

2022 National Flash Trial Competition  
**SAMPLE CASE FILE**

Riley Behrs  
v.  
Golden Gate State University

A Civil Case of Negligence



By Nicholas Cotter  
Alameda County Public Defender, Berkeley Law '20

## SYNOPSIS

In November 2018, a series of wildfires spread across Northern California. These fires emitted pollutants and debris that resulted in diminished air quality throughout the San Francisco Bay Area. Riley Behrs, a junior at Golden Gate State University, collapsed and died while walking to class during the poor air conditions. Behr's family now brings a claim of negligence against the university.

## WITNESS LIST

<b>Prosecution Witnesses:</b> <ul style="list-style-type: none"><li>• Barrett Hughes (friend of Behrs)</li><li>• Dr. Jay Goff (environmental scientist)</li></ul>	<b>Defense Witnesses:</b> <ul style="list-style-type: none"><li>• Casey Tierney (university dean)</li><li>• Dr. Andy Rogers (university doctor and pulmonary specialist)</li></ul>
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All witnesses may be portrayed by individuals of any gender. Plaintiff determines the gender of Riley Behrs.

## QUESTIONS/REVISIONS

If you spot any errors or have any questions, email Nicholas Cotter at [nmcotter@berkeley.edu](mailto:nmcotter@berkeley.edu).

## RIGHTS AND DISTRIBUTION

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## AUTHOR'S NOTE

This special edition of the case is designed for use by Spencer Pahlke and the Berkeley Law Trial Team. This abridged version is specifically intended for use as a sample case file for teams competing in Berkeley Law's inaugural National Flash Trial Competition.

Though inspired by real life events, none of the facts of this case relate to any real persons. References to real universities, entities, and institutions are also purely fictional.

The plaintiff lay witness is named in honor of Brandon Hughes (Berkeley Law '19). The defense lay witness is named in honor of Collin Tierney (Berkeley Law '14). The expert witnesses are named in honor of Cal Bears quarterbacks Jared Goff and Aaron Rodgers.

## ACKNOWLEDGEMENTS

Special thanks to the following individuals who assisted with the case writing, editing, and proofreading process:

- Justin Bernstein (Director, Cappello Program in Trial Advocacy, UCLA School of Law)
- Christian Cotter (UC Berkeley '20, UCLA Law '23)
- Sherill Cotter (University of Hawai'i)
- Spencer Pahlke (Director, Berkeley Law External Trial Competition Program)
- Jessica Yu (San Luis Obispo Defenders, WashULaw '21)

## INSTRUCTIONS

1. **Witnesses.** The Plaintiff calls Barrett Hughes and Dr. Jay Goff. The Defense calls Casey Tierney and Dr. Andy Rogers. Witnesses may be called in any order.
2. **Materials.** These are the available documents and exhibits.

Legal Documents	Witness Statements	Exhibits
1. Complaint	1. Affidavit of Barrett Hughes	1. University Email 11/07/18
2. Answer	2. Expert Report of Dr. Jay Goff	2. University Email 11/14/18
3. Stipulations	3. Affidavit of Casey Tierney	3. University Email 11/15/18
4. Jury Instructions	4. Expert Report of Dr. Andy Rogers	4. University Medical Record
5. Jury Verdict Form		5. Autopsy Report
		6. Free Masks Sign
		7. AQI Spectrum
		8. AQI Level Forecast 11/15/18
		9. GGSU Photograph 11/15/18

3. **Witness Statements.** All affidavits and expert reports are truthful, complete, and accurate. They include all information relevant to the case.
4. **Exhibits.** Exhibits have been pre-marked (pre-numbered), and competitors should use those numbers regardless of the order in which they are introduced.
5. **Authentication.** All witnesses must authenticate any document with which their materials say they are familiar.
6. **Closed Universe.** The only legal rules competitors may mention as the basis for admitting or excluding evidence are those in the case file and the Federal Rules of Evidence.
7. **Best Evidence Rule Limited to Items in Case Problem.** No objections may be made under Rule 1002 of the Federal Rules of Evidence to items not included in the case file.
8. **Cause of Action; Affirmative Defenses.** Competitors should use the Jury Verdict Form to guide their understanding of the elements of the asserted cause of action. The only affirmative defenses that may be raised at trial are those listed in the Jury Instructions and Jury Verdict Form.
9. **Party Representatives.** The Defense may elect to designate Casey Tierney as a party representative pursuant to Rule 615 of the Federal Rules of Evidence. If invoked, Tierney may sit at defense counsel table throughout trial and testify about any events from trial before Tierney takes the stand.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO

3 RILEY BEHRS,

4 PLAINTIFF,

5 V.  
6

7 GOLDEN GATE STATE UNIVERSITY,

8 DEFENDANT.  
9

CASE NO. CV-19-662663

COMPLAINT

JUDGE EDWARD PIPER

10 **JURISDICTION AND VENUE**

- 11 1. This court has personal jurisdiction, subject matter jurisdiction, and is a proper venue for  
12 this lawsuit.

