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8 Mike Brown, Commissioner; and Christina  
Manriquez, Commander  
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10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SANTA CRUZ  
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14 **RICHARD QUIGLEY, STEVE BLANCO, DON**  
15 **BLANSCET, STEVE BARRON, PATRICK**  
16 **HOLMES,**

17 Plaintiffs,

18 v.

19 **CALIFORNIA HIGHWAY PATROL; MIKE**  
20 **BROWN, Commissioner; CHRISTINA**  
21 **MANRIQUEZ, Commander; DOES 1 through 10,**

22 Defendants.

CASE NO: CV 155682

**DEFENDANT COMMANDER**  
**CHRISTINA MANRIQUEZ'S**  
**ANSWER TO COMPLAINT**

23 Defendant Commander Christina Manriquez answers the Complaint in this action as  
24 follows:

- 25 1. In answer to paragraph 1, Defendant Manriquez is without knowledge of  
26 information sufficient to form a belief as to the truth of the allegations contained  
27 therein, and on that basis, denies them.  
28 2. In answer to paragraph 2, Defendant Manriquez admits the allegations contained  
therein.

- 1           3.     In answer to paragraph 3, Defendant Manriquez admits that Defendant  
2           Commissioner Mike Brown is currently the commissioner of the CHP, and one of  
3           the responsibilities of the commissioner is enforcing Vehicle Code sections 27802  
4           and 27803. Except as so admitted, Defendant Manriquez denies the remaining  
5           allegations contained in the said paragraph.
- 6           4.     In answer to paragraph 4, Defendant Manriquez admits the allegations contained  
7           therein.
- 8           5.     In answer to paragraph 5, Defendant Manriquez is without knowledge of  
9           information sufficient to form a belief as to the truth of the allegations contained  
10          therein, and on that basis, denies them.
- 11          6.     In answer to paragraph 6, Defendant Manriquez admits that she resides in Santa  
12          Cruz County. Except so admitted, Defendant Manriquez is without knowledge of  
13          information sufficient to form a belief as to the truth of the remaining allegations  
14          contained in this paragraph, and on that basis, denies them.
- 15          7.     In answer to paragraph 7, Defendant Manriquez admits the allegations contained  
16          therein.
- 17          8.     In answer to paragraph 8, Defendant Manriquez admits that said paragraph  
18          contains a block quote of Vehicle Code section 27802, which states requirements  
19          for persons who sell or offer for sale motorcycle safety helmets. Except so  
20          admitted, Defendant Manriquez denies the remaining allegations contained in said  
21          paragraph.
- 22          9.     In answer to paragraph 9, Defendant Manriquez admits that the CHP has adopted  
23          13 California Code of Regulations section 982 as a regulation pursuant to Vehicle  
24          Code section 27802. Defendant Manriquez also admits that said paragraph quotes  
25          13 California Code of Regulations section 982, which references Federal Motor  
26          Vehicle Safety Standard No. 218 (49 C.F.R. § 571.218.) ("FMVSS 218").  
27          Defendant Manriquez denies that a true copy of FMVSS 218 is attached to the  
28          Complaint as Exhibit 1 to the extent that an incomplete copy of FMVSS 218 is

1 attached as Exhibit 1. Except so admitted, Defendant Manriquez denies the  
2 remaining allegations contained in said paragraph.

3 10. In answer to paragraph 10, Defendant Manriquez admits that said paragraph  
4 contains a quote from section S5 of FMVSS 218. However, FMVSS 218 also  
5 requires at section S5.6.1, that each motorcycle helmet be labeled permanently  
6 and legibly with the symbol DOT, which constitutes the manufacturer's  
7 certification that the helmet conforms to federal motor vehicle safety standards.  
8 Except as so admitted, Defendant Manriquez denies the remaining allegations  
9 contained in the said paragraph.

10 11. In answer to paragraph 11, Defendant Manriquez admits that Vehicle Code  
11 section 27802 requires manufacturers to certify compliance with FMVSS 218 by  
12 permanently and legibly labeling any motorcycle safety helmet sold or offered for  
13 sale with the symbol DOT on the outer surface of the helmet. Except as so  
14 admitted, Defendant Manriquez denies the remaining allegations contained in the  
15 said paragraph.

16 12. In answer to paragraph 12, Defendant Manriquez admits that Defendant CHP is  
17 the only state agency authorized by Vehicle Code section 27802 to adopt  
18 reasonable regulations establishing specification and standards for motorcycle  
19 safety helmets.

20 13. In answer to paragraph 13, Defendant Manriquez admits that Defendant CHP  
21 trains its officers, and has guidelines in its Highway Patrol Manual regarding the  
22 enforcement of the Helmet Law. To Defendant Manriquez's knowledge,  
23 Defendant CHP does not maintain a list of "approved" helmets. To Defendant  
24 Manriquez's knowledge, Defendant CHP does not certify or approve helmets for  
25 compliance with FMVSS 218. Defendant Manriquez admits that the phrase  
26 "approved helmet" does not appear in Vehicle Code sections 27802 and 27803.  
27 Except as so admitted, Defendant Manriquez denies the remaining allegations  
28 contained in the said paragraph.



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allegations contained therein, and on that basis, denies them. The nine arrests and citations referenced in said paragraph, which Plaintiff Quigley received for violations of Vehicle Code section 27803, include arrests and citations issued by a law enforcement agency other than the CHP.

- 23. In answer to paragraph 23, at this time Defendant Manriquez is without knowledge of information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies them.
- 24. In answer to paragraph 24, Defendant Manriquez denies the allegations contained therein.
- 25. In answer to paragraph 25, Defendant Manriquez denies the allegations contained therein.
- 26. In answer to paragraph 26, Defendant Manriquez denies the allegations contained therein.
- 27. In answer to paragraph 27, Defendant Manriquez denies the allegations contained therein.
- 28. In answer to paragraph 28, at this time Defendant Manriquez is without knowledge of information sufficient to form a belief as to the truth of the allegations contained therein, and on that basis, denies them.
- 29. In answer to paragraph 29, Defendant Manriquez admits the allegations contained therein.
- 30. Defendant Manriquez denies all allegations in the Complaint not otherwise admitted in this Answer.

And for its affirmative defenses, Defendant Manriquez alleges:

FIRST AFFIRMATIVE DEFENSE

- 31. Plaintiffs' claims for declaratory and injunctive relief are barred by the doctrines of res judicata, estoppel, waiver, and laches.

SECOND AFFIRMATIVE DEFENSE

- 32. Plaintiffs' claims for declaratory and injunctive relief are barred by the doctrine of



1 Dated: April 30, 2007

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Respectfully submitted,  
EDMUND G. BROWN JR.  
Attorney General of the State of California  
MIGUEL A. NERI  
FIEL D. TIGNO  
Supervising Deputy Attorneys General



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LILLIAN Y. TABE  
Deputy Attorney General  
Attorneys for Defendants California Highway  
Patrol; Mike Brown, Commissioner; and  
Christina Manriquez, Commander

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Quigley v. California Highway Patrol, et al.**

No.: **CV 155682**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 30, 2007, I served the attached **DEFENDANT COMMANDER CHRISTINA MANRIQUEZ'S ANSWER TO COMPLAINT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at P.O. Box 70550, Oakland, CA 94612-0550, addressed as follows:

Wendy Cole Lascher  
Attorney at Law  
LASCHER & LASCHER  
605 Poli Street  
P.O. Box 25540  
Ventura, CA 93002-2285  
Attorney for Plaintiffs

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 30, 2007, at Oakland, California.

Erica A. Panoringan  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature