

CITY OF RIALTO LIABILITY

CLAIM FOR DAMAGES TO PERSON OR PROPERTY

CITY CLERK'S DATE STAMP

CITY OF RIALTO
2925 JUNII PH 1: 36
RECEIVED

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Gov. Code §911.2).

- 2. Claims for damages to real property must be filed not later than one (1) year after the occurrence (Gov. Code §911.2).
- 3. READ ENTIRE CLAIM FOR BEFORE FILING
- 4.ATTACH SEPARATE SHEETS, IF NECESSARY, TO GIVE FULL DETAILS

RETURN TO:
Rialto City Clerk's Office

Mail: 150 S. Palm Ave., Rialto, CA 92376 Address: 290 W. Rialto Ave., Rialto, CA 92376

CLAIMANT INFORMATION:	
Dianne Yvette Fore	
FULL NAME	DATE OF BIRTH
HOME ADDRESS INCLUDING CITY, STATE & ZIP	HOME TELEPHONE NO.
	()
BUSINESS ADDRESS INCLUDING CITY, STATE & ZIP	BUSINESS TELEPHONE NO.
ADDRESS AT WHICH CLAIMANT DESIRES TO RECEIVE	Counsel: Kristal Pacheco, Esq., Sweet James, LLP: 4220 Von Karman Ave.
NOTICES OR COMMUNICATIONS REGARDING THIS CLAIM (if different from home address provided above):	Suite 200, Newport Beach, CA 92660; (949) 644-100; Fax (949) 644-1005
1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: March 23	, 2025 TIME: <u>07:21 □ AM ⋈ PM</u>
2. PLACE OF ACCIDENT (OCCURRENCE) BE SPECIFIC – Describing the appropriate, give street names and addresses, measurements	ribe fully and (if applicable) locate on diagram on reverse side of this sheet. and landmarks.
At, or around the south sidewalk near	(see Addendum).
3. HOW DID DAMAGE OR INJURY OCCUR?	
As a direct result of the hazardous condition, where there	was a significant height differential between adjacent sidewalk
panels, the Claimant was unable to maintain safe footing	, tripped, and fell to the ground. The fall caused the Claimant to
sustain serious physical injuries and other related damag	ges (see Addendum).
4. WERE POLICE AT THE SCENE?	RAMEDICS AT THE SCENE? ⊠ YES □ NO
5. WHAT PARTICULAR ACT OR OMISSION DO YOU CLAIM CA employee causing the injury or damage, if known.	USED THE INJURY OR DAMAGES? Give the name of the city/town
The City of Rialto is responsible for the maintenance, con	trol, preservation, upkeep, and restoration of sidewalk structures
as nearly close as possible to the condition to which the s	sidewalks were constructed. This includes the Sidewalk where
the Subject Incident occurred (see Addendum).	
6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of a	any prospective injury or damage \$_(see Addendum)
HOW WAS THE ABOVE AMOUNT COMPUTED? Be specific, list of	doctor bills, repair estimates, etc. Please attach 2 estimates.
DAMAGES INCURRED TO DATE:	
Item/Date: On going medical treatment (from	3/23/2025). Amount: \$_46,649.73
Item/Date:	Amount: \$

