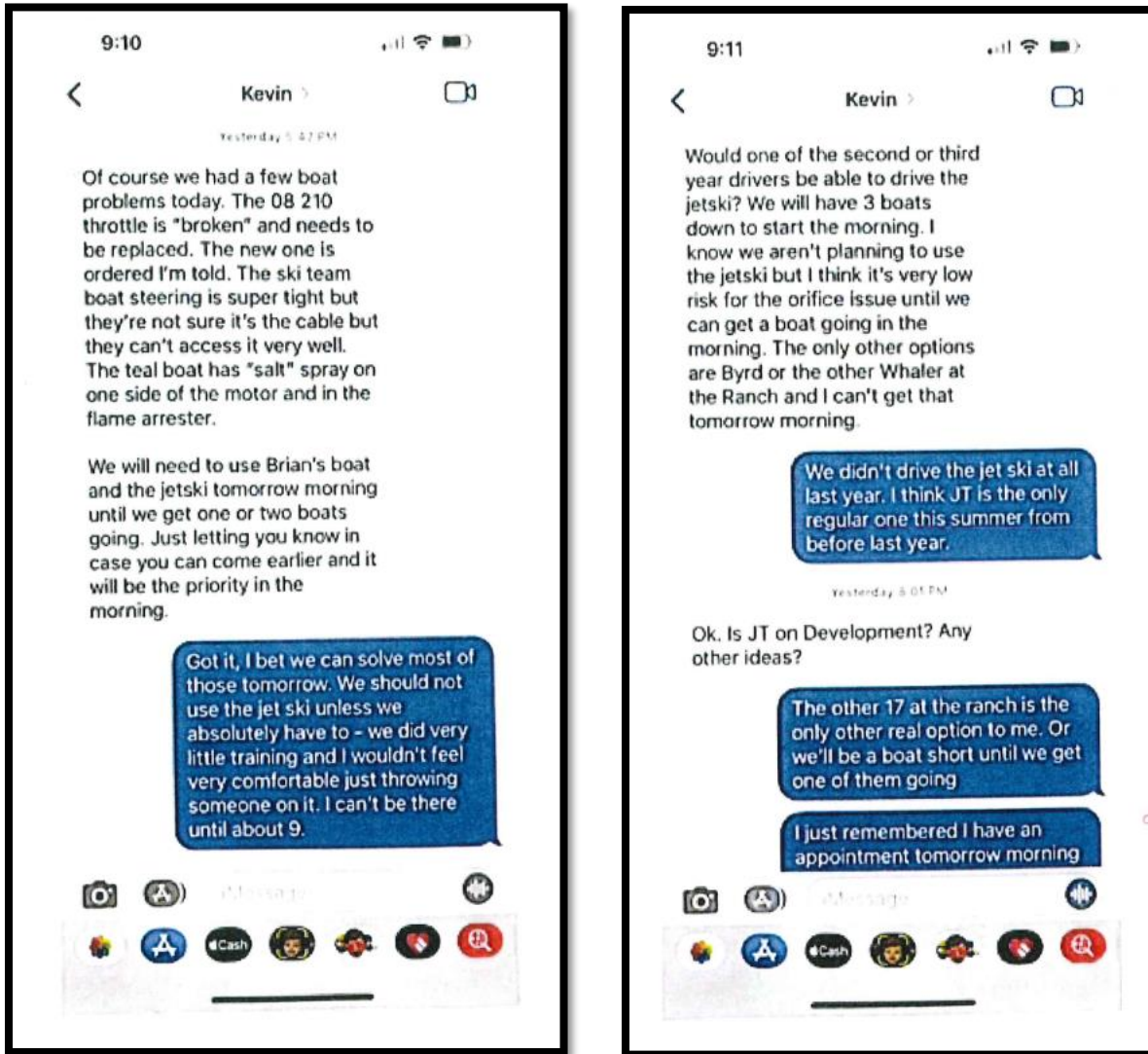
13 9. In July 2022, 15-year-old Plaintiff Keira Doshi registered as a Counselor-in-Training
14 (“CIT”) for The Watersports Camp Summer session. A fee was paid on her behalf to act as a CIT.

15 10. Returning campers aged 14 to 17 are encouraged to volunteer in The Watersports
16 Camp’s CIT Program. In fact, former campers are sent an email about volunteering for the CIT
17 Program when they turn 14-years-old.

18 11. MBAC’s website touted that CITs would assist in providing a “safe and nurturing
19 environment for campers” which included, among other things, “serving as observers in
20 wakeboarding boats.” An “observer” sits on the back of the vessel holding an orange flag, to keep
21 visual contact with the wakeboarder and communication with the vessel operator.

22 12. On or around July 27, 2022, the boats typically used to tow wakeboarders at The
23 Watersports Camp were out of service due to mechanical issues. Defendant Kevin Straw, the
24 Director at MBAC, told MBAC Instructional Manager Paul Lang via text message that he instead
25 intended to use jet skis to tow wakeboarders at camp the following day.

