



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

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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:

Pershon Moore, son of Decedent Altheia Taylor

FULL NAME

DATE OF BIRTH

_____ Rialto, CA 92377

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):

Swanson Law Group
31824 Village Center Road, G-Unit
Westlake Villiage, CA 91361

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: July 15, 2020 TIME: 03:43 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.

Riverside Avenue near 3388 Riverside Avenue, in Rialto California

3. HOW DID DAMAGE OR INJURY OCCUR?

Motor vehicle collision as a result of dangerous roadway conditions. 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: _____ Amount: \$ _____

Item/Date: _____ Amount: \$ _____

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

\$ _____

ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:

Item/Date: _____

Amount: \$ _____

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

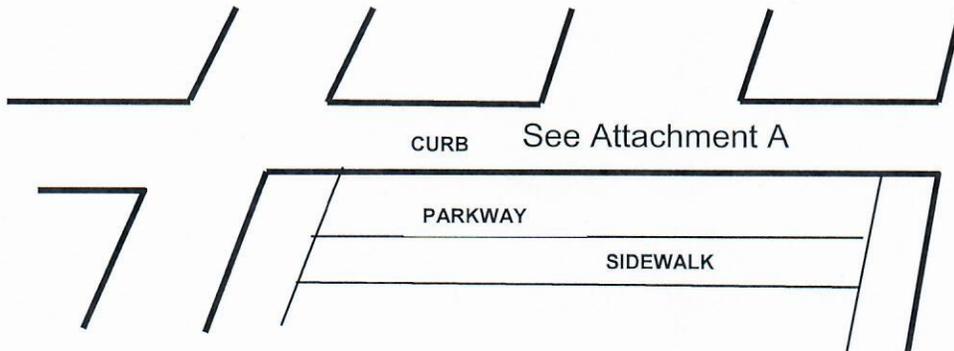
DATE: _____ TIME: _____ AM PM

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.

[Redacted Signature]

SIGNATURE OF CLAIMANT OR AGENT

Greg Schaffer

11/17/20

TYPE OR PRINT NAME

DATE

Attorney

RELATIONSHIP TO CLAIMANT

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

ATTACHMENT "A"

CITY OF RIALTO

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5) BASIS OF CLAIM (Cal Gov. Code §910(c).)

DANGEROUS CONDITION OF PUBLIC PROPERTY

1. On July 15, 2020, Altheia Taylor (hereafter "Decedent") was walking on Riverside Avenue in Rialto California at around 03:43 near. As a result of the character of the subject roadway and adjacent conditions Decedent was forced into the roadway, where she was hit and killed by a motorist driving southbound on Riverside Avenue, who was unable to see her due to an absence of street lighting.
2. Claimant is informed and believes, and upon such information and belief, alleges that the City of Rialto and the San Gabriel Valley Water District, by and through its authorized agencies, agents, servants and employees, were charged with the responsibility of designing, lighting, constructing, operating, signing, maintaining, repairing and regulating the stretch of roadway in front of 3388 Riverside Avenue and the adjacent areas (hereafter the "Subject Roadway"). Said responsibilities, included, but were not limited to the design, construction, installation, maintenance, location, and operation of street lights, sidewalks, crosswalks, curbs, and shoulders to facilitate the safe movement of pedestrian, bicycle, and motor vehicle traffic, and to otherwise warn about hazards that could endanger pedestrians, bicyclists and motorists related to the design and construction of the roadway at or near the Subject Roadway.

The conditions of the Subject Roadway exposed the public, including Decedent, to a significant risk of being injured in the manner in which Decedent was injured. Said conditions created a substantial risk of the type of injury alleged when the subject roadway was used in a foreseeable manner. In particular, the area of the subject roadway where Decedent was hit does not have a sidewalk, shoulder, or street lighting. Instead, the paved area of the subject roadway is abutted immediately adjacent to the fog line with an area littered with dirt and large rocks, such that is not fit for pedestrian traffic, despite being a prolongation of sidewalks on either end of the Subject Roadway. This character of the Subject Roadway is such that pedestrian traffic is forced into the vehicle traffic lanes of the roadway in order to walk on an even surface. In addition, a complete lack of street lighting and lack of ambient light from nearby structures makes the subject roadway dangerously dark at night, such that motor vehicle traffic cannot see pedestrians. The conditions of the roadway, the construction, configuration, lighting, and/or other unusual conditions, in conjunction with the lack of warnings, constituted a trap for pedestrians, bicyclists and motorists using the Subject Roadway.

3. Claimant is informed and believes that the Subject Roadway and the approaches thereto constituted non-trivial dangerous conditions of public property as the term is defined in California Government Code § 830 et seq. and §835 et seq. The City of Rialto and/or the San Gabriel Valley Water District created, and/or had actual and/or constructive notice of the dangerous conditions and the risk of injury of the type that occurred to Decedent

with sufficient time to eliminate the defect/danger and failed to eliminate said risk and/or danger.