TOTAL AMOUNT CLAIMED AS OF PRESENTA	TION OF THIS CLAIM:	\$ <u>46,649.73</u>					
ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:							
Item/Date: Future medical treatment from inju	uries.	Amount: \$ 250,000.00					
Item/Date: (see Addendum)	Amount: \$						
TOTAL ESTIMATED AMOUNT PROSPECTIVE	DAMAGES:	(see Addendum)					
7. WITNESSES TO DAMAGE OR INJURY List all persons known to h		nages if necessary)					
NAME: Investigation ongoing (see Addundum)		pagos, ii noocoaiyy					
ADDRESS:							
AUDRESS.	ADDRESS.						
	TELEPHONE: ()						
8. IF INJURED, PROVIDE NAME, CONTACT INFORMATION AND D	DATE/TIME DOCTOR(S) OR HOS	PITAL(S) VISITED:					
NAME: On going medical treatment (from 3/23/2025)	NAME:						
ADDRESS:	ADDRESS:						
	19						
TELEPHONE: (relephone: ()						
DATE: TIME: AM PM	DATE:	TIME: AM 🗆 PM					
9. PLEASE READ THE FOLLOWING CAREFULLY:							
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PARKWAY	Cidowalk V 🌦	eparation C C C C C C C C C C C C C C C C C C C					
I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND I CERTIFY (OR DECLARE) UNDER PENALTY OF PESIGNATURE OF LAIMANT OR AGENT	D BELIEF; AND AS TO THOSE MATTERS ERJURY THAT THE FOREGOING	IS TRUE AND CORRECT.					
SIGNATURE OF LAIMANT OR AGENT Kristal Pacheco, Esq., Sweet James, LLP	D BELIEF; AND AS TO THOSE MATTERS ERJURY THAT THE FOREGOING	June 10, 2025					
SIGNATURE OF LAIMANT OR AGENT Kristal Pacheco, Esq., Sweet James, LLP TYPE OR PRINT NAME	D BELIEF; AND AS TO THOSE MATTERS ERJURY THAT THE FOREGOING	IS TRUE AND CORRECT.					
SIGNATURE OF LAIMANT OR AGENT Kristal Pacheco, Esq., Sweet James, LLP	D BELIEF; AND AS TO THOSE MATTERS ERJURY THAT THE FOREGOING	June 10, 2025					

92660 // (949) 644-1000.

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1	Kristal Pacheco, Esq. (SBN: 350168) Email: kristalp@sweetjames.com	2025 JUN 1 1 FH 1: 36
2	Email: kp-service@sweetjames.com SWEET JAMES, LLP	
3	4220 Von Karman Avenue, Suite 200	RECENTED OF SERVICE
4	Newport Beach, CA 92660 Telephone: (949) 644-1000	**
5	Fax: (949) 644-1005	
6	Attorneys for Claimant, Dianne Yvette Fore	
7		
8	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
9	FOR THE COUNTY	Y OF SAN BERNARDINO
10		
11	DIANNE YVETTE FORE, an individual,	CASE NO.: N/A
12	Claimant,	OT A DATA CA DAIGT A DUDI IC ENTERN.
13	VS.	CLAIM AGAINST A PUBLIC ENTITY; ADDENDUM TO CLAIM AGAINST CITY OF
14		RIALTO, A PUBLIC ENTITY, ITS AGENTS AND EMPLOYEES, AND
15	CITY OF RIALTO; and DOES 1 through 50, inclusive,	SUBCONTRACTORS
16	Respondent.	
17	2-	
18		
19	Pursuant to California Government Co	de Sections 905 and 910 et seq., demand is hereby
20	made by CLAIMANT DIANNE YVETTE	E FORE (hereinafter "CLAIMANT") against the
21	Respondents, CITY OF RIALTO (hereinafter	"RESPONDENT"), and DOES 1-50, in an amount in
22	excess of the minimum jurisdictional limits of	of the Superior Court of the State of California. In
23	support of this claim, the following information	is submitted:
24	1. <u>CLAIMANT</u> : Dianne Yvette Fo	ore
25	2. Address to which CLAIMAN	T requests correspondence to be mailed: SWEET

CITY OF RIALTO

Nature of Injuries: Bodily injury to CLAIMANT.

JAMES, LLP, c/o Kristal Pacheco, Esq.// 4220 Von Karman Avenue, Suite 200, Newport Beach, CA

