



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

CITY CLERK'S DATE STAMP

CITY OF RIALTO
2025 NOV 10 PM 4:07
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CITY CLERK

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:

McCray, Rosemary

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
NOTICES OR COMMUNICATIONS REGARDING THIS CLAIM
(if different from home address provided above):

Law Offices of Kottler & Kottler,
6420 Wilshire Blvd, 20th Floor, Penthouse, Los Angeles, CA 90048
Tel. (213) 387-2266 Fax. (213) 387-2889

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: 06/18/2025 TIME: 5:00 ☐ 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.

223 E. Belmont Ave., Rialto, CA 92377

3. HOW DID DAMAGE OR INJURY OCCUR?

See Attachment A

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.

See Attachment A

6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of any prospective injury or damage \$ See Attachment A

HOW WAS THE ABOVE AMOUNT COMPUTED? Be specific, list doctor bills, repair estimates, etc. Please attach 2 estimates.

DAMAGES INCURRED TO DATE:

Item/Date: See Attachment A

Amount: \$ See Attachment A

Item/Date:

Amount: \$

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

\$ See Attachment A

ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:

Item/Date: See Attachment A

Amount: \$ See Attachment A

Item/Date: _____

Amount: \$ _____

TOTAL ESTIMATED AMOUNT PROSPECTIVE DAMAGES:

\$ _____

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

NAME: See Attachment A

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

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

NAME: See Attachment A

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

DATE: _____ TIME: _____ ☐ AM ☐ PM

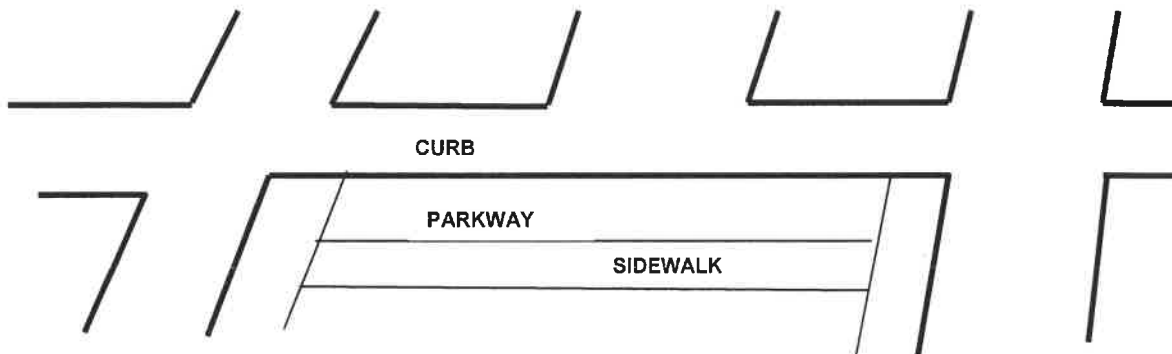
DATE: _____ TIME: _____ ☐ AM ☐ PM

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

SHARI S. DANESHRAD, ESQ.

TYPE OR PRINT NAME

Attorney for Claimant, Rosemary McCray

RELATIONSHIP TO CLAIMANT

DATE

11.5.25

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

November 5, 2025

Via Regular Mail & Certified Mail 9589 0710 5270 0117 9498 24

City of Rialto
Attn: City Clerk's Office
150 S. Palm Ave.
Rialto, CA 92376

**Government Claim Pursuant to Government Code Sections 905
And 910, et. Seq. for Personal Injuries**

Pursuant to the provisions of §§ 905 and 910 et seq. of the California Government Code, demand is hereby made against the CITY OF RIALTO (a public entity), and DOES 1 through 100 inclusive, in an amount in excess of the jurisdictional limits of the Superior Court of the State of California.