13 **THE PARTIES**

- 14 2. Plaintiff Riley Behrs (“Plaintiff”) is an individual residing in the State of California.  
15 3. Defendant Golden Gate State University (“Defendant”) is a public entity duly organized  
16 and existing under and by virtue of the laws of the State of California and authorized to  
17 do, and is doing, business in the State of California.

18 **FIRST CAUSE OF ACTION: NEGLIGENCE**

- 19 4. On or about November 15, 2018, at approximately 7:50AM, Plaintiff Riley Behrs was a  
20 student enrolled in an academic program at Defendant university.  
21 5. On such date and time, Plaintiff was lawfully present on Defendant’s campus as an  
22 invitee of Defendant.  
23 6. On such date and time, Plaintiff had a medical condition known as chronic obstructive  
24 pulmonary disease (“COPD”).  
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- 1           7. On such date and time, Defendant had notice and knowledge of Plaintiff's medical  
2           condition.
- 3           8. On such date and time, Defendant had notice and knowledge that the air quality was  
4           highly polluted and dangerous due to a series of wildfires that spread across Northern  
5           California in the two weeks prior.
- 6           9. Defendant owed a duty to protect its students, including Plaintiff, from unreasonable and  
7           foreseeable harm.
- 8           10. Defendant owed a duty to Plaintiff to take reasonable steps to ensure that Plaintiff's  
9           medical condition was properly monitored, and that Plaintiff was not placed in a position  
10          that could result in harm due to Plaintiff's medical condition.
- 11          11. Defendant breached its duty by failing to ensure that Plaintiff's medical condition was  
12          properly monitored, failing to cancel classes following the wildfires, and otherwise  
13          failing to take reasonable steps to ensure that the poor air quality would not pose a  
14          danger to Plaintiff.
- 15          12. On such date and time, Plaintiff's medical condition was exacerbated by poor air  
16          quality, causing Plaintiff to collapse and die.
- 17          13. As a direct and proximate cause of the foregoing, Plaintiff has suffered injury.

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**PRAYER FOR RELIEF**

THEREFORE, Plaintiff demands judgment against Defendant and compensatory damages in an amount to be determined at trial, but not less than \$6,000,000.

Dated: March 30, 2019

Respectfully submitted,

*Kensington Cotter*

Kensington Cotter  
Law Offices of Pahlke & Laiolo  
405 McAllister Street  
San Francisco, CA 94704  
Telephone: (415) 663-2019  
Attorneys for Plaintiff

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO

3 RILEY BEHRS,

CASE NO. CV-19-662663

4 PLAINTIFF,

ANSWER

5 V.  
6

JUDGE EDWARD PIPER

7 GOLDEN GATE STATE UNIVERSITY,

8 DEFENDANT.  
9

10 **JURISDICTION AND VENUE**

11 1. This court has personal jurisdiction, subject matter jurisdiction, and is a proper venue for  
12 this lawsuit.

13 a. Defendant's response: **admitted.**

14 **THE PARTIES**

15 2. Plaintiff Riley Behrs ("Plaintiff") is an individual residing in the State of California.

16 a. Defendant's response: **admitted.**

17 3. Defendant Golden Gate State University ("Defendant") is a public entity duly organized  
18 and existing under and by virtue of the laws of the State of California and authorized to  
19 do, and is doing, business in the State of California.

20 a. Defendant's response: **admitted.**

21 **ANSWER TO THE FIRST CAUSE OF ACTION: NEGLIGENCE**

22 Pursuant to Federal Rule of Civil Procedure 8(b), Defendant Golden Gate State University  
23 generally denies Plaintiff Riley Behrs Complaint in full. As such, an individual response to each  
24 allegation is not required.  
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**AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of comparative fault because any harm suffered by Plaintiff Riley Behrs is more attributable to wrongful conduct by Plaintiff than to any wrongful conduct by Defendant.

**PRAYER FOR RELIEF**

THEREFORE, Golden Gate State University prays for Judgment against Plaintiff as follows:

1. That Plaintiff take nothing in this action;
2. That Judgment be entered in favor of Golden Gate State University and against Plaintiff;
3. For costs of suit incurred herein; and
4. For any other and further relief as the Court deems just and proper.

