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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY

ESTATE OF ANNETTE MONTERO, by
and through its personal representative,
LORRAINE BALDI,

Plaintiff,

v.

WASTE CONNECTIONS US, INC., a
foreign corporation; SANIPAC, INC., an
Oregon corporation; and TODD
ANDREW BAKER,

Defendants.

Case No.

COMPLAINT
Action for Wrongful Death

Demand for Jury Trial

Prayer Amount: \$850,000
Fee Authority: ORS 21.160(1)(c)

CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION

Plaintiff alleges that at all times material:

1.

Pursuant to a Limited Judgment entered October 7, 2019 in Lane County Circuit Court Case No. 19PB06968, daughter, Lorraine Baldi is the duly appointed personal representative of decedent, Annette Montero.

2.

Defendant Waste Connections US, Inc. was and is a Delaware corporation with principal place of business in Texas. As part of its nationwide waste disposal and collections operations, Defendant Waste Connections US, Inc. engages in the business of garbage collection and solid waste disposal in Lane County through its wholly-owned subsidiary, Defendant Sanipac, Inc.

3.

Defendant Sanipac, Inc. was and is an Oregon corporation engaged in the business of

1 garbage collection and solid waste disposal in Lane County. As part of that business, Defendants
2 Waste Connections and Sanipac regularly operate heavy commercial trucks on the public streets
3 and private property of Lane County for the collection and transport of garbage and solid waste.

4 4.

5 Defendant Todd Andrew Baker was and is a resident of the state of Oregon, living in
6 Lane County. At all times material, Defendant Baker was working within the course and scope of
7 his employment as a garbage truck driver for Waste Connections and its subsidiary, Sanipac.
8 Defendants Waste Connections and Sanipac are vicariously liable for Defendant Baker's actions
9 and omissions.

10 5.

11 On Sunday, August 25, 2019, Annette Montero rode her bicycle to a food bank at First
12 Christian Church on Willamette Street. Ms. Montero tried to bring her bike inside, but was
13 denied. She left it outside as she went in to get something to eat. When Ms. Montero left the food
14 bank, her bike was gone, stolen while she was eating. Ms. Montero was stranded downtown,
15 alone with only the items on her back. Ms. Montero slept that night in the parking lot adjacent to
16 the food bank. Ms. Montero slept in a bright red sleeping bag on a white tarp in the middle of the
17 parking lot.

18 6.

19 Early the next morning, Defendants were operating a large truck on a garbage collection
20 route in downtown Eugene. At about 5:15 a.m., Defendants entered the parking lot at 1203
21 Willamette Street and proceeded west toward a group of garbage and recycling bins, driving past
22 the sleeping Ms. Montero. After dumping those bins, Defendants backed up, with Ms. Montero
23 near the side of the truck. Defendants then shifted into drive and moved forward, turning north, to
24 the right. As Defendant Baker drove forward, he drove over Ms. Montero's head, crushing her
25 skull.

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7.

Defendants' truck lurched upward when Baker drove over Ms. Montero, triggering the truck's on-board crash camera. Defendant Baker put the truck in reverse, illuminating the area around Ms. Montero. Baker then put the truck in drive and left the scene without looking to see what – or who – he just ran over.

8.

Defendants were negligent in one or more of the following ways:

- (a) In failing to keep and maintain a proper lookout;
- (b) In failing to maintain control of their heavy commercial truck; and
- (c) In failing to drive at a reasonable speed given the conditions then existing.

9.

Defendants Waste Connections and Sanipac were negligent in one or more of the following ways:

- (a) In failing to adequately train and supervise their garbage truck drivers to avoid causing harm to unhoused persons near facilities that provide shelter, food, or other services to unhoused persons.

10.

Defendants knew, or in the exercise of reasonable care should have known, that each of the foregoing acts or omissions would create an unreasonable risk of foreseeable harm to others, including Annette Montero.

11.

The negligence of Defendants caused Annette Montero to suffer pre-death pain, anguish, and terror, and caused her family to suffer the loss of her society and companionship. All of the foregoing human losses equate to non-economic harms in an amount to be determined as fair and reasonable by a jury, but not currently expected to exceed \$800,000. Plaintiff may amend her Complaint shortly before trial to update the amount of her non-economic damages.

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12.

As a further result of Defendants negligence, Annette Montero's estate has suffered economic damages including, but not limited to funeral and memorial expenses, as well as loss of future earnings, support, and services in a reasonable amount to be determined as fair and reasonable by a jury at trial, but not currently expected to exceed \$50,000. Plaintiff may amend her Complaint shortly before trial to update the amount of her economic damages.

13.

Annette Montero was born on February 7, 1962. She was 57 years old when she was killed, and had a reasonable life expectancy of an additional 27.34 years.

* * * * *

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- (a) For non-economic damages and human losses in an amount to be determined by the jury at trial, not expected to exceed \$800,000;
- (b) For economic damages in an amount to be determined by the jury at trial, not expected to exceed \$50,000; and
- (c) For costs and disbursements incurred in this action.

DATED: March 2, 2022.

JOHNSON JOHNSON LUCAS & MIDDLETON, PC
s/ Scott C. Lucas

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