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HIROKO ABE, Individually and as successor-in-interest to the Estate of HANAKO ABE,

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

In the matter of the Claim of: HIROKO ABE, Individually and as successor-in-interest to the Estate of HANAKO ABE, Petitioner, v. STATE OF CALIFORNIA Respondent.	***VERIFIED* PETITION FOR RELIEF FROM CLAIM PRESENTATION REQUIREMENT OF CALIFORNIA GOVERNMENT CODE SECTION 945.4** *(Government Code § 946.6)* Hearing Date: Time:. Department:

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Petitioner Hiroko Abe, individually and as successor-in-interest to the Estate of Hanako Abe ("Petitioner" and/or "Ms. Abe") respectfully petitions this Court pursuant to Government Code section 946.6 for an order relieving her from the claim-presentation requirements of Government Code section 945.4, to allow Petitioner to prosecute her claims for wrongful death, survival and related damages against Respondent[1] the State of California, by and through its division the Department of Corrections and Rehabilitation ("CDCR") and its employees within the Division of Adult Parole Operations ("DAPO") arising from the killing of her daughter, Hanako Abe ("Hanako").

On December 31, 2020, twenty-seven year old Hanako was killed by Troy McAlister ("McAlister") a parolee under the supervision of CDCR and DAPO Parole Agent Roberto Vasquez ("Vasquez").

On October 26, 2025, multiple whistleblower CDCR employees came forward with previously concealed information and internal CDCR documents revealing for the first time that Respondent violated mandatory ministerial duties, giving rise to liability under Government Code §815.6. *See* Declaration of Hiroko Abe ("Abe Decl.") at ¶¶16-21, Ex. 2

Petitioner did not discover, and could not reasonably have discovered, Respondent's violations giving rise to liability ***until*** October 26, 2025, when the whistleblowers came forward with new information and turned over internal CDCR documents to a San Francisco reporter. (*Ibid.*)

Following Hanako's December 31, 2020 death, CDCR concealed the misconduct of its employees, hid the associated internal documents, and released a public statement in the media telling the public its parole agents had followed all procedures with McAlister. *See* Hiroko Abe Decl. at ¶¶11, 12 and Request for Judicial Notice ("RFJN") at ¶2,3, Exs. B, C)

Petitioner alleges Respondent intentionally misled her to conceal the State's role in Hanako's death and to prevent her from presenting a claim to Respondent within the statutory time limits. As such, Petitioner's claim as to the State is subject to the fairness doctrines of delayed accrual and equitable estoppel.

[1] Hereinafter "Respondent" and/or "CDCR" and/or "the State"

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Following Hanako's December 31, 2020 death, Petitioner traveled from her home in Japan and arrived in San Francisco to widespread public outrage and intense media scrutiny surrounding the circumstance of her daughter's death. Hanako and another pedestrian, Elizabeth Platt, were struck and killed by parolee McAlister, a long-time felon on his third parole term, who was high on methamphetamine, in possession of a stolen firearm and speeding in a stolen vehicle while fleeing a robbery. By the time he killed Hanako and Ms. Platt, McAlister had 91 prior felonies and was committing ongoing and escalating serious and dangerous crimes in violation of his parole.

Following Hanako's death, the three public agencies involved with McAlister, the San Francisco District Attorney's Office, the San Francisco Police Department and Respondent CDCR, made public statements to the media addressing their agency's role in the deaths. Abe Decl. at¶6, RFJN Exs. A-C

S.F. District Attorney Chesa Boudin acknowledged mistakes were made and the tragedy could have been avoided if his office acted differently. (*Id.* at ¶¶1-3, Ex. A-C.) S.F. Police Chief William Scott admitted his office shared accountability across the justice system. (*Id.* at ¶2-3, Exs. B, C) Respondent CDCR publicly stated its parole officers had **followed all procedures**. (emphasis added) (*Ibid.*)