Dated: April 17, 2019

Respectfully Submitted,

*Cindy Diaz*

Cindy Diaz  
Shartsis Rice LLP  
1 Maritime Plaza #18  
San Francisco, CA 94111  
Telephone: (415) 662-2015  
Attorneys for Defendant



1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO

3 RILEY BEHRS,

CASE NO. CV-19-662663

4 PLAINTIFF,

STIPULATIONS

5 V.

6  
7 GOLDEN GATE STATE UNIVERSITY,

8 DEFENDANT.  
9

10 The parties stipulate to the following:

- 11 1. The Federal Rules of Evidence and Federal Rules of Civil Procedure apply.
- 12 2. This proceeding is bifurcated. Thus, trial will cover only the question of liability, not  
13 damages (if applicable).
- 14 3. Riley Behrs suffered legally cognizable injury.
- 15 4. Golden Gate State University owed a duty of care to protect its students from  
16 unreasonable and foreseeable harm during school-sponsored activities and events.
- 17 5. Riley Behrs has Chronic Obstructive Pulmonary Disorder (“COPD”), a respiratory  
18 disease that blocks airflow and makes it difficult to breathe. Behrs was first diagnosed  
19 by Dr. Andy Rogers in Fall 2016.
- 20 6. In November 2018, a series of wildfires spread across Northern California. The debris  
21 and pollutants emitted from these fires were the direct cause of poor air quality  
22 throughout the San Francisco Bay Area in the following weeks.
- 23 7. Exhibits 1, 2, 3, were all sent from admin@ggsu.edu, an official university email  
24 address.  
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- 8. Exhibit 4 is Riley Behrs' authentic medical record from the University Health Center.
- 9. Exhibit 5, Riley Behrs' autopsy report, is admissible.
- 10. Exhibit 11 is an authentic photograph of the Golden Gate State University campus as it appeared on November 15, 2018.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO

3 RILEY BEHRS,

CASE NO. CV-19-662663

4 PLAINTIFF,

JURY INSTRUCTIONS

5  
6 V.

7 GOLDEN GATE STATE UNIVERSITY,

8 DEFENDANT.  
9

10 **BURDEN OF PROOF (CACI No. 200)**

11 To prevail, the plaintiff must prove their case by a preponderance of the evidence.

12 **NEGLIGENCE (CACI No. 400)**

13 Riley Behrs claims that they were harmed by Golden Gate State University's  
14 negligence. To establish this claim, Riley Behrs must prove all of the following:

- 15 1. That Golden Gate State University was negligent;
- 16 2. That Riley Behrs was harmed; and
- 17 3. That Golden Gate State University's negligence was a substantial factor in causing Riley  
18 Behrs' harm.

19 **COMPARATIVE FAULT OF PLAINTIFF (CACI No. 405)**

20 Golden Gate State University claims that Riley Behrs' own negligence contributed to  
21 their harm. To succeed on this claim, Golden Gate State University must prove both of the  
22 following:

- 23 1. That Riley Behrs was negligent; and
  - 24 2. That Riley Behrs' negligence was a substantial factor in causing their harm.
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

RILEY BEHRS,  
  
PLAINTIFF,  
  
V.  
  
GOLDEN GATE STATE UNIVERSITY,  
  
DEFENDANT.

CASE NO. CV-19-662663  
  
JURY VERDICT FORM

We answer the questions submitted to us as follows:

**1. Was Riley Behrs injured during a school sponsored activity over which Golden Gate State University had some measure of control?**

YES  NO

*If you answered "YES", continue to the next question. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.*

**2. Did Golden Gate State University fail to exercise reasonable care to protect the physical safety and well-being of Riley Behrs?**

YES  NO

*If you answered "YES", continue to the next question. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.*

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**3. Was Golden Gate State’s failure to exercise reasonable care to protect the physical safety and well-being of Riley Behrs a substantial factor in causing injury to Riley Behrs?**

YES  NO

*If you answered “YES”, continue to the next question. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.*

**4. Did Golden Gate State University know or have reason to expect that poor air quality would have an adverse effect on Riley Behrs and that the harm resulting from Riley Behrs’ medical condition was the kind of harm that could have been reasonably expected from Golden Gate State University’s conduct?**

YES  NO

*If you answered “YES”, continue to the next question. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.*

**5. Was the harm suffered by Riley Behrs more attributable to wrongful conduct by Riley Behrs than to any wrongful conduct by Golden Gate State University?**

YES  NO

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Presiding Juror

After this form has been signed, deliver it to the Court Clerk.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO

3 RILEY BEHRS,

4 PLAINTIFF,

5 V.  
6

7 GOLDEN GATE STATE UNIVERSITY,

8 DEFENDANT.  
9

CASE NO. CV-19-662663

JURY INSTRUCTIONS

JUDGE EDWARD PIPER

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18 Behrs' harm.

