



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

CITY CLERK'S DATE STAMP

CITY OF RIALTO
2020 JAN -6 PM 12:45

RECEIVED
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:

| | |
|--|---|
| Rita Ann Corral Duran | |
| _____ | _____ |
| FULL NAME | DATE OF BIRTH |
| _____ Rialto, CA 92376 | _____ |
| 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 William D. Shapiro _____ |
| | 893 East Brier Drive, San Bernardino, CA 92408 _____ |

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: 9/24/19 TIME: 5:23 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.

Merrill Avenue at intersection with Spruce Avenue, City of Rialto, County of San Bernardino

3. HOW DID DAMAGE OR INJURY OCCUR?

SEE ATTACHMENT 3 HERETO

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.

The injuries and damages suffered by claimant were caused by the failure of the City of Rialto to have included a left-turn lane which would have provided for the safe operation of the intersection of Merrill and Spruce as set forth in Attachment No. 3.

6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of any prospective injury or damage \$ 10,000,000.00

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 bills to date unknown. Estimated at:</u> | Amount: \$ <u>200,000.00</u> |
| Item/Date: _____ | Amount: \$ _____ |

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

\$ 10,000,000.00

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: Please see Traffic Collision Report attached.

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: () _____

TELEPHONE: () _____

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

NAME: Arrowhead Regional Medical Center

NAME: Kaiser Hospital

ADDRESS: 400 N. Pepper Avenue
Colton, CA 92324

ADDRESS: 9961 Sierra Avenue
Fontana, CA 92335

TELEPHONE: (909) 580-1000

TELEPHONE: (866) 340-6143

DATE: 9/24/19 - 11/25/19 TIME: 5:30 AM PM

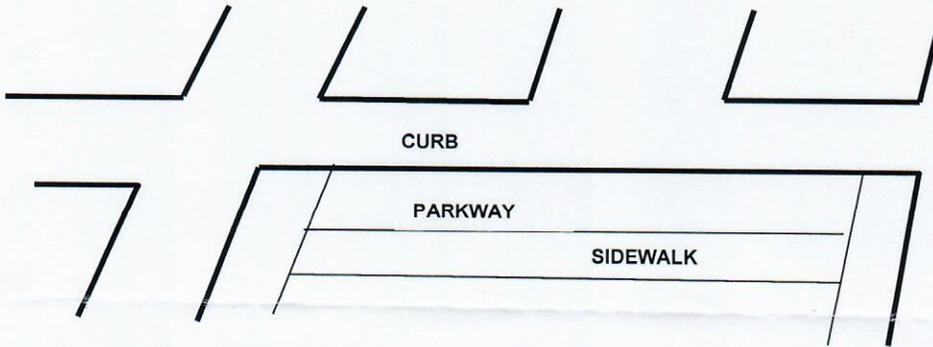
DATE: 11/25/19 TIME: AM PM

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.



2020 JAN - 5 PM 12:45
RECEIVED
CITY CLERK
CITY OF RIALTO

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

William D. Shapiro

TYPE OR PRINT NAME

Attorney

RELATIONSHIP TO CLAIMANT

DATE

12/31/19

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 3. HOW DID DAMAGE OR INJURY OCCUR?

Merrill Avenue is a busy east/west roadway in the City of Rialto and from Cactus (to the east) and Cedar Avenue (to the west) there are no intersecting streets to the north however there are multiple roadways intersecting with Merrill to the south which feed into large residential areas resulting in many eastbound vehicles turning left off Merrill into these residential areas. Due to the busy nature of eastbound Merrill traffic, particularly in the heavy commuter hours, westbound Merrill motorists seeking to turn left onto one of these intersecting streets, including Spruce Avenue, had to bring their vehicles to a stop in the #1 "fast lane" of westbound Merrill to wait for busy eastbound travel to pass to turn left. While such westbound left-turning vehicles are stopped in the travel way due to there being no dedicated left turn lane, westbound vehicles approaching these stopped left turning vehicles don't recognize they are stopped resulting in such vehicles violently turning to their right in the #2 lane (if there are no vehicles in the #2 lane), or left into oncoming traffic to avoid the stopped left-turning vehicle. The City of Rialto knew with no dedicated left turn lane guiding left turners out of the travel lanes, such created a dangerous condition of public property within the meaning of Government Code sections 835, 830 in that left-turning vehicles remained in the fast travel lane, stopped, posing great risk to the motorists using the roadway. That this dangerous condition was known to the City of Rialto who further knew there was more than ample room on westbound Merrill between Cactus and Cedar to have stripped the roadway to include dedicated westbound left turn lanes within the existing footprint of the roadway thereby removing the dangerous condition that existed.

On or about September 24, 2019, at or about 5:23 p.m., a westbound Merrill vehicle driven by Ricardo Ramirez approached a stopped left-turning vehicle at Spruce. With another vehicle in the #2 lane, westbound Ramirez sought to avoid the stopped westbound left-turning vehicle and he steered left into opposing eastbound traffic directly in his path of claimant. The resulting violent crash resulted in massive injuries suffered by claimant.

That the collision and injuries suffered by claimant were the direct and legal cause of the dangerous condition of public property in that the City of Rialto who owns, controls and maintains Merrill Avenue and Spruce Avenue failed to provide a dedicated left turn lane to allow for the safe operation of the intersection of Merrill and Spruce Avenues. That the City had actual and constructive notice of such dangerous condition as set forth in Government Code section 835.2 and knowing of this dangerous condition for such a long period of time, the City of Rialto could have taken measures to cure this dangerous condition and taken measures to safeguard against such risks posed by it.

CITY OF RIALTO
RECEIVED
CITY CLERK
20 JAN -6 PM 12:45