

ATTACHMENT “A – BODILY INJURY CLAIM”

Claimant objects to your Claim Form because it requires information which constitutes an invasion of the Claimant’s privacy. Moreover, the information is not required to be provided by the Claimant under California Government Code Section 910. For example, California Government Code Section 910 does not require that the Claimants provide their home and work numbers, driver’s license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons “for believing the City is liable for your damages, “or a description” of all damages which you believe you have incurred as a result of the incident.” For the purposes of this document “CLAIMANT” means the individual claimant, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF JOHN BURRIS. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANTS’ NAME: D.C. a minor child represented by and through Guardian ad Litem George Carter, Jr. and Jessica Carter.

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF JOHN L. BURRIS, 7677 Oakport Street, Suite 1120, Oakland, California 94621

CLAIMANT TELEPHONE NUMBER: C/O LAW OFFICES OF JOHN L. BURRIS, ESQ. (510) 839-5200.

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANTS’ AND ALL CONTACT SHOULD BE MADE WITH THEIR ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: December 30, 2020

LOCATION OF INCIDENT: Intersection of Davis & Eight Mile in Stockton, CA.

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM” AND “THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: [Per Government Code Section 910]. For the purposes of this claim, “AGENCY” is defined by and refers to the municipal, county, or state entity, which governs the Stockton Police Department.

DESCRIPTION OF INCIDENT:

The incident took place on December 30, 2020 at or near the intersection of Davis & Eight Mile in Stockton, CA. The incident arose when Stockton police officers came into contact with minor D.C. who was driving to his father’s home. As officers approached the minor vehicle, one unknown officer forcibly pulled the minor out of his vehicle without giving the minor an opportunity to timely respond to his request to get out of the car. As a result, the minor was forcibly removed from the vehicle and slammed to the ground. As the minor laid in a fetal position on the ground, one unknown officer viciously struck the 17-year old minor in the face

with his knee. The minor continued to comply after being forcibly removed, slammed and struck in the face, however, officers continued to use excessive force on the minor. Minor D.C. did not pose any threat of harm to the officers while he was restrained on the ground. Therefore, officers were without just cause in using excessive force to detain minor D.C. when he showed no signs of resistance. Minor D.C. attempted to comply with Stockton police officers demands by putting his hands behind his back, however, multiple unknown officers continued to viciously assault him by repeatedly hitting him in his face and back area. As a result, the minor suffered significant injuries to his face and back.

In addition, after the minor indicated to officers that he was a minor, officers began to use vulgar language towards the minor which included but not limited to “Bitch” and “Asshole.”

Minor D.C. did not pose a threat of serious injury or harm after being restrained to the ground. Thus, the violent assault of minor D.C. constituted excessive, unreasonable, unlawful and unnecessary force against him by Stockton Police Officer Michael Stiles and DOES 1-50.

DESCRIPTION OF CLAIM:

Claimants alleges that the conduct of individual employees, agents, and/or servants of CITY OF STOCKTON constitute State statutory violations, which might include but are not limited to assault, battery, negligence, negligent hiring, and intentional infliction of emotional distress.

Claimants alleges those individual employees, agents and/or servants of CITY OF STOCKTON are responsible for Claimant’s injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondeat superior. Respondeat superior liability includes but is not limited to, negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of the CITY OF STOCKTON, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for CITY OF STOCKTON, and MICHAEL STILES, DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimants allege the appropriate offenses listed below.

Claimants allege that assault included, but was not limited to, conduct causing claimant to reasonably fear a harmful offensive touching upon claimant’s person.

Claimants allege that battery included, but not limited to, conduct resulting in a harmful offensive touching upon claimant’s person in a manner foreseeable likely to cause injury.

Claimants allege that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing claimant at risk of serious physical injury.

Claimants allege that negligent hiring included, but was not limited to, breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimants allege that intentional infliction of emotional distress included, but not limited to, outrageous acts or omissions with the intent to cause emotional distress to another individual. The intentional conduct resulted in claimant's physical injuries.