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21 their harm. To succeed on this claim, Golden Gate State University must prove both of the  
22 following:

- 23 1. That Riley Behrs was negligent; and
  - 24 2. That Riley Behrs' negligence was a substantial factor in causing their harm.
- 25

1 **AFFIDAVIT OF BARRETT HUGHES**

2 My name is Barrett Hughes. I am 20 years old. I'm originally from Los Angeles, but  
3 moved to San Francisco for college. I'm a sophomore at Golden Gate State University (or  
4 GGSU), studying English. I hope to attend law school and become a lawyer someday.

5 I've known Riley Behrs since high school. We lived together during our first two years  
6 at GGSU. Riley has a condition called chronic obstructive pulmonary disease, or COPD for  
7 short. As I understand it, COPD is a lung condition that causes frequent coughing and shortness  
8 of breath. I'm always reminding Riley to take Riley's medicine.

9 Riley's lung condition has caused some problems for Riley in the past. For example, one  
10 day during our freshman year in 2017, we were walking to class together up Observatory Hill.  
11 It's a steep incline on the north side of the GGSU campus. It was early December and had just  
12 rained the night before. The next thing I knew, Riley was on the ground and breathing fast,  
13 short, and shallow breaths. I called the University Medical Center (UMC) and went with Riley  
14 for treatment. I told the physician, Dr. Julia Jacovides, everything that happened.

15 In early November 2018, I heard on the news about wildfires spreading across Northern  
16 California—Napa, Marin, Sonoma, and Contra Costa Counties. I was worried the coastal winds  
17 might blow the smoke right to campus. Sure enough, on November 7, the air quality took a  
18 nosedive. The weather app on my phone said that the Air Quality Index was "Unhealthy,"  
19 something like 156. I don't know what that number means, but it didn't sound good. That same  
20 day, Chancellor Bobbie Calonico sent a campus-wide email warning students about the smoke.  
21 This email is shown in Exhibit 1. I thought of Riley's condition. But when I talked to Riley  
22 about it that evening, Riley just brushed me off and said, "Don't worry. I'll be fine."

23 On November 14, the air got worse. That morning the air was brown-colored, almost  
24 like a dirty fog. I checked my phone and the weather app said that the AQI was 196. Again, I  
25

1 thought there was no way that going out in these conditions could be safe and was sure classes  
2 would be cancelled soon. But when I checked my email, I saw that Chancellor Calonico sent  
3 another message saying that classes would continue as scheduled, and that they wouldn't  
4 consider cancelling until the AQI exceeded 200. This email is shown in Exhibit 2.

5 Later that evening, I heard Riley coughing violently. Riley sounded terrible. I said, "I  
6 know they didn't cancel classes, but maybe you shouldn't go. You should take care of yourself  
7 first." Riley just looked up from Riley's textbook and said, "Finals are coming up, I can't afford  
8 to miss any more classes." I didn't push the matter any further.

9 The next day, November 15, is one I'll never forget. Riley and I both had Wednesday  
10 8AM classes in Budner Hall, which is on the north side of campus next to Observatory Hill. We  
11 left together at 7:30. The air looked terrible. Exhibit 9 depicts what campus looked like that day.  
12 I don't recall if Riley took Riley's medicine. I think I reminded Riley, but I can't be sure.

13 We made our way through campus and started to climb Observatory Hill. Right away, I  
14 knew something was off. Riley was hyperventilating - taking short, fast breaths. Riley stopped  
15 about a quarter of the way up the hill and bent over. Riley said, "Hold on...need a  
16 minute...can't...breathe." Riley was struggling to even get words out. It must've been because of  
17 the air. A minute later, Riley doubled over and rolled onto the side of the hill. I got on my phone  
18 and immediately called campus health services. They arrived on site and rushed Riley to the  
19 medical center. I went with them and waited in the hospital for hours until the doctor came out.  
20 They said Riley had died. I broke down crying. I couldn't believe it. My best friend was gone.

21 After Riley's death, I took a leave of absence from GGSU. I haven't re-enrolled yet. I  
22 just need some time to process everything that has happened. Riley's family has been very  
23 supportive to me. I told them that I would do anything I could to help them get through this. I  
24 feel like I owe it to them after everything Riley did for me.



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I swear under penalty of perjury that the foregoing is true, complete, and accurate.