In support of said claim, the following information is submitted:

1. **Claimant:** Rosemary McCray
2. **Address:**
3. **Address to which claimants wish correspondence to be mailed:** c/o Douglas E. Kottler, Esq., KOTTLER & KOTTLER, 6420 Wilshire Boulevard, 20th Floor, Penthouse, Los Angeles, California 90048; (213) 387-2266.
4. **Nature of Injuries:** As a result of the subject incident, Claimant's injuries include but are not limited to severe pain/discomfort and injuries including but not limited to left shoulder, left hand, left leg and knees, left ankle, back and hip .
5. **Amount of claimed damages:** Based on the severe and permanent nature of the injuries, Claimant's demand for damages is in excess of the jurisdictional limits of Superior Court. The exact amount of said losses will be stated according to proof, pursuant to *Code of Civil Procedure* section 425.10.
6. **Date damage occurred:** 06/18/2025 at approximately 5:00 p.m.
7. **Place Where Damage Occurred:** The subject incident occurred at/or near sidewalk at 223 E. Belmont Ave., Rialto, CA 92377. See Exhibit "A" attached hereto, photo of location of incident.
8. **Governmental Entities and Employees Alleged to Be at Fault:** CITY OF RIALTO, (a public entity) and DOES 1 through 100, inclusive.

9. **Names, Addresses and Telephone Numbers of Witnesses:** Investigation is ongoing, claimant is not in possession, custody and/or control of the applicable information at this time.

10. **Area of the Incident:** At/or near the sidewalk at 223 E. Belmont Ave., Rialto, CA 92377. See Exhibit "A" attached hereto, photo of location of incident.

11. **Nature of the Case:**

On or about June 18, 2025, at approximately 5:00 p.m. Claimant was walking the sidewalk at the nearby location described above, when she tripped and fell on the uneven / elevated / delapidated and/or raised sidewalk which created a hazardous condition for Claimant and others similarly situated, and thereby sustained bodily injuries.

Claimant is informed and believes that the City of Rialto knew (or should have known) that the walkway was dangerous and contained a delapidated / uneven walking surface that foreseeably could cause injury to pedestrians walking over the subject walkway.

As the public was exposed to a substantial risk of injury while using public property, the City of Rialto was required to take reasonable precautions to protect them from that risk. As the City of Rialto was or should have been on notice of the dangerous conditions, it had a duty to order the conditions to be corrected, and thus to remove the hazard.

Sufficient time passed from the time the dangerous conditions were created such that the City of Rialto and/or its management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors knew or should have known a dangerous condition was created and such that they had sufficient time to have remedied or warned against the dangerous condition. The City of Rialto should have and could have remedied the hazardous condition but failed to do so prior to the incident which is the subject of this claim.

These dangerous conditions resulted in Claimant Rosemary McCray suffering serious injuries when she was walking on the subject sidewalk.

The incident was foreseeable to the City of Rialto and its employees / agents and, yet it also failed to warn (or adequately warn) the public.

The dangerous condition created a reasonably foreseeable risk of the kind of injuries which were incurred, and (a) a negligent or wrongful act or omission of an employee of the City of Rialto created the dangerous conditions; and/or (b) they had actual or constructive notice of the dangerous conditions a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

These dangerous conditions and these acts and omissions of the City of Rialto (and their management, administrative, designers, planners, engineers, maintenance personnel, inspectors

and/or other employees, staff, agents or contractors, acting within the course and scope of their duties) proximately caused Rosemary McCray's injuries.

Further, these dangerous conditions were directly attributable wholly or in substantial part to a negligent or wrongful act of these employees and agents of the City of Rialto and these employees had the authority and means to take alternative action which would not have created the dangerous conditions and/or which would have cured the dangerous condition; and/or these employees had the authority and it was his/her/their responsibility to take adequate measures to protect against the dangerous conditions at the expense of the public entity and they had the ability of doing so and they had actual or constructive notice of the dangerous conditions a sufficient time prior to the injury to have taken measures to protect against the dangerous conditions.

Further, signs, warnings or other devices were necessary to warn of these dangerous conditions which endangered the safe movement of pedestrians.

The City of Rialto and its employees failed to exercise reasonable care under the circumstances to ensure that the public could safely utilize the sidewalk. They failed to provide adequate safeguards against a known dangerous condition. The condition of the property, the use of which in a manner which was reasonably foreseeable, created the danger of injury.

Due to these acts and failures to act and dangerous conditions, the City of Rialto (and their management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting within the course and scope of their duties) are liable for Rosemary McCray's injuries.

Claimant contends that as a direct and proximate result of the above described negligent and/or reckless acts and/or omissions of Respondents and each of them, Claimant was injured as alleged herein.