- 1 4. Amount of Claimed Damages: The full extent of CLAIMANT's damages are
- 2 unknown at this time but are expected to exceed \$250,000.00 and thus, pursuant to Government Code
- 3 Section 910(f), "no dollar amount shall be included in the claim." The claim will **not** be a limited
- 4 civil case (\$25,000 or less). The exact amount of said losses, which is believed to be far in excess of
- 5 \$25,000.00, will be stated according to proof pursuant to Code of Civil Procedure Section 425.10.
- 5. <u>Date and Time When Damage and Injury Occurred</u>: On or around March 23,
- 7 2025, at approximately 07:21 pm.
- 8 6. Where Did the Damage and Injury Occur: It is believed the incident occurred on,
- 9 around, or near , City of Rialto, County of San Bernardino, State of California
- 10 ("SIDEWALK").
- 7. Governmental Entities Alleged to be at Fault: Respondent CITY OF RIALTO, a
- 12 public entity, its agents, employees, subcontractors, and DOES 1-50.
- 8. Names, Addresses and Telephone Numbers of Witnesses: Investigations are still
- 14 ongoing and not all witnesses are known at this time.
- 9. Nature of the Case: On the above date and time, CLAIMANT went for a walk,
- traveling along the south sidewalk of Via Bello Dr., in the City of Rialto, County of San Bernardino,
- 17 State of California.
- As a direct result of the hazardous condition, where there was a significant height differential
- 19 between adjacent sidewalk panels, CLAIMANT was unable to maintain safe footing, tripped, and fell
- 20 to the ground. The fall caused CLAIMANT to sustain serious physical injuries and other related
- 21 damages (hereinafter "SUBJECT INCIDENT").
- 22 10. Basis of Claim Against Government Entity: At all said times mentioned herein, the
- 23 CITY OF RIALTO, its agents, employees, and/or independent contractors within the meaning of
- 24 California Government Code, including section 815.2, 815.4, et seq., negligently conducted
- 25 themselves and negligently owned, operated, designed, and maintained said SIDEWALK and the
- 26 property appurtenant and adjacent thereto, that was in a dangerous and defective condition within the
- 27 meaning of California Government Code, including sections 815.6, 820, 830, 835, 835.2, 840.2,
- 28 840.4, 840.6, of which said public entity knew or should have known and which they failed to warn

1	about or correct, so as to cause the uneven and raised concrete on SIDEWALK.
2	The CITY OF RIALTO is responsible for the maintenance, control, preservation, upkeep, and
3	restoration of sidewalk structures as nearly close as possible to the condition to which the sidewalks
4	were constructed. This includes the SIDEWALK where the SUBJECT INCIDENT occurred. The
5	CITY OF RIALTO caused, created, and/or allowed to exist and to continue to exist said dangerous
6	condition(s) when the CITY OF RIALTO failed to adequately control and/or maintain the concrete
7	sidewalk, as well as CITY OF RIALTO's lack of action or inaction to block off the uneven area/hole
8	being unsafe for pedestrians. These conditions created a concealed trap and the CITY OF RIALTO,
9	knowing of the dangerous condition or having should have known, failed to remedy it in a timely
0	matter and failed to warn of the dangerous condition before this incident. Said dangerous condition of
1	the SIDEWALK consisted of, inter alia:
12	 An unapproved design plan;
13	• Changed conditions since the initial design which created a hazard for users of the
4	Roadway;
5	• A substantial prior accident history, and complaints of the dangerousness of the
6	Roadway and crosswalk by local residents;
7	• Insufficient signage, markings, and/or other warning signs/devices which were either
8	in addition to, or co-existent with, insufficient visibility that placed users at said
9	location into a zone of danger;
20	• A trap for pedestrians, which consisted of, among other things, sightline obscurements
21	caused by a curve in the Roadway, foliage, poorly maintained concrete, and sidewalk
22	geometry.
23	• These conditions created a serious risk of injury or death for users of the same, luring
1	and channeling pedestrians such as CLAIMANT into harm's way creating a false

- and channeling pedestrians, such as CLAIMANT into harm's way, creating a false sense of safety and security.
- Said public entity, knowing of the dangerous condition, failed to remedy it in a timely matter and failed to warn of the dangerous condition before this incident.