Signed:

Subscribed and Sworn to me on this 22nd day of April 2019:

*Barrett Hughes*  
Barrett Hughes

*Rebecca Steinberg*  
Notary Public



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**AFFIDAVIT OF CASEY TIERNEY**

My name is Casey Tierney. I'm the Dean of Students at Golden Gate State University. My job involves coordinating student services and programs. I'm also required to handle some difficult decisions such as how to balance our budget and whether to cancel classes.

I was confronted with one of those difficult decisions in 2018. In November of that year, a series of wildfires spread across Northern California. The chancellor, Bobbie Calonico, called an all-administration meeting to develop a plan. Fearing that the smoke might cause air pollution in the coming days, we wanted to make sure our students were safe.

First, we stocked up on respirator masks to provide to students. Of course, we couldn't buy enough for everyone on campus—that would run our budget into the ground. To compromise, we bought enough to provide to all students with medical or respiratory needs, plus a few extras. We placed signs advertising this around campus. This is shown in Exhibit 6.

Second, we provided a golf cart service to transport students to their classes. GGSU has a notoriously hilly campus with steep inclines, so the less physical strain on students the better.

Finally, we staffed additional medical professionals at our University Health Center in order to accommodate a greater demand for health services. Typically, we have about two-thirds of our active medical staff on call. Following the fires, our medical staff was at full capacity.

On November 7, 2018, I instructed the university's communications director Catherine Fan to send a campus-wide email detailing our precautions. This is shown in Exhibit 1. I did not write or send this message myself.

By November 14, the air quality only seemed to be getting worse. EPA studies said that the Air Quality Index was somewhere in the 190s. Our official campus policy was to consider class cancellation if the AQI exceeded 200. That day our office received hundreds of calls and emails from parents and students asking if classes would be cancelled. Some people even sent

1 us other sources indicating that the AQI was well above 200. I don't recall any of these sources  
2 and cannot speak to their validity. I also received responses from faculty and staff members  
3 urging us to not cancel classes unless absolutely necessary because it would impact instruction  
4 time. The Academic Senate also insisted that we continue classes as scheduled because of  
5 budget concerns. After considering everything, I decided to hold classes as scheduled. We sent  
6 an email to the entire campus explaining our decision. This is shown in Exhibit 2.

7 On November 15, I was in my office at 7:55AM checking the daily AQI report shown in  
8 Exhibit 8. This was the first time I saw this report, and it concerned me. I looked outside.  
9 Exhibit 9 depicts what campus looked like that day. Just then, my phone rang. It was one of the  
10 campus paramedics. He told me a student named Riley Behrs had collapsed near Observatory  
11 Hill on campus and was unconscious. I told the paramedic, "Bring Riley to the health center  
12 immediately. I'll meet you there." I went straight to the University Health Center. I saw the  
13 paramedics bring Riley in on a stretcher. A few hours later, I learned that Riley had died. That  
14 evening, I sent out a campus-wide email cancelling all classes and university activities until  
15 further notice. This is shown in Exhibit 3.

16 I pulled up Riley Behrs' file that was maintained by the University Health Center. As a  
17 matter of practice, the university records every time a student checks in at the health center.  
18 This is shown in Exhibit 4. I noticed that Riley never checked in for treatment all semester.

19 Following this tragedy, we held a full administration meeting. I proposed that we lower  
20 the minimum AQI required in order to cancel classes and sporting events. Since then, our  
21 campus policy has been to cancel all university activities if the AQI exceeds 150.

22 I've decided to testify in part to combat the negative publicity the university has  
23 received due to this incident. I want to set the record straight: I feel terrible about what  
24 happened to Riley, and our deepest sympathies are with Riley and Riley's family. This tragedy

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shocked everyone on our campus. But I can assure you that we did everything we could to keep our students safe. There are some things in life that you just can't predict.

I swear under penalty of perjury that the foregoing is true, complete, and accurate.

Signed:

Subscribed and Sworn to me on this 29th day of May 2019:

Casey Tierney  
Casey Tierney

Indu Pereira  
Notary Public

1 **EXPERT REPORT OF DR. ANDY RODGERS**

2 642 University Drive | San Francisco, CA 94102 | arodgers@ggsu.edu

3  
4 **Introduction & Professional Background**

5  
6 I have served as a pulmonary specialist at Golden Gate State University for the past five years. I  
7 earned my B.S. in Molecular and Cell Biology from the University of Hawai'i in 2003. In 2008,  
8 I earned my M.D. at the University of California, Davis, School of Medicine. Following medical  
9 school, I completed my residency at the Carle Foundation Hospital in Urbana, Illinois.