Petitioner relied in good faith on each agency's public statements and on June 23, 2021 Petitioner presented her claim to the City and County of San Francisco as its Police Department and District Attorney admitted their offices made errors in handling McAlister. Abe Decl. at ¶13-14, Ex. 1

In the months and years following Hanako's death, media reporting continued to tie the death to mistakes by San Francisco's Police Department (violating policy) and District Attorney (2020 plea deal) and failures by both agencies to arrest or file charges against McAlister for subsequent crimes. Abe Decl. ¶¶6-11, RFJN at ¶¶1-3, Exs. A-C

From the outset, CDCR concealed its misconduct, including a supervisor's May 11, 2020 directive to McAlister's parole agent instructing him to violate mandatory ministerial duties tied to parolee supervision and public safety. The previously concealed information and internal CDCR documents (provided to a reporter by two whistleblowers on October 26, 2025) revealed the basis giving rise to liability against the State for the first time. Abe Decl. at ¶¶6-18

After learning of the whistleblower documents on October 26, 2025, Petitioner promptly retained legal counsel on November 2, 2025 and presented an Application to Present Late Claim to

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Respondent on March 4, 2026. Diana Thomas Declaration ("Thomas Decl.") at ¶3-4, Ex. 1

On April 16, 2026, Respondent notified Petitioner it determined the cause of action accrued December 31, 2020 and that a reasonable person could have discovered the basis for the claim between 2021-2024. Respondent took no action on Petitioner's underlying claim. (Id. at ¶5, Ex. 2)

This Petition for relief from the Government Code §945.4 claim filing requirement is being brought within six months of Respondent's denial of Petitioner's application to present late claim (*Ibid.*) in compliance with Government Code Section 946.6(b).

Given the circumstances, and as set forth in more detail in the concurrently filed Memorandum of Points and Authorities and Supporting Declaration(s), the relief sought is proper because the claims Petitioner asserts against the State are subject to the doctrines of delayed accrual and equitable estoppel.

Petitioner's claims arise from Respondent's violations of mandatory duties including CCR Title 15 Sections 3291, 3391, 3750, 376836 and CDCR Department Operations Manual (DOM) Sections 81019, 81033.4 and 84030.1, giving rise to liability under Government Code Section 815.6.

Petitioner alleges Respondent's violations of the mandatory ministerial duties proximately caused Hanako's death on December 31, 2020 within the City and County of San Francisco.

Petitioner's failure to present a claim to the State within six months of Hanako's death was caused by delayed discovery resulting from Respondent's intentional concealment of the facts giving rise to the claim. Specifically, the State concealed the misconduct of its employees and the internal documents revealing the violations of mandatory duties which proximately caused Hanako's death.

Petitioner only learned of the concealed facts giving rise to Respondent's liability on October 26, 2025 from internal CDCR documents released by two whistleblower employees of Respondent. Abe Decl. at ¶¶15-21) The government is estopped from actively misleading the Petitioner by concealing facts then later benefiting from its own deception by claiming Petitioner missed the claim deadline.

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Respondent knew of its own misconduct at the time of Hanako's death but concealed it. Respondent intended for Petitioner to rely on its misleading public statement that parole followed all procedures with McAlister and made no mistakes. Petitioner was ignorant of the concealed facts until the whistleblowers came forward and provided new information and internal CDCR documents to a reporter on October 26, 2025. Prior to release of the new information and internal CDCR documents, Petitioner reasonably relied upon Respondent's false public representations to her detriment.

This petition is timely under Government Code section 946.6, subdivision (b), because it is being filed within six months of Respondent's refusal to accept Petitioner's Application to Present Late Claim.

Petitioner did not present her claim to the State within six months of Hanako's death (as she *did* as to the City and County of San Francisco) because, out of the three public agencies involved with McAlister, *only CDCR* intentionally concealed the misconduct of its employees, hid the internal documentation of the misconduct and intentionally made false public statements through the media to convince the public and Petitioner that its parole agents had *followed all procedures with McAlister*.