Claimants allege violation of California Civil Code Section 52.1 for actions by law enforcement personnel, whether or not acting under color of law, which interfere by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state.

Claimants intent to pursue civil penalties pursuant to California Civil Code Sections 52(a) and 52(b).

Claimant will allege a lack of training, supervision and accountability.

Claimant will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimants have, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimants may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, and/or other special damages in amounts to be determined according to proof.

Claimants may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

DESCRIBE INJURY OR DAMAGE:

Claimants have, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimants may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimants may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

Stockton Police Department Officer MICHAEL STILES, and DOES 1-100.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants do hereby demand that CITY OF STOCKTON including, but not limited to, the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

AMOUNT OF CLAIM:

This claim is in excess of \$25,000. Jurisdiction is designated as “unlimited” and jurisdiction would be in the United States District Court and/or Superior Court of the State of California.

DATED: January 5, 2021

Sincerely,

John L. Burris
Ben Nisenabum
Attorney for Claimants
Law Offices of John L. Burris

January 5, 2021

City Clerk's Office
City of Stockton
425 N. El Dorado Street, 1st Floor
Stockton, CA 95202

RE: Request for Endorsed Copy Verifying Administrative Claim Received – Law Offices of John L. Burris

Our clients: D.C. et al.

Dear Records Clerk,

This is to inform you that the Law Offices of John L. Burris represents the Claimants in this matter.

We have attached a copy of a completed claim form, which includes a detailed addendum. We have sent you two copies of the form. We request that you send us back one endorsed copy verifying the time and date that our claim was received. We have enclosed a self-addressed stamped envelope for your convenience. If you have any questions please, contact us immediately.

Regards,

Christopher A. Dean
Law Clerk
LAW OFFICES OF JOHN L. BURRIS

CERTIFICATE OF SERVICE

(D.C. et al v. City of Stockton)

STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN:

I am a citizen of the United States and employed in the county aforesaid; I am over the age of eighteen years, and not a party to the within action; My business address is 7677 Oakport Street, Suite 1120, Oakland, California 94621. On the date below, I served on the named parties and / or counsel of record: January 5, 2021.

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|---|----------------|
| City Clerk’s Office City of Stockton 425 N. El Dorado Street, 1st Floor Stockton, CA 95202 | City on Notice |
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The following documents in the manner checked below:

TWO COPIES OF ADMINISTRATIVE CLAIM AND COVER LETTER

- (VIA MAIL – CCP §§ 1013(a), 2015.5)** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection and mailing on that date following ordinary business practices. I am readily familiar with my firm’s business practice of collection and processing of correspondence for mailing with the U.S. Postal Service at Oakland, California, with postage thereon fully prepaid, that same day in the ordinary course of business.
- (VIA PERSONAL DELIVERY – CCP §§ 1011, 2015.5)** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and causing each envelope(s) to be hand delivered on that day by _____, in the ordinary course of my firm’s business practice.
- (VIA E-MAIL OR ELECTRONIC TRANSMISSION – CCP §§ 1013(e), 2015.5, CRC 2008)** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document to be sent to the persons at the e-mail address(es) or the facsimile number listed above. I am readily familiar with my firm’s business practice of collection and processing of correspondence via facsimile transmission(s) and any such correspondence would be transmitted in the ordinary course of business. The facsimile transmission(s) was reported as complete and without error, and a copy of the transmission report is attached.
- (VIA OVERNIGHT MAIL/ COURIER – CCP §§ 1013(c), 2015.5)** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection by overnight mail service or overnight courier service. I am familiar with my firm’s business practice of collection and processing of correspondence for overnight mail or overnight courier service, and my correspondence placed for collection for overnight delivery would, in the ordinary course of business, be delivered to an authorized courier or driver authorized by the overnight mail carrier to receive

LAW OFFICE OF JOHN L. BURRIS

7677 Oakport Street Suite 1120 Oakland, CA 94621 (510) 839-5200 www.johnburrislaw.com

documents, with delivery fees paid or provided for, that same day, for delivery on the following business day.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on December 7, 2020 in Oakland, California.

X

Clerk - Law Offices of John Burris