



**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:

Maria Irma Martinez	
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):	Alan B. Blanco, Esq. Rafii and Associates 9100 Wilshire Blvd Suite 465E Beverly Hills, CA 90212

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: 04/13/2024 TIME: 9:15 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.

Please see attached

3. HOW DID DAMAGE OR INJURY OCCUR?

Please 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.

Please see attached

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

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

DAMAGES INCURRED TO DATE:

Item/Date: Cal. Gov. Code sec. 910 (f) – Unlimited Civil Claim 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: _____

NAME: _____

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

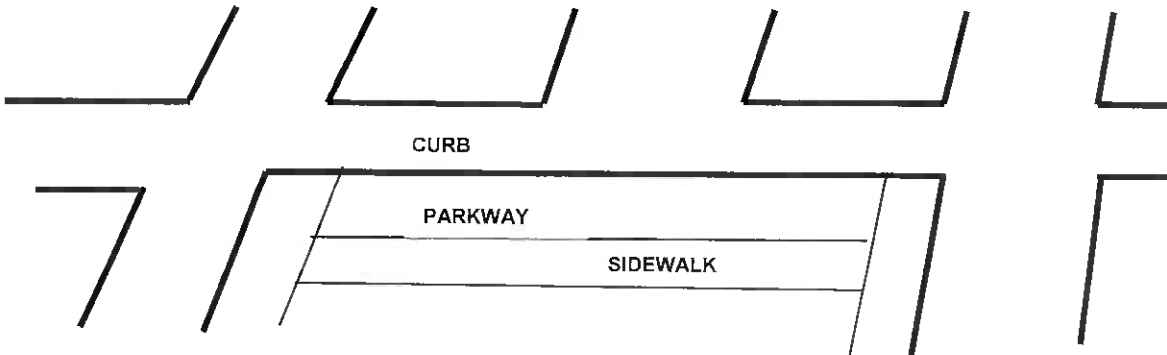
DATE: _____ TIME: _____ AM PM

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

Alan B. Blanco

TYPE OR PRINT NAME

Attorney

RELATIONSHIP TO CLAIMANT

9-26-29

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

Maria Irma Martinez
City of Rialto

Place of Accident

On Ayala Drive, north of Leiske Drive in Rialto, CA. At approximately 9:15 PM.

How did Damage or Injury Occur

Officer Michael Duke was driving southbound in an On-Duty Emergency Vehicle on Ayala Dr in the No.1 lane. Ms. Martinez was also southbound on Ayala Dr in the No. 2 lane. Officer Duke made an unsafe lane change and caused the On-Duty Emergency Vehicle to collide into our client's car.

What particular act or omission do you claim caused the injury or damage

Legal principles of *respondeat superior* apply to render government entities liable for their employees' torts. The public entity may be vicariously liable for injury proximately caused by its employee's act or omission (*i.e.* negligence) within the scope of employment if the act or omission would otherwise have given rise to a cause of action against the employee. The injury was proximately controlled by the employee's failure to operate the On-Duty Emergency Vehicle in a reasonable manner. The injuries suffered by our client are of a nature reasonably foreseeable from a negligently operated On-Duty Emergency Vehicle.

The Officer's failure to reasonably operate the vehicle is also a direct result of not having received appropriate training or insufficient supervision. The maintenance and training of officers and the On-Duty Emergency Vehicles is a responsibility exclusively in the hands of the City; injuries resulting from an improperly maintained vehicle or improper training are reasonably foreseeable and give rise to the City's liability.

A public entity is liable if the injury occurred on property that it owned or controlled. The injury our client suffered was proximately caused by the employee's failure to operate the On-Duty Emergency Vehicle in a reasonable manner. The injuries suffered by our client are of a nature reasonably foreseeable from a negligently operated On-Duty Emergency Vehicle.

Officer Michael Ruben Duke was negligently entrusted to operate an On-Duty Emergency Vehicle for the benefit of the City. The collision arose during the officer's regular course and scope of his duties. Officer Duke failed to operate their On-Duty Emergency Vehicle in a reasonable manner and as such contributed to the collision which occasioned our client's injuries. Police Officers are tasked with keeping the public well-being and are responsible for the public's well-being and as such require specialized training and licenses; as such, they are held to a higher standard of care as compared to a private civilian driver. The City's Officer did not keep a proper look out and did not control their speed adequately and contributed to the collision.



RAFII & ASSOCIATES, P.C.
 EXCELLENCE IN COMMUNITY RESULTS
 9100 MULLENBURY ROAD, SUITE 100
 BEVERLY HILLS, CA 90210



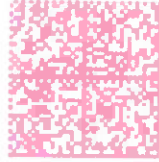
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