12. **Reservation of right to amend and/or supplement claim:** Claimant reserves the right to amend and/or supplement this Claim for Damages, including asserting new theories of liability or causes of action, upon discovery of new or additional information or facts.

13. If this notice is deficient in any manner, the public entity is required to give notice of any ~~such deficiencies.~~ Government Code Section 910.8.

SHARI S. DANESHRAD, ESQ.

Attorney for Claimant,
Rosemary McCray



Exhibit "A"

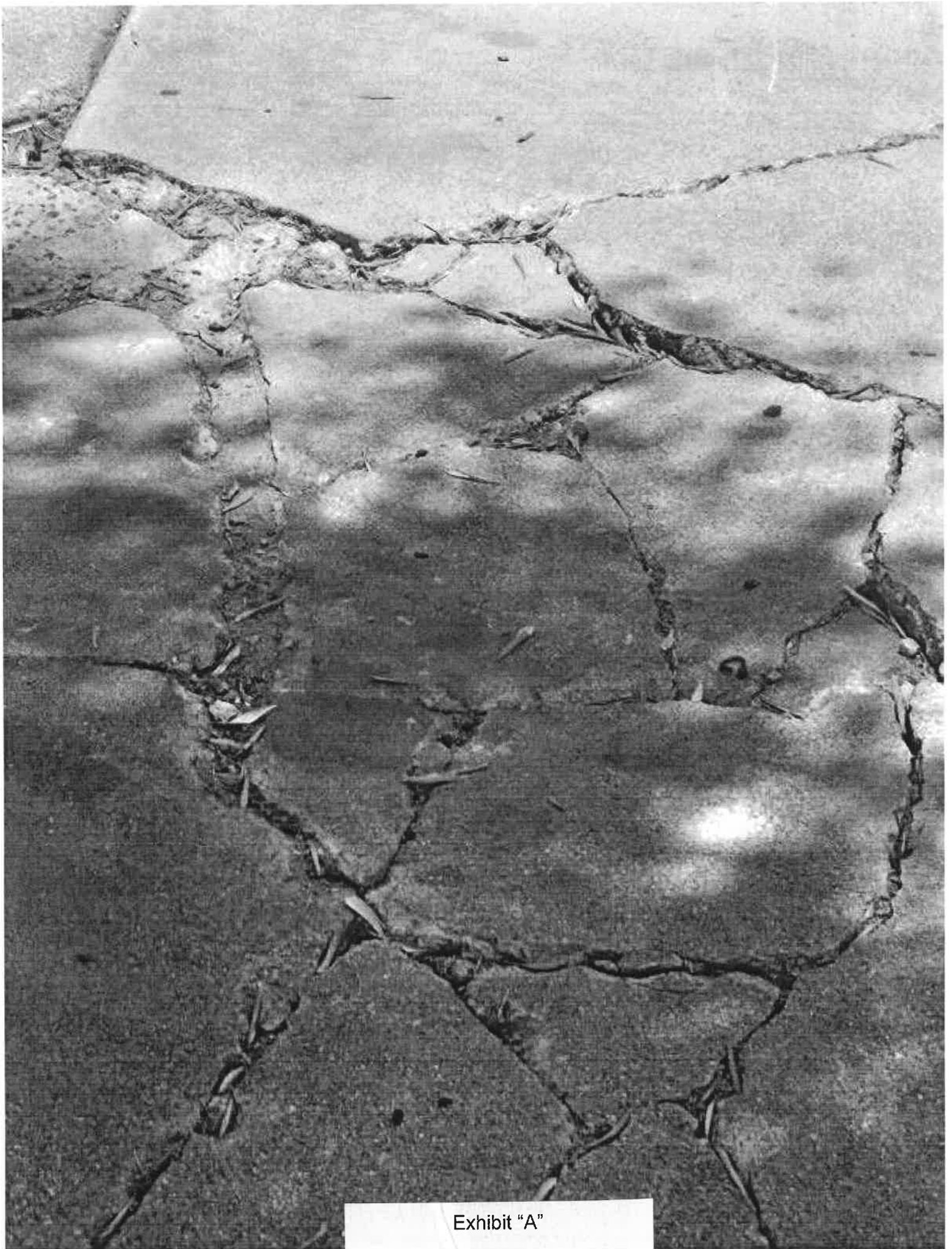


Exhibit "A"