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These dangerous conditions created a reasonably foreseeable risk of injury to CLAIMANT 1 and other pedestrians similarly situated on the SIDEWALK and was the legal, direct, and proximate 2 cause of the incident and serious injuries to CLAIMANT. 3 The Damages and Injuries Claimed: As a legal, direct and proximate result of the 11. 4 conduct of Respondents CITY OF RIALTO and DOES 1-50 CLAIMANT sustained non-economic 5 damages, including, but not limited to, past and future physical pain and mental suffering, loss of 6 enjoyment of life, inconvenience, grief, anxiety, humiliation, serious emotional distress, in an 7 amount in excess of the jurisdictional minimum, according to proof, pursuant to Section 425.10 of the 8 California Code of Civil Procedure. 9 As a legal, direct and proximate result of the conduct of Respondents CITY OF RIALTO and 10 DOES 1-50 CLAIMANT was injured in her health, strength, and activity, sustaining injuries to her 11 body, and shock and injury to her nervous systems and person, all of which have caused, and 12 continue to cause him great physical, mental, and nervous pain and suffering. CLAIMANT was 13 compelled to, and did, employ the services of hospitals, physicians, nurses, and the like, to care for 14 and treat him, the exact amount of such losses to be stated according to proof, pursuant to Section 15 425.10 of the California Code of Civil Procedure. CLAIMANT continues to treat for her injuries at 16 this time so the full extent of her damages is unknown but will be supplemented as discovery 17 continues. 18 CLAIMANT continues to receive treatment at this time and not all damages are known. 19 CLAIMANT has incurred and will incur actual, special, and general damages, as allowed by law within the jurisdiction of the Superior Court. /// 22 23 /// /// 24 111 25 /// 26 /// 27

SWEET JAMES, LLP 4220 Von Karman Avenue, Suite 200 Newport Beach, CA 92660 12. Reservation of Right to Amend and/or Supplement Claim: Investigations are still ongoing at this time. As such, all statements contain herein are pending verification and not all facts/damages are known. Therefore, CLAIMANT reserves her right to amend and/or supplement this claim, including asserting new theories of liability or causes of action and their related damages, upon discovery of new or additional information or facts. CLAIMANT reserves her right to supplement or amend these claims as discovery proceeds in this matter. These claims and related damages are being made on the best information currently available to CLAIMANT and her counsel.

DATED: June 10, 2025

SWEI

By:
Kristal Pacheco, Esq.
Attorney for Claimant

INCIDENT REPORT

ш	Agency Name: RIALTO POLICE DEPARTMENT											Report Date/Time: OCA #: 03/25/2025 07:13:39 932503450										
$\mathbf{\Sigma}$	Incident Start Date/Time: DOW:												Case Screening: CHP 180									
	RIALTO POLICE DEPARTMENT Incident Start Date/Time: 03/23/2025 19:21:00 Sunday Incident End Date/Time: Internal Incider 03/23/2025 22:00:00 Incident Location: Case Description: UCR Status: AXON, PHOTOGRAPHS								INITIAL				Serialized Property Hate Crime Total Lo							al Loss		
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THE RIAL TO POLICE DEPARTMENT REL TO: CYLMER & BEVERLY

BY: M.M. 04.09.25

INCIDENT REPORT - ADDITIONAL PERSONS

	Agency RIALTO		: .ICE DEF		ORI#: CA0360900				Report Date/Time: 03/25/2025 07:13:			OCA#: 932503									
ĺ	Pers Bus	on iness	Name: DAINNI	E YVE	TTE FOF	RE							Phone:				Cell Phone:				
	Address (Street, Apt., City, State, Zip): Involvement Type (Person): Victim Type (Business): Domestic Content Violence LEOKA Activity: LOTHER												Pager:								
												LE	OKA A	ssignme	ent:						
	Occupation: Employer: Employer Address:																	Em	ployer f	oloyer Phone:	
ĺ	Relation	ship to	Offender:		DOB:			Age: 76	Se F	x:		Height: Weight: 502 155			Build: LIGHT	- 1	Complex LIGHT		1 '		
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ח	Person Name: Phone:												Cell Ph	one:							
5	Address (Street, Apt., City, State, Zip): Pager:																				
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NOT FOR THIRD PARTY RELEASE THE RIALTO POLICE DEPARTMENT **REL TO: CYLMER & BEVERLY**

BY: M.M. 04.09.25

INCIDENT REPORT - NARRATIVE

Agency Name:	ORI#:	Report Date/Time:	OCA#:
RIALTO POLICE DEPARTMENT	CA0360900	03/25/2025 07:13:39	932503450

NARRATIVE

DOCUMENTATION ONLY

ASSIGNMENT:

On 03/23/2025, I (Officer D. Zuniga) was assigned to uniform patrol for the Rialto Police Department in the City of Rialto, County of San Bernardino. At approximately 1943 hours, I responded to a call for service at the 2400 block of West Via Bello Drive in reference to a city property-related injury report.