4. In addition to the above conditions, Claimant asserts that The City of Rialto and the San Gabriel Valley Water District had knowledge of the dangerous condition, and/or of significant prior collision history at this intersection, and/or the use by pedestrian traffic in this area. However, these entities failed to implement a reasonable and safe design, or to take appropriate corrective actions, and failed to properly sign the intersection or provide adequate warnings to the public of the conditions that existed. These factors created a dangerous condition of public property and created a risk of injury to users, particularly pedestrians.
5. The City of Rialto and the San Gabriel Valley Water District failed to take reasonable or adequate measures to protect users of the road, and specifically pedestrians, from motor vehicle collisions resulting in serious injuries to such users, including Decedent. At all times, such incidents were foreseeable to the City of Rialto and the San Gabriel Valley Water District. The subject roadway includes a prolongations of the sidewalk from either side of 3388 Riverside Avenue, is within a residential area, has church near the north end, and has a bus stop near the corner with Ashford Avenue on the south end. The City of Rialto and the San Gabriel Valley Water District knew or should have known pedestrians would use, and were using, the subject roadway, including during hours when it was dark. The City of Rialto and the San Gabriel Valley Water District should have constructed, repaired, and/or maintained the Subject Roadway to make it safe for pedestrian traffic, and failed to do so.
6. Claimant is informed and believes that the City of Rialto and the San Gabriel Valley Water District had actual and/or constructive knowledge of the dangerous condition described herein with sufficient time prior to Decedent's death to have taken measures to protect against the dangerous condition. The actual notice existed as the City of Rialto and the San Gabriel Valley Water District and/or their employees and agents had actual knowledge of the existence of the condition and knew, or should have known, of its dangerous character since The City of Rialto and the San Gabriel Valley Water District and/or their employees and agents owned, constructed, maintained, inspected, and/or created said conditions.
7. Constructive notice existed because the condition had existed for such a period of time and was of such an obvious nature that in the exercise of due care the City of Rialto and the San Gabriel Valley Water District should have discovered the conditions and their dangerous character. The existence of the condition and its dangerous character would have been discovered by an inspection system that was reasonably adequate to inform the City of Rialto and the San Gabriel Valley Water District whether the property was safe for the use or uses by the public that were anticipated or intended by the City of Rialto and the San Gabriel Valley Water District, or that they actually knew the public was making such use of the public property. During the course of any such reasonably adequate inspection, The City of Rialto and the San Gabriel Valley Water District would

have discovered the conditions, and their dangerous character.

8. The City of Rialto and the San Gabriel Valley Water District had the opportunity and the funds necessary to remedy the dangerous conditions or warn the public of the danger prior to the date of Decedent's death.
 9. As a result of the City of Rialto's and the San Gabriel Valley Water District's failure to adequately design, construct, sign, remedy, or otherwise warn of the dangerous condition of the Subject Roadway, the Subject Roadway caused a trap to exist for pedestrians attempting to use the Subject Roadway, including for Decedent.
 10. Claimant also is informed and believes that the Subject Roadway and its adjacent structures, areas, signals, signage and striping were not part of an approved plan or design so as to warrant imposition of a statutory immunity under Government Code Sections 830 et. seq. and 840 et. seq. and/or that the conditions and use of the subject public property had changed significantly from the time of any such approval such that the original design immunity, if any, was no longer applicable.
 11. Claimant claims that the costs and feasibility of repair, weighed against the most certain risk of injury, warranted a prompt response to the dangerous condition and/or repair to prevent said injury. Claimant contends that the responding public entity did fail to undertake said prompt remedial efforts in light of the obvious and dangerous nature and character of the property and, as such, is liable for his injuries.
 12. Claimant further contends that the condition of the Subject Roadway as it existed on or about July 15, 2020 was caused by a negligent or wrongful act or omission of an employee or employees of these public entities, including but not limited to, negligent procedures, maintenance, construction, and/or repair of the subject location and that these acts or omissions were a direct and proximate cause of Claimant's injuries and attendant damages.
 13. Claimant is informed and believes that the City of Alhambra, the City of Azusa, the City of Monterrey Park, and the City of Sierra Madre are agents, alter egos, contractors, joint venturers, servants or otherwise associated with the San Gabriel Valley Municipal Water District such these public entities maintained, controlled, managed, and/or regulated the Subject Roadway in some material respect.
- 6) DESCRIPTION OF CLAIMANT'S INJURY, PROPERTY DAMAGE OR LOSS (Cal. Gov. Code §910(d).)

Decedent Altheia Taylor was killed due to blunt force trauma from the vehicle collision.

- 6) AMOUNT OF CLAIMANT' PROPERTY DAMAGE OR LOSS, AND METHOD OF COMPUTATION (Cal. Gov. Code § 910(f).)

Damages are related to untimely and wrongful death of Altheia Taylor. This claim is in excess of \$10,000,000 and, if litigated, shall be filed as an unlimited civil case.

7) WITNESSES:

Although, claimant is not required to identify witnesses (Cal. Gov. Code §910), Claimant incorporates by reference San Bernardino County Traffic Collision Report 932005527, which can be obtained from the Rialto Police Department. Witness include Dante Duran [REDACTED]
[REDACTED]

8) MEDICAL PROVIDERS:

EMTs from the Rialto Fire Department rendered assistance to Decedent at the scene and transported her to Arrowhead Regional Medical Center.

9) DIAGRAM

Claimant incorporates by reference San Bernardino County Traffic Collision Report 932005527, which can be obtained from the Rialto Police Department.



N Riverside Ave

3380

San Gabriel Valley
Water District

1664