

ATTACHMENT "A"

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:

CLAIMANT'S NAME: E.T., a minor by and through his guardian ad litem Leataie Tagalo

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

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

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANT AND ALL CONTACT SHOULD BE MADE WITH HIS ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: On or about April 27, 2020

LOCATION OF INCIDENT: At or near 10246 Mills Station Road, Rancho Cordova, California

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 Rancho Cordova Police Department and/or the Sacramento County Sheriff's Department

DESCRIPTION OF INCIDENT:

Around noon on April 27, 2020, 14 year-old E.T. walked from his home to a nearby 7-11 store and gas station located at 10246 Mills Station Road, Rancho Cordova, California. E.T. is a minor and wanted to buy a cigar from the store. He asked an adult who was going into the store if they would buy the cigar for him. The adult agreed, took E.T.'s money and went inside the 7-11. The adult returned and gave the Minor a small package of cigars.

Shortly thereafter, Rancho Cordova Police Officer Brian Fowell confronted the Minor. Ofc. Fowell demanded the minor give him the cigar. Claimant handed over the cigar. However, instead of going to confront the adult who illegally purchased the cigars for the Minor, Ofc. Fowell chose to escalate the situation and assault the slightly built unarmed 14 year-old child.

Ofc. Fowell's aggressive demeanor made the Minor scared. Instead of de-escalating the situation, Ofc. Fowell responded with additional aggression and violence. He wrestled the Minor to the ground, jumped on top of him and began repeatedly punching and smashing the Minor's head into the concrete. The Minor had a difficult time breathing and was petrified by the Ofc. Fowell's misconduct. Nevertheless, Ofc. Fowell continued to assault Claimant while asking him "what are you" which was either in reference to the Minor's racial identity or assumed gang status. The Minor is Samoan and is not a gang member. Eventually the Minor was handcuffed and put into the backseat of a nearby patrol car.

In the aftermath of this incident, the Minor showed more maturity than Ofc. Fowell. For example, he ultimately admitted and took responsibility for trying to buy the cigar. In comparison, to date Ofc. Fowell has not apologized or taken ownership of his blatant use of excessive force against the small child. Furthermore, even after reviewing video of the incident, Rancho Cordova's Chief of Police Kate Adams refused to acknowledge Ofc. Fowell's dangerous and unnecessary violence against a child thereby ratified Ofc. Fowell's unconstitutional conduct.

As a result of Ofc. Fowell's excessive force, the Minor Claimant suffered physical injuries, including lacerations and abrasions, as well a emotional distress.

DESCRIPTION OF CLAIM:

Claimant alleges that the conduct of individual employees, agents, and/or servants of AGENCY constitute State statutory violations, which might include but are not limited to assault, battery, false imprisonment, false arrest, negligence, negligent hiring, and intentional infliction of emotional distress, and negligent infliction of emotional distress.

Claimant alleges those individual employees, agents and/or servants of AGENCY are responsible for Claimant's injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondent superior. Respondent superior liability includes but is not limited to, negligent training, supervision, control and/or discipline.

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

Claimant alleges the appropriate offenses listed below.

Claimant alleges that assault included, but was not limited to, conduct causing Claimant to reasonably fear a harmful offensive touching upon his person.

Claimant alleges that battery included, but was not limited to, conduct resulting in a harmful offensive touching upon Claimant's person in a manner foreseeable likely to cause injury.

Claimant alleges that false imprisonment included, but was not limited to, acts or omissions causing Claimant to be confined or restricted to an area without means of escape while Claimant was aware of the confinement.

Claimant alleges that false arrest included, but not limited to, acts that placed Claimant under wrongful arrest without a warrant, actually caused Claimant harm and the arresting person(s) were a substantial factor in causing that harm.

Claimant alleges 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, detention and/or arrest.

Claimant alleges 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.

Claimant alleges that negligent infliction of emotional distress included, but was not limited to, the failure to use reasonable care to avoid causing emotional distress to another individual. The negligent conduct resulted in Claimant's physical injuries.

Claimant alleges that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to causing emotional distress to another individual. The intentional conduct resulted in Claimant's physical injuries.

Claimant alleges 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.

Claimant alleges violation of California Civil Code Section 51.7, for acts of violence, or intimidation by threat of violence, committed against Claimant's person because of his race, color, and/or ancestry. Claimant intends to pursue civil penalties pursuant to Ca. Civil Code Sections 52(a) & 52 (b).

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

DESCRIBE INJURY OR DAMAGE:

Claimant has, 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.

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Claimant 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.

Claimant 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:

Rancho Cordova Officer Brian Fowell

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimant does hereby demand that AGENCY 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: 5/4/2020 7:49 AM

Regards,

Patrick Buelna

THE LAW OFFICES OF JOHN L. BURRIS

May 4, 2020

County of Sacramento Clerk,
Board of Supervisors
700 H Street, Rm. 2450
Sacramento, CA 95814

RE: Request for Endorsed Copy Verifying Administrative Claim Received –
Claimant: **Minor** E.T. by and thru his G.A.L. Leataie Tagalo
DOI: April 27, 2020

Dear Clerk,

This is to inform you that the Law Offices of John Burris represents **Minor Claimant** E.T. by and thru his Guardian Ad Litem Leataie Tagalo. Claimant E.T. suffered injuries due to an encounter with Rancho Cordova Police officers that took place on April 27, 2020 at or near 10246 Mills Station Road, Rancho Cordova, California.

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,

Patrick Buelna
Attorney
THE LAW OFFICES OF JOHN L. BURRIS

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Name: First, Middle, Last E.T. by and thru his G.A.L. Leataie Tagalo	Race:	Date of Birth: 10-5-61
Address 7677 Oakport Avenue Suite 1120 Oakland CA 94621	City, State, Zip	Home Phone: Work Phone:
Person/Supervisor Receiving Claim:	Badge #:	Date:

Claim Form

Complete this portion if claimant is a minor or is being assisted or represented by counsel+

Name: First, Middle, Last The Law Offices of John L. Burris	Relationship to claimant: Attorney
Address State Zip 7677 Oakport Avenue Suite 1120 Oakland Ca. 94621	Phone: (510)839-5200

Badge No.	Name/Vehicle No., etc.
Ofc. Brian Fowell	
Narrative of incident: See Attachment	
Were you injured? Yes, See Attachment	
Witness names: (First, Middle, Last)	Ad
<p><i>I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge.</i></p> <p>Claimant's Signature: _____</p> <p style="text-align: center;">Patrick Buelna The Law Office of John L. Burris</p> <p style="text-align: center;">Date: <u>5/4/20</u></p>	

Location of incident:

Rancho Cordova, California

Identity of involved personnel: Brian Fowell