BACKGROUND INFORMATION:

Before arriving at the incident location, I received information from the Rialto Police Department dispatch personnel that the reporting party advised that a subject tripped, fell, and injured herself on the sidewalk in front of residence

The subject was later identified as Rialto resident, Dianne Fore, DOB

Paramedics transported Fore to the Arrowhead Regional Medical Center due to her sustained injuries.

SUBJECT STATEMENT: DIANNE FORE, DOB

I spoke to Fore at the Arrowhead Regional Medical Center and later conducted a follow-up via cell phone. The following is a summary of Fore's statement. This conversation was recorded using my Rialto Department-issued Axon body-worn camera placed onto Evidence.com.

Fore informed me that she went for a walk on the day of the incident. She traveled the south sidewalk of Via Bello Dr. As she walked on the sidewalk in front of she tripped and fell, hitting her right knee on the concrete. Fore informed me that the concrete was raised, which she believed caused her to trip. Fore contacted her neighbor, who called for an emergency response at her location.

Fore informed me that her right kneecap appeared misplaced, and she sustained pain in this knee. Fore did not sustain any other injuries. Fore received an x-ray at the hospital, and she told me that the discharge paperwork indicated that she was diagnosed with a closed nondisplaced fracture of the right patella, unspecified fracture morphology, initial encounter. Fore provided pictures of her discharge paperwork. These pictures were uploaded onto Evidence.com.

Fore informed me that she struggled to walk and received crouches to assist her mobility.

OBSERVATIONS:

Upon arriving at the incident location, I found the raised concrete in front of measured the raised concrete slap, which indicated it was approximately 2.5 inches from level. The raised concrete may have been caused by tree roots from a large tree in the lawn of 2425 W. Via Bello Dr.

I canvassed the area for surveillance cameras and found that

had a doorbell CONTROLLED COPY CONFIDENTIAL COPY

NOT FOR THIRD PARTY RELEASE THE RIALTO POLICE DEPARTMENT REL TO: CYLMER & BEVERLY BY: M.M. 04.09.25

INCIDENT REPORT - NARRATIVE

Agency Name:	ORI#:	Report Date/Time:	OCA#:			
RIALTO POLICE DEPARTMENT	CA0360900	03/25/2025 07:13:39	932503450			

NARRATIVE

camera. The camera may not have captured the incident due to a pillar blocking its view. I knocked on the door and attempted to contact the resident of this home but was met with negative results.

Traffic cones and caution tape were placed around the area as a temporary safety measure until repairs can be made. A cell phone and email message was left for the City of Rialto's Public Works regarding the incident.

PHOTOGRAPHS:

Photographs were taken of Fore's injury, and the location of the incident before and after the traffic cones were set.

These photographs were uploaded onto Evidence.com.

EVIDENCE:

The Axon video taken during this incident was uploaded onto evidence.com.

DISPOSITION:

This report was taken for documentation purposes.

RECOMMENDATIONS:

Report to file.

CONTROLLED COPY CONFIDENTIAL COPY

RESTRICTED AC 1, 142-11 43
NOT FOR THIRD PARTY RELEASE
THE RIALTO POLICE DEPARTMENT
REL TO: CYLMER & BEVERLY
BY: M.M. 04.09.25











CF GN DITWHA SHE SWEET JAMES ILP SWEET JAMES 4220 VON WAPMAN AVENUE SUITE 200 NEWPORT BEACH, CA 92560 UNITED STATES US (943) 544-1000

SHIP DATE 10JUN25 ACTIVIST 1.00 LB CAD 112808517IMET4535

BLL SEVOER

RIALTO CITY CLERKS OFFICE

150 S. PALM AVE

RIALTO CA 92376
(000) 000-0000
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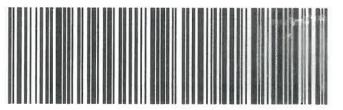
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11 JUN 5:00P WED STANDARD OVERNIGHT

92376

SBD CA-US



CITY OF RIMITIO



This envelope is only for FedEx Express® shipment

items securely. Need help? Go to fedex.com/packaging You can help us get your package safely to its destination Check your FedEx Express shipping document, the current

Guide, or the conditions of carriage for complete terms, condit

 Insert shipping document here.