1 13. Lang advised Straw against the use of jet skis to tow wakeboarders as no one had
2 adequate training or experience to operate the jet skis. Lang informed Straw that “very little” jet ski
3 training had been conducted by MBAC for the 2022 camp and the jet skis were not used at all the
4 prior summer. And as a result, instructors and CITs did not have adequate training to operate jet skis,
5 especially use of a jet ski to tow wakeboarders.



(July 27, 2022 Text Exchange Between Kevin Straw and Paul Lang)

14. Straw and Lang then spoke via telephone. Straw assured Lang that he would personally operate the jet ski to tow wakeboarders on July 28, 2022.

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1 15. However, this was also untrue. The following morning on July 28, 2022, Straw did not
2 personally operate the jet ski. Rather, Straw appointed an unqualified, inexperienced MBAC
3 employee to operate the jet ski with a child riding on the back.

4 16. On July 28, 2022, Straw asked 18-year-old MBAC employee Nicholas Cox whether he
5 could operate the jet ski. Cox admitted to Straw that he had minimal experience (approximately four
6 hours total) and no formal training on the operation of jet skis – in fact, Cox had not completed any
7 of the eight jet ski training competencies with MBAC.

8 17. Despite Cox’s admission, Straw instructed Cox to operate a jet ski to tow wake
9 boarders. Straw later told authorities that he chose Cox because he believed Cox had received a Coast
10 Guard Captain’s license, despite having no factual basis to believe so. Straw failed to conduct any
11 background check, consult any documents, or simply ask Cox to determine whether he was correct in
12 his belief that Cox had received a Coast Guard Captain’s license. In fact, Cox was denied a license by
13 the Coast Guard in August 2021. Also, Lang – who was responsible for a significant portion of Cox’s
14 training – failed to instruct Cox to complete the Coast Guard-accepted first aid course for the
15 Summer of 2022; Lang failed to inform Straw and Cox that this requirement had not been met.

16 18. Straw then instructed Plaintiff to act as an observer, which required her to ride on the
17 back on the jet ski operated by Cox.

18 19. Straw failed to ask Plaintiff whether she had any jet ski training as an observer – she
19 did not. Straw told Plaintiff to wear a wet suit and life jacket as she was likely to fall off the jet ski and
20 into the water. Straw failed to provide any further instruction or safety briefing to Plaintiff or Cox,
21 including what to do in the likely event that Plaintiff was to fall off the jet ski. In fact, Straw failed to
22 provide any instruction to Plaintiff, and instead relied on Cox to train her.

23 20. Cox told Plaintiff to maintain the wakeboard tow line to prevent it from becoming
24 entangled in the jet ski’s intake. Straw failed to ensure that Plaintiff knew how to safely pull in a tow
25 line and failed to demonstrate how to do so. Straw also failed to warn Plaintiff about wrapping the
26 tow line around her hand.

27 21. At approximately 8:00 a.m., Cox operated the jet ski, a 2021 Yamaha Wave Runner
28 VX (Vessel No.: CF0288XD), in Mission Bay with Plaintiff sitting on the back. A witness remarked

1 that Plaintiff appeared “new and nervous” as an observer, and frequently struggled to maintain her
2 balance and pull in the tow line.

3 22. During this time, Straw watched as Cox and Plaintiff struggled to tow two wakeboard
4 riders using the jet ski. But Straw failed to provide any instruction to Plaintiff or remove her from the
5 jet ski, despite clear signs that she was struggling to fulfill her role of an observer. Straw also failed to
6 observe, correct, and/or admonish Cox or Plaintiff to pull in the tow line safely.

7 23. To make matters worse, Straw failed to keep an eye on Cox and Plaintiff throughout
8 their time on the jet ski. Rather, Straw returned to his office while Cox and Plaintiff remained on the
9 jet ski.

10 24. At approximately 9:11 a.m. in Mission Bay near Fiesta Island, Cox suddenly throttled
11 the engine without warning or confirming with Plaintiff that she was prepared for the sudden
12 acceleration. During this time, Plaintiff coiled the tow line. Cox pulled the throttle to bring the jet ski
13 up to what appeared to be 5-6 mph on the speedometer. However, subsequent investigation of the
14 incident conducted by the San Diego Police Department found that the jet ski accelerated at a speed
15 greater than displayed by the speedometer, an event typical for a new jet ski like the one Cox was
16 operating. However, Cox stated he did not anticipate this event due to his inexperience.

17 25. The sudden acceleration threw Plaintiff off the jet ski – with her left hand wrapped in
18 the tow line. Plaintiff’s three fingers on her left hand (ring, middle, and index) were then dragged in
19 the tow line at approximately 15 mph for approximately 4-5 seconds until they were violently ripped
20 from her hand.

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1 26. All three fingers were later found wrapped in the tow line floating in the bay. The
2 fingers were recovered and placed on ice.



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18 **(X-ray of Plaintiff's Left Hand on July 28, 2022)**

19 27. Plaintiff sustained traumatic amputation of three fingers (ring, middle, and index)
20 from her left hand. Plaintiff underwent an extensive procedure and treatment, including leech therapy
21 and hyperbaric oxygen therapy, in an attempt to reattach the severed fingers. Unfortunately, two of
22 Plaintiff's fingers could not be saved and she was forced to undergo revision amputation of her index
23 and middle fingers on August 16, 2022. To date, Plaintiff's ring finger is not functional.