10  
11 I was asked by GGSU to determine the cause of Riley Behrs' death on November 15, 2019. I did  
12 not bill the university for my time. In the interest of full disclosure, I should note that I was  
13 promoted by the university to a full-time tenure track position on June 10, 2019. Because of this,  
14 I earned a 20% raise in salary and now serve as a co-director for the University Health Center.

15  
16 **Medical Examination of Riley Behrs**

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18 In Fall 2017, I conducted a routine check-up examination of Riley Behrs and diagnosed Riley  
19 with a somewhat rare genetically-based form of Chronic Obstructive Pulmonary Disease  
20 (COPD). I placed Riley on a one-year pulmonary rehabilitation program. Beginning Fall 2018,  
21 we shifted from monthly check-ups to voluntary drop-in appointments. At this point, Riley knew  
22 how to monitor Riley's condition. I no longer saw any reason to continue monthly monitoring.

23  
24 In November 2018, wildfires spread across Northern California. Dean Casey Tierney called,  
25 saying our medical staff needed to be on-call around the clock. By November 7, we were  
26 overwhelmed with patients. At some point, I remember speaking with my secretary. She told me  
27 that Riley called and asked, "Is it safe to go out there? With my condition?" I made a note in  
28 Riley's file. This is shown in Exhibit 4. I realize now that I forgot to follow up with Riley.

29  
30 On November 15, I got an urgent call from campus paramedics informing me that Riley had  
31 collapsed on campus. I told them to bring Riley to the health center. When Riley arrived, I placed  
32 Riley on a respirator machine. But it was too late—Riley died a few hours later.

33  
34 **Analysis**

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36 Chronic obstructive pulmonary disease is an umbrella term that encompasses several respiratory  
37 illnesses that cause breathlessness, or the inability to exhale normally. People usually experience  
38 symptoms, including shortness of breath, and normally cough up sputum (mucus from the lungs),  
39 especially in the morning. COPD can, in some cases, develop congenitally through genetic  
40 defect. At its most severe, it can cause people difficulty doing everyday activities.

41  
42 To determine what caused Riley's respiratory episode on November 15, 2018, I reviewed Riley's  
43 medical history coupled with my personal observations. Riley's condition is degenerative,  
44 meaning it gets worse over time. Because of that, a respiratory attack could have been caused by  
45 anything that places excess pressure on the normal functioning of the lungs, such as climbing a  
46 steep incline on the GGSU campus. If Riley failed to stay current with Riley's medicine, this

1 would make an attack even more likely. However, if a COPD patient completes a rehabilitative  
2 program and remains current with their medication, this can usually mitigate the effects and  
3 allow them to lead an otherwise normal lifestyle.

4

5 It is my professional opinion that the air quality on November 15, 2018 did not cause Riley's  
6 death. Riley's COPD coupled with strenuous physical activity was sufficient to trigger a  
7 respiratory episode regardless of the quality of the air that day. [Last Updated June 12, 2019]

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FROM: Casey Tierney, Dean of Students & Public Affairs  
TO: campus\_communication@lists.ggsu.edu  
DATE: November 7, 2018, 10:21PM  
SUBJECT: Wildfire Smoke Health Advisory

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Dear Campus Community,

The smoke from fires in Northern California has caused our local air quality to worsen, and the effect is likely to last into the coming days. Currently, the Air Quality Index (AQI) for the campus area is 153 which is in the “unhealthy” category; this means that everyone may feel some health effects and members of sensitive groups may experience more serious health effects. The EPA (Environmental Protection Agency) advises that people in sensitive groups, including people with lung or heart disease, children, and older adults, should avoid prolonged or heavy outdoor exertion. Everyone else should limit prolonged outdoor exertion.

GGSU is committed to student health and safety. Accordingly, the following measures will be implemented until the air quality returns to normal:

- University Health Services has a limited supply of N-95 respirators that they are prioritizing for and fitting appropriately to people with underlying medical conditions (such as asthma, other respiratory disease, heart disease and immunocompromised) that put them at high risk of health effects. Those with underlying medical conditions can come see clinical staff at the University Health Center beginning today (one per person with valid student ID, while supplies last).
- The Loop accessible golf cart program is being temporarily opened to the entire campus community without restriction. Riders can use the service to reach all major campus facilities.
- Additional medical staff will be present during all business hours to accommodate appointments at the University Health Center.

We encourage everyone to monitor the current and forecasted AQI at [airnow.gov](http://airnow.gov) and consult the information provided by UHS.

