



**CITY OF RIALTO
LIABILITY
CLAIM FOR DAMAGES
TO PERSON OR PROPERTY**

CITY CLERK'S DATE STAMP
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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:	
Beatriz Burgos Montoya	
FULL NAME	DATE OF BIRTH
HOME ADDRESS INCLUDING CITY, STATE & ZIP	HOME TELEPHONE NO.
Brock & Gonzales, LLP, 6701 Center Drive West, Ste. 610, Los Angeles, CA 90045	909-658-5973
BUSINESS ADDRESS INCLUDING CITY, STATE & ZIP	BUSINESS TELEPHONE NO.
ADDRESS AT WHICH CLAIMANT DESIRES TO RECEIVE NOTICES OR COMMUNICATIONS REGARDING THIS CLAIM (if different from home address provided above):	Brock & Gonzales, LLP, c/o Erica Gonzales
	Brock & Gonzales, LLP, 6701 Center Drive West, Ste. 610, Los Angeles, CA 90045

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: August 11, 2024 TIME: 11:00 AM PM

2. PLACE OF ACCIDENT (OCCURRENCE) BE SPECIFIC – Describe fully and (if applicable) locate on diagram on reverse side of this sheet. Where appropriate, give street names and addresses, measurements and landmarks.

Rialto Police Department, 128 N. Willow Avenue, Rialto, CA 92376
At the home of Officer Rodger Zamora in Rancho Cucamonga, CA

3. HOW DID DAMAGE OR INJURY OCCUR?
See attached.

4. WERE POLICE AT THE SCENE? YES NO WERE PARAMEDICS AT THE SCENE? YES NO

5. WHAT PARTICULAR ACT OR OMISSION DO YOU CLAIM CAUSED THE INJURY OR DAMAGES? Give the name of the city/town employee causing the injury or damage, if known.
Rialto Police Officer Roger Zamora, Rialto Police Department, City of Rialto. See attached.

6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of any prospective injury or damage \$ In excess of \$25,000
HOW WAS THE ABOVE AMOUNT COMPUTED? Be specific, list doctor bills, repair estimates, etc. **Please attach 2 estimates.**

DAMAGES INCURRED TO DATE:

Item/Date: <u>Medical Expenses</u>	Amount: \$ <u>Not presently known</u>
Item/Date: _____	Amount: \$ _____

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

CITY OF RIALTO

\$ In excess of \$25,000

ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:

Item/Date: Economic Damages

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Amount: \$ In excess of \$25,000

Item/Date: Non-Economic Damages

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Amount: \$ In excess of \$25,000

TOTAL ESTIMATED AMOUNT PROSPECTIVE DAMAGES:

\$ _____

7. WITNESSES TO DAMAGE OR INJURY *List all persons known to have information (attach additional pages, if necessary)*

NAME: Guadalupe Burgos Montoya

NAME: Jesus Chavez

ADDRESS: _____

ADDRESS: _____

TELEPHONE: (_____) _____

TELEPHONE: (_____) _____

8. IF INJURED, PROVIDE NAME, CONTACT INFORMATION AND DATE/TIME DOCTOR(S) OR HOSPITAL(S) VISITED:

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: (_____) _____

TELEPHONE: (_____) _____

DATE: _____ TIME: _____ AM PM

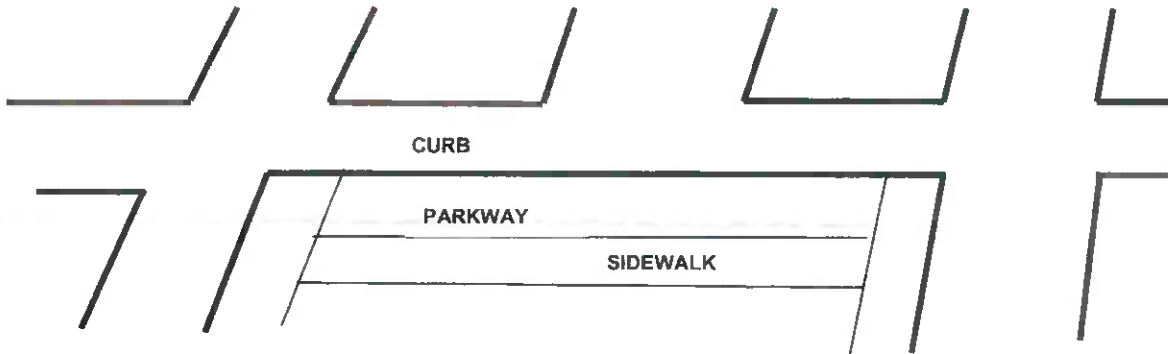
DATE: _____ TIME: _____ AM PM

9. PLEASE READ THE FOLLOWING CAREFULLY:

For all vehicle accident claims, place on the following diagram, the names of streets, including NORTH, EAST, SOUTH AND WEST directions. Indicate place of accident by "X" and by showing house numbers or distances to street corners.