24 28. Upon investigation of the incident, the San Diego Police Department determined Cox
25 violated Title 14, California Code of Regulations, Section 6600.1, Rules 5 and 6. Authorities placed
26 Cox is at-fault for the incident, noting that Cox acted "to the best of his training and experience
27 under the guidance of Director of Mission Bay Aquatic Center Kevin Straw."

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Parties

29. Plaintiff **Keira Doshi** is a natural person and a minor. She is and was at all relevant times a resident of San Diego County.

30. **Tina Doshi** is a natural person and the mother and Guardian ad Litem of Keira Doshi. She is and was at all relevant times a resident of San Diego County.

31. Defendant **Mission Bay Aquatic Center** (hereinafter “MBAC”) is, and at all relevant times was, a corporation formed under the laws of the State of California, with its principal place of business in San Diego County. MBAC is owned and operated by Defendants California State University dba Associated Students of San Diego State University and Regents of California dba University of California San Diego Recreation. MBAC hosts “The Watersports Camp” where Plaintiff was a Counselor-in-Training.

32. Defendant **Kevin Straw** was at all times relevant to this pleading an employee of MBAC – the Director of MBAC – who works and resides in San Diego County, California.

33. Defendant **California State University dba Associated Students of San Diego State University** (hereinafter “Associated Students of SDSU”) is a non-profit corporation formed under the laws of the State of California, with its principal place of business in San Diego County. At all times relevant to this pleading, Associated Students of SDSU owned and operated MBAC, including “The Watersports Camp”.

34. Defendant **Regents of California dba University of California San Diego Recreation** (hereinafter “UCSD Recreation”) is a non-profit educational institution under the laws of the State of California. At all times relevant to this pleading, UCSD Recreation owned and operated MBAC, including “The Watersports Camp”.

35. Defendant **YMCA of San Diego County dba T. Claude and Gladys B. Ryan Family YMCA** (hereinafter “YMCA”) is a non-profit corporation formed under the laws of the State of California, with its principal place of business in San Diego County. At all times relevant to this pleading, “The Watersports Camp” was sponsored by the YMCA.

36. Plaintiff does not know the true names and capacities, whether corporate, partnership, associate, individual or otherwise, of defendants sued herein as DOES 1 through 50,

1 inclusive, pursuant to § 474 of the California Code of Civil Procedure. Plaintiff alleges based on
2 information and belief that defendants Does 1 through 50, inclusive, are in some manner responsible
3 for the acts, occurrences and transactions set forth herein and are legally liable to Plaintiff. Plaintiff
4 will seek leave to amend this complaint to set forth the true names and capacities of said fictitiously
5 named defendants, together with appropriate charging allegations, when ascertained.

6 37. Plaintiff is informed and believes and thereupon alleges, that at all times mentioned
7 herein each defendant, whether actually or fictitiously named herein, was the principal, agent (actual
8 ostensible), employee or affiliate of each other defendant and in acting as such principal or within the
9 course and scope of such employment, agency or affiliation, took some part in the acts and omissions
10 hereinafter set forth, by reason of which each defendant is directly and vicariously liable to plaintiff or
11 the relief prayed for herein. Each reference in this complaint to “defendant”, defendants,” or a
12 specifically named defendant refers to all named defendants and those sued under fictitious names.

13 **Jurisdiction & Venue**

14 38. This Court has jurisdiction over this action because the amount in controversy,
15 exclusive of costs and interest, exceeds \$35,000.

16 39. Venue is proper in this Court because Plaintiff’s personal injuries occurred in San
17 Diego County.

18 **FIRST CAUSE OF ACTION**

19 **Negligence (Against All Defendants)**

20 40. Plaintiff incorporates by reference all previous allegations as if set forth fully here.

21 41. Defendants, and each of them, owed a heightened duty of care to Plaintiff because
22 Plaintiff was a minor.

23 42. Defendants, and each of them, were aware of the inherent dangers and risks of
24 operating jet skis, particularly the heightened risk when children are involved.

25 43. Defendants, and each of them, knew that MBAC employees had inadequate
26 experience and training to operate jet skis, including the use of jet skis to tow wakeboarders.
27 Defendants knew that the use of jet skis to tow wakeboarders when operated by inexperienced
28 operators increased the inherent dangers and risks.

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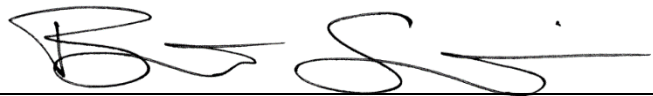
- 6. For punitive and exemplary damages against Defendants in an amount sufficient to punish Defendants’ conduct and deter similar conduct in the future, as allowed under all applicable law; and
- 7. For such other and further relief which this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury on all claims for relief alleged in, and on all issues raised by this Complaint.

Dated: January __, 2024

SINGLETON SCHREIBER, LLP

By: 
Brett J. Schreiber, Esq.
Attorneys for Plaintiff Keira Doshi