Thank you,  
Casey Tierney  
Dean of Students



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FROM: Casey Tierney, Dean of Students & Public Affairs  
TO: campus\_communication@lists.ggsu.edu  
DATE: November 14, 2018, 11:14PM  
SUBJECT: Message from the Chancellor regarding air quality issues

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Dear Students, Staff and Faculty,

I am writing to provide an update about air quality on the GGSU campus in response to numerous questions we are receiving about whether classes should be cancelled tomorrow (Thursday). The latest air quality readings from the most reliable source, the Bay Area Air Quality Management District, indicate that the Air Quality Index (AQI) in the campus area remains below 200. That is the level at which campus guidelines indicate that class cancellation should be considered. (Please note that other websites measuring and reporting the AQI are using unreliable technology.)

After extensive, careful consultation with our campus medical staff and personnel from our Office of Environment, Health & Safety, we have decided that cancellation of classes is not, at this point in time, warranted or necessary due to the current AQI levels on campus. However, campus medical staff are advising that all of us limit our time outside and refrain from heavy exertion when outdoors. In addition, medical staff advise that those who have underlying medical conditions that could make them more sensitive to the current air quality should consider staying home, particularly if they commute by foot and bike. In that context we ask faculty and supervisors to be as accommodating as possible.

The Bay Area Air Quality Management District is forecasting a significant improvement in air quality beginning on Friday morning, with continued clearing throughout the weekend. We will continue to closely monitor reliable readings and forecasts, and will keep the campus community updated. We also realize that regardless of the actual physical health threats posed by the current air quality, the environment we have been living in the last few days has been difficult and disturbing for many. If you, or someone you know, needs support, we urge you to take full advantage of the services and support provided by University Health Services.

Sincerely,

Bobbie Calonico  
Chancellor

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FROM: Bobbie Calonico, Chancellor  
TO: campus\_communication@lists.ggsu.edu  
DATE: November 15, 2018, 5:26PM  
SUBJECT: Classes Cancelled

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Dear Campus Community,

I am writing to update you on the latest air quality readings and decisions regarding tomorrow's class schedule.

As noted in previous messages, we have been closely tracking current air quality data, as well as forecasts for the region. As of 3pm today the reading for the closest monitor indicates that the Air Quality Index (AQI) surpassed 200, the level at which our guidelines require consideration of class cancellations. In addition, the forecast for tomorrow from the Bay Area Air Quality Management District now indicates that conditions are expected to deteriorate. In that context, and based on the guidance of experts on campus, we must assume that the 200 AQI threshold will be exceeded tomorrow. As a result, we have decided to cancel all classes for the remainder of the day today, and on Friday.

While the campus is now essentially closed, there are a limited number of campus operations that must continue. They include University Health Services, dining halls and residential facilities, the optometry clinic, GGPD, OLAC, and the Office of Environment, Health & Safety. This is not a comprehensive list. Staff members who are uncertain about whether their duties can be filled from home, or have other questions should consult with their supervisors.

For additional information about how to protect yourself, indoors and out, from wildfire smoke, see this guide provided by the [Centers for Disease Control](#).

So long as the northern California fires continue to burn we will continue to monitor developments, make decisions based on the best possible data and expert advice, and keep the campus community informed with daily updates.

Sincerely,

Bobbie Calonico  
Chancellor

**GOLDEN GATE STATE UNIVERSITY**  
**University Medical Center**

**Student Medical Record**

**Student Name:** Riley Behrs

**Medical Conditions (if any):**

**Student ID:** 20112022

COPD [HIGH RISK]

DATE OF VISIT	PURPOSE OF VISIT	NOTES
August 29, 2017	Physical Examination; Recreational Sports Program Clearance Request	Diagnosis: Chronic Obstructive Pulmonary Disease (COPD); Assigned to pulmonary rehabilitation program; Seen by Dr. Andy Rogers
September 8, 2017	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
October 13, 2017	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
November 10, 2017	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
December 8, 2017	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
December 11, 2017	ER Visit; Collapsed after respiratory episode on campus; treated with respirator machine, recovered within 30 minutes.	Treated by Dr. Julia Jacovides
January 12, 2018	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
February 9, 2018	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
March 9, 2018	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
April 13, 2018	Pulmonary Rehabilitation Program (Monthly Check-In)	Seen by Dr. Andy Rogers
September 12, 2018	COPD Medication Prescription Fulfillment	Fulfilled by Dr. Christian Cotter
November 15, 2018	ER Visit; Collapsed after respiratory episode on campus; immediately applied respirator and defibrillation. deceased at approximately 9:23 a.m.	Treated by Dr. Andy Rogers

**NOTES:**

11/07/18 – Riley called and asked about health effects of poor air quality on medical condition.  
Will call or email back. AR.