Petitioner reasonably relied upon the State's false statements and had no means to learn of the concealed facts until the two whistleblowers released the new information and previously concealed internal CDCR documents to a reporter on October 26, 2025. Respondent's actions were intentional and affirmatively prevented Petitioner from presenting her claim within the statutorily required timeframe.

Under the delayed discovery rule, a cause of action does not accrue until the Plaintiff knew or reasonably should have known of the cause of the injury. Here, the State deceived Petitioner and concealed the relevant facts to prevent her from filing a claim against the State. Accordingly, accrual did not occur until the previously suppressed information and internal CDCR documents were provided to a reporter by two whistleblower employees of CDCR on October 26, 2025.

Petitioner submitted an Application to present late claim on March 4, 2026 setting forth the facts herein and requesting Respondent accept the application and take action on the underlying

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claim. Thomas Decl. at ¶¶3-4, Ex. 1 On April 16, 2026, the State notified Petitioner it declined the application on the dual basis that (1) the claim accrued on December 31, 2020 and (2) Petitioner should have discovered the basis for the claim sometime over a three-year span between 2021 and 2024. *Id.* at ¶5, Ex. 2

Under equitable estoppel, the government cannot actively mislead the Petitioner by concealing facts then later benefit from its own deception by claiming Petitioner missed the claim deadline. Petitioner is entitled to relief because Respondent intentionally concealed the facts, accrual was delayed and the concealment itself estops the State from raising the deadline.

Given the explicit language of the State's response that accrual began at Hanako's December 31, 2020 death, Petitioner requests the Court decide this petition on the merits, apply the fairness doctrines of equitable estoppel and delayed discovery, and issue an order relieving Petitioner of the pre-suit claim filing requirement.[2]

The State has not and will not be prejudiced in its defense of this case should the Court grant Petitioner's requested relief from the government claim filing requirements. The events giving rise to Petitioner's claim against the State involve the acts of the State's own employees which were internally documented and known to the Respondent from the start.

All of the information required by Government Code Section 910 with respect to Petitioner's claim is set forth in detail in the claim submitted by Petitioner attached to her Application for Leave to Present Late Claim and is incorporated herein. (Thomas Decl at ¶¶3-4, Ex. 1)

For the above reasons, and as set forth in detail in the concurrently filed Memorandum of Points and Authorities, Request for Judicial Notice and Supporting Declaration(s) of Hiroko Abe, Diana Thomas and Ches Fry, Petitioner should properly be relieved from the claim filing requirements of Government Code section 945.4 as to the State so she may proceed with filing her lawsuit.

[2] To the extent the State would take the position that Petitioner is required to submit an application to present late claim *after April 2027 but prior to October 26, 2026* (more than six months after, but within one year of, the whistleblowers releases) and out of an abundance of caution, Petitioner will submit a renewed late claim application. Petitioner expects the State will take the same position stated in its April 16, 2026 response given its determination of a December 31, 2020 accrual. (*Id.* at ¶5, Ex. 2)

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This Petition is based upon the Notice of Hearing, the Memorandum of Points and Authorities, the Declarations of Diana Thomas, Hiroko Abe and Ches H. Fry, and the Request for Judicial Notice, all concurrently filed herewith. True and correct copies of each of these documents were personally served upon Respondent and (pursuant to Government Code § 945.6) on the Office of the Attorney General, 1300 "I" Street, Sacramento, CA 95814-2919, as shown in the Proof of Service.

Wherefore, Petitioner requests that the Court grant her relief from the claim-filing requirements and permit Petitioner to proceed with filing her complaint against the State.

VERIFICATION

I, HIROKO ABE, declare:

I am the Petitioner and I have read the foregoing Petition for Relief from the Claim-Presentation Requirements of Government Code Section 945.4 and know its contents. The matters stated are true of my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true. Executed this 8th day of October in Koriyama City, Japan. I declare under penalty of perjury under the laws of the State of California that the foregoing is true

署名者: Hiroko Abe
D6B2B8815B024CC

By: _____
Petitioner Hiroko Abe
Individually and as successor-in-interest
to the Estate of Hanako Abe