If a city/town vehicle was involved, designate by letter "A" location of the City/Town vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City/Town vehicle; location of City/Town vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

⇒ NOTE: IF THE DIAGRAM BELOW DOES NOT FIT THE SITUATION, PLEASE ATTACH A PROPER DIAGRAM SIGNED BY THE CLAIMANT.



I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF; AND CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND BELIEF; AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF CLAIMANT OR AGENT

Erica Allen Gonzales

TYPE OR PRINT NAME

Attorney for Claimant

RELATIONSHIP TO CLAIMANT

1/30/24
DATE

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (CA PENAL CODE 72)
RETURN CLAIM TO: RIALTO CITY CLERK'S OFFICE - 150 S. PALM AVE., RIALTO, CA 92376

**City of Rialto
Liability
Claim for Damages to Person or Property
Attachment**

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3. How did damage or Injury occur?

On August 11, 2024, at approximately 11:00 a.m. the Rialto Police Department responded to a call at the residence of Guadalupe Burgos Montoya.

Rialto Police Officer Roger Zamora was the officer dispatched to the scene. Claimant Beatriz Burgos Montoya was taken in his police vehicle to the Rialto Police Station (128 N. Willow Avenue, Rialto, CA). Claimant was held at the Rialto Police Station for a short period of time. Thereafter, Officer Zamora took Claimant to the West Valley Detention Center (9500 Etiwanda Avenue, Rancho Cucamonga, CA) for booking.

During the time Claimant was in Officer Zamora's police vehicle, he used his color of authority to force and otherwise coerce Claimant to give him her phone. He took Claimant's phone, put his phone number in her phone, and ordered her to call the number once she was released from West Valley Detention Center.

Claimant was held at the West Valley Detention Center until approximately 6:00 p.m. Once she was released, she called Officer Zamora on the number he provided, and he picked her up from the West Valley Detention Center.

Officer Zamora then drove Claimant to a liquor store near his home in Rancho Cucamonga. Officer Zamora purchased computer cleaner which is used as an inhalant, for Claimant using his credit card. Claimant inhaled the computer cleaner in his car, and Officer Zamora drove her to his house in Rancho Cucamonga.

When they arrived at his home, Claimant was under the influence of the computer cleaner. At that time, Officer Zamora handed her an envelope containing her bra, which he had taken from her belongings when she was booked at West Valley Detention Center.

Officer Zamora offered Claimant a marijuana edible and they both took one. Officer Zamora knowing Claimant was under the influence of both dusters and marijuana, then walked Claimant to his bedroom and manipulated and coerced her to take a shower. When she began showering, Claimant noticed that there was a phone in the shower, with a camera, recording her in the shower. This act was committed against Claimant's will and without her consent. Moreover, due to the fact that she was heavily intoxicated at the hands of Officer Zamora, she would not have had the capacity to consent.

When Claimant became angry about the camera phone, Officer Zamora said he would drive her home. On the ride home, Officer Zamora stopped at another liquor store in Colton, and purchased more computer cleaner for Claimant, using his credit card.

Officer Zamora dropped Claimant off down the street from her home at approximately 9:00 p.m.

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5. What Particular Act or Omission Do You Claim Caused the Injury or Damages?

The City of Rialto/Rialto Police Department and agents are vicariously liable for its police officer's false imprisonment and invasion of privacy committed under color of authority. City of Rialto/Rialto Police Department and its police officer violated Claimant's civil rights, including but not limited to those protected by 42 U.S.C. 1983. City of Rialto/Rialto Police Department is responsible for the imprisonment and invasion of privacy under principles of respondeat superior. Also, City of Rialto/Rialto Police Department was negligent in the hiring, supervision, and retention of the offending police officer and City of Rialto/Rialto Police Department had prior notice that said deputy was unfit for the position and was prone to commit an abuse of his authority and/or assault upon a civilian. City of Rialto/Rialto Police Department was negligent in implementation of its procedures and policies regarding domestic investigations of single females. City of Rialto/Rialto Police Department is otherwise liable for the incident under the Tort Claims Act and under the applicable civil rights laws.

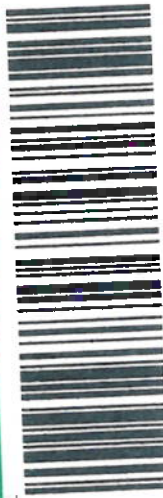
Claimant also alleges that the conduct of the City of Rialto/Rialto Police Department, including its agents and employees, constitutes violations of discrimination/civil rights; assault & battery; excessive force; negligence; and intentional infliction of emotional distress. Claimant also alleges that the City of Rialto/Rialto Police Department allowed, permitted, incited, excused, and otherwise condoned or ratified the aforesaid misconduct by failing to adequately and properly screen, hire, train, re-train, supervise, retain, monitor, track, and discipline its employees and agents, including members of the City of Rialto/Rialto Police Department. Claimant further alleges that City of Rialto/Rialto Police Department, including its agents and employees, conspired to cover up the entire wrongful misconduct mentioned herein to avoid criminal prosecution, civil liability, and departmental discipline.

B&G | **BROCK & GONZALES**

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Los Angeles, CA 90045

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Rialto, CA 92376

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