## Office of the Medical Examiner County of San Francisco

Autopsy Report

Case Number: 408-562-642

Subject: Riley Behrs

Autopsy Performed By: Dr. Amita Mahajian, Chief Medical Examiner

Date: November 16, 2018

SUBJECT NAME: Riley Addison Behrs			BODY IDENTIFIED BY: Barrett Elliott Hughes	
AGE: 20	HEIGHT: 5' 6"	WEIGHT: 150 lbs	EYES: Brown	HAIR: Black
<p><b>CHARACTERISTICS:</b> Examination was performed at 9:00 a.m. on November 16, 2018 one day after subject was declared dead at Golden Gate State University's University Health Center (UHC). According to UHC treating physicians, subject was admitted for care at 8:15 a.m. on November 15, 2018 after physically collapsing on the university's campus. Subject was unconscious upon arrival.</p> <p>After approximately sixty minutes of administered care, including defibrillation after two episodes of cardiac arrest, the subject succumbed to subject's injuries. Subject was declared dead at 9:23 a.m. Records show subject was 20 years old.</p>				
<p><b>MEDICAL HISTORY:</b> Subject was diagnosed with a congenital form of chronic obstructive pulmonary disease (COPD) in fall 2017. Subject was placed on a one-year pulmonary rehabilitation program, which subject successfully completed. Subject was subsequently placed on a regular medication regimen.</p>				
<p><b>FINDINGS:</b> External examination revealed no major injuries on subject's body. There was minor bruising along subject's right side, spanning from the shoulder to the hip region.</p> <p>Internal examination revealed a substantial amount of damage to subject's vital organs. Subject's lungs had collapsed. Subject's brain was swollen, likely due to cerebral anoxia (oxygen deprivation). This in turn likely resulted in considerable strain being put on the heart, resulting in subject's reported episodes of cardiac arrest.</p>				
<p><b>CONCLUSION:</b> Probable cause of death was cardiac arrest triggered by respiratory failure and cerebral anoxia.</p>				

GOLDEN GATE STATE UNIVERSITY



# **FREE RESPIRATOR MASKS\***

**PROTECT YOURSELF FROM  
EXPOSURE TO POOR AIR QUALITY  
FOLLOWING THE CALIFORNIA  
WILDFIRES**

**\*Available at University Health Center with valid student ID  
while supplies last.**

# AIR QUALITY INDEX SPECTRUM

(Source: <https://www.airnow.gov/index.cfm?action=aqibasics.aqi>)

Air Quality Index (AQI) Values	Levels of Health Concern	Colors
<i>When the AQI is in this range:</i>	<i>..air quality conditions are:</i>	<i>...as symbolized by this color:</i>
<b>0 to 50</b>	<b>Good</b>	<b>Green</b>
<b>51 to 100</b>	<b>Moderate</b>	<b>Yellow</b>
<b>101 to 150</b>	<b>Unhealthy for Sensitive Groups</b>	<b>Orange</b>
<b>151 to 200</b>	<b>Unhealthy</b>	<b>Red</b>
<b>201 to 300</b>	<b>Very Unhealthy</b>	<b>Purple</b>
<b>301 to 500</b>	<b>Hazardous</b>	<b>Maroon</b>

*Note: Values above 500 are considered Beyond the AQI. Follow recommendations for the Hazardous category. Additional information on reducing exposure to extremely high levels of particle pollution is available [here](#).*

Air Quality Index Levels of Health Concern	Numerical Value	Meaning
<b>Good</b>	<b>0 to 50</b>	Air quality is considered satisfactory, and air pollution poses little or no risk.
<b>Moderate</b>	<b>51 to 100</b>	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
<b>Unhealthy for Sensitive Groups</b>	<b>101 to 150</b>	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
<b>Unhealthy</b>	<b>151 to 200</b>	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
<b>Very Unhealthy</b>	<b>201 to 300</b>	Health alert: everyone may experience more serious health effects.
<b>Hazardous</b>	<b>301 to 500</b>	Health warnings of emergency conditions. The entire population is more likely to be affected.

*Note: Values above 500 are considered Beyond the AQI. Follow recommendations for the "Hazardous category." Additional information on reducing exposure to extremely high levels of particle pollution is available [here](#).*

**AirNow** Search... GO!

Local Air Quality Conditions  
Zip Code:  Go State:  Go My Current Location

AIRNow Home >> Air Quality Maps Archive >> **San Francisco, CA**

### Daily Combined AQI

Thursday, November 15, 2018

Generated: 2018-11-17 08:45:15Z

! Action Day

### Air Quality Maps Archives

November 15, 2018

Disclaimer: maps are not validated.

[Select Another Map](#)

### Other Information

[Current Conditions and Forecasts Summary](#)

[AirCompare](#)

