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Attorneys for Claimants

LOURDES PINELA, GILBERTO PINELA,  
CRYSTAL MONIQUE PINELA, MELISSA PINELA, [REDACTED]  
a minor by and through her Guardian ad Litem Lourdes Pinela, [REDACTED]  
PINELA, a minor by and through his Guardian ad Litem Lourdes Pinela

CLAIM FOR DAMAGES

LOURDES PINELA, GILBERTO )  
PINELA, CRYSTAL MONIQUE )  
PINELA, MELISSA PINELA, [REDACTED] )  
[REDACTED] a minor by and through her )  
Guardian ad Litem Lourdes Pinela, [REDACTED] )  
[REDACTED] a minor by and )  
through his Guardian ad Litem Lourdes )  
Pinela, )

Claimants,

vs.

STATE OF CALIFORNIA; )  
CALIFORNIA DEPARTMENT OF )  
TRANSPORTATION ("CALTRANS"); )  
COUNTY OF SAN BERNARDINO; )  
CITY OF RIALTO )

Respondents,

**AMENDED CLAIMS AGAINST THE**  
**COUNTY OF SAN BERNARDINO**

[Government Code §905, et seq.]

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Claimants LOURDES PINELA, GILBERTO PINELA, CRYSTAL MONIQUE  
PINELA, MELISSA PINELA, MARY JANE PINELA, a minor by and through her  
Guardian ad Litem Lourdes Pinela, and JERRY IGNACIO PINELA, a minor by and through

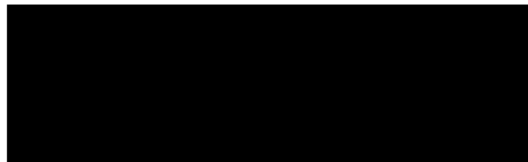
1 his Guardian ad Litem Lourdes Pinela, hereby present these Amended Claims to the COUNTY  
2 OF SAN BERNARDINO pursuant to California Government Code sections 910, *et seq.*

3 1. **Claimants' post office addresses are:**

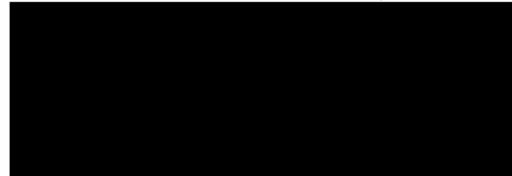
4 a. LOURDES PINELA



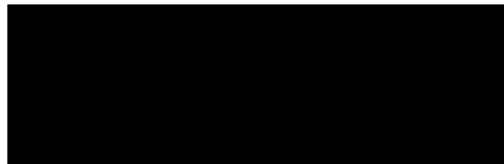
8 b. GILBERTO PINELA




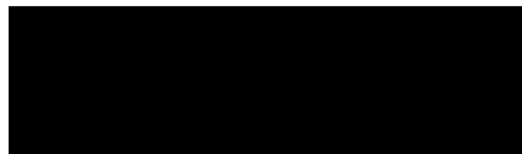
12 c. CRYSTAL MONIQUE PINELA




16 d. MELISSA PINELA



20 e.  a minor by and through her Guardian ad Litem  
21 Lourdes Pinela



25 f.  a minor by and through her Guardian ad  
26 Litem Lourdes Pinela



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(562) 417-0953

**2. Notices concerning these claims should be sent to:**

John A. Montevideo, Esq., DIMARCO | ARAUJO | MONTEVIDEO, APLC 1324 North  
Broadway, Santa Ana, CA 92706.

**3. The date, place and circumstances of the incident giving rise to these  
claims are:**

Here, the traffic collision occurred on Interstate 10 Westbound, west of Riverside  
Avenue, in the City of Rialto, within the County of San Bernardino. On October 7, 2017 at 4:42  
a.m. at the subject accident site, all of the lanes of traffic of Interstate 10 Westbound, under the  
Riverside Avenue over-crossing, were covered in water, which extended from one side of the  
overcrossing to the other side. There was visible run-off from the south embankment onto the  
right shoulder which extended into the traffic lanes. There was no precipitation in the previous  
days. See CHP Traffic Collision Report, which is attached hereto as Exhibit A.

Party #1 (Sanchez) could not control Vehicle #1 as it began to fishtail in the flooded  
roadway. Vehicle #1 travelled across the #1 lane and collided with the median guardrail. The  
front bumper detached from Vehicle #1 and was projected into lane #1. Party #2 witnessed  
Vehicle #1 spinning out of control and colliding with the guardrail. Party #2 applied brakes and  
collided with the front bumper of Vehicle #1. Party #1 stopped in the #1 and #2 lanes, facing an  
easterly direction and blocking both lanes of traffic.

Party #3 (Rivas) applied his brakes, but was unable to control his vehicle in the flooded  
roadway. Vehicle #3 overturned to the right side and collided with the roadway. Vehicle #3 also  
collided with the rear of Vehicle #1. Due to the dangerous condition of the roadway, Mr.  
Gilberto Pinela Rivas suffered multiple injuries and succumbed to his injuries. Mr. Gilberto  
Pinela Rivas died at the scene of the accident. He left behind his wife and five children, who are  
the claimants herein.

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1           **4.     The circumstances and facts of incident and ensuing damages giving rise to**  
2 **these claims are as follows (Act or Omission causing injury):**

3           Claimants allege that the COUNTY OF SAN BERNARDINO, its agents and its  
4 employees engaged in the following conduct: 1) creating dangerous condition of public property  
5 in violation of Government Code section 835; 2) Negligence; 3) Negligent Supervision; 4)  
6 Negligent Hiring and Retention; 5) Improper training and instruction of employees; 6)  
7 Inadequate procedure/policy dealing with dangerous condition of public property; 7) Injuries  
8 caused by public employees, independent contractors and/or agents of the government pursuant  
9 to Government Code section 815.2 and 815.4; 8) the COUNTY OF SAN BERNARDINO is  
10 vicariously liable for the acts and/or omissions of its/their employees, independent contractors,  
11 and/or agents.

12           **5.     Claimants' injuries known at the time of presentation of these claims**  
13 **are as follows:**

14           As a result of the dangerous condition on the public property and the resulting vehicular  
15 accident, Mr. Gilberto Pinela Rivas died at the accident scene. The Claimants herein are left  
16 without their father and Ms. Rivas is left without her husband.

17           At the time of the filing of this claim, Claimants have incurred damages in an amount to  
18 be ascertained.

19           **6.     The names of the public employees causing the claimants' injuries and**  
20 **damages are:**

21           Unknown at this time.

22           **7.     Amount of Claim**

23           These claims, as of this date, are in amounts in excess of \$10,000.00 and within the  
24 unlimited jurisdiction of the Superior Court. These claims are based the wrongful death of Mr.  
25 Gilberto Pinela Rivas, who is survived by his wife and five children.

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**8. Exhibits**

A copy of the CHP Report is attached hereto as **Exhibit A.**

Copies the six (6) Government Claim Forms Against the County of San Bernardino for each Claimant is attached hereto as **Exhibit B.**

Dated: March 29, 2018

**DiMARCO | ARAUJO | MONTEVIDEO**

A Professional Law Corporation

By:  \_\_\_\_\_

JOHN A. MONTEVIDEO

ZAHRA H. AZIZ

Attorneys for Claimants