



POINTER & BUELNA

LAWYERS FOR THE PEOPLE™

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November 14, 2022

ATTN: Claims Division
Rialto City Clerk's Office
150 S. Palm Ave.,
Rialto, CA 92376

RE: Request for Endorsed Copy Verifying Administrative Claim Received

RE: Bianca Valenzuela
Date of Birth: [REDACTED]
Date of Incident: 05/15/2022

CITY OF RIALTO
RECEIVED
CITY CLERK
2022 NOV 17 AM 10:28

Dear Clerk,

This is to inform you that Pointer & Buelna, LLP – Lawyers for the People represents Bianca Valenzuela, who suffered injuries due to an encounter with Rialto Police Officers on or about 2:00 a.m. on May 15, 2022, at or near the intersection of N. Sycamore Ave. and E. Foothill Blvd. in Rialto, California.

We have attached a copy of a completed claim form, which includes a detailed addendum. We have sent you two (2) copies of the form. We request that you send us back one (1) endorsed copy verifying the time and date that our claim was received.

We have also attached a California Public Records Requests for the relevant documents and a Notice of Preservation of Evidence.

If you have any questions, please contact us immediately.

Regards,

Patrick M. Buelna,
Partner/ Litigation Attorney
POINTER & BUELNA, LLP
LAWYERS FOR THE PEOPLE

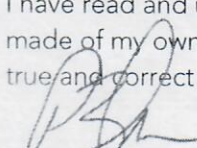
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WELLS FARGO CENTER • 155 FILBERT ST., SUITE 208 • OAKLAND, CA 94607 • TEL (510) 929-5400



GOVERNMENT TORT CLAIM FORM

Name: First, Middle, Last Bianca Valenzuela	Race:	Date of Birth: 11/17/1980
Address 155 FILBERT ST., SUITE 208	City, State, Zip OAKLAND, CA 94607	Home Phone: Work Phone:

Name: First, Middle, Last Pointer & Buelna, LLP	Relationship to Claimant: Attorney
Address: 155 FILBERT ST., SUITE 208, OAKLAND, CA 94607	Phone: (510) 929-5400
Narrative of Incident: See Attachment "A"	Relationship to Claimant: Attorney
Involved Government Employees: Ofc. 'FNU' Matthews & Ofc. 'FNU' Lamm	Injury to Claimant: Yes, see attachment
Approximate Location of Incident: intersection of N. Sycamore Ave. and E. Foothill Blvd.	Date of Incident: 05/15/2022 around 0200 hours
I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge.  _____ Patrick M. Buelna Attorney Date: 11/14/22	

CITY OF RIALTO
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CITY CLERK
2022 NOV 17 AM 10:29

ATTACHMENT "A"

Claimant objects to your Claim Form because it requires information which constitutes an invasion of the Claimant's privacy. Moreover, the information is not required to be provided by the Claimant under California Government Code § 910. For example, California Government Code § 910 does not require that the Claimants provide their home and work numbers, driver's license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons "for believing the City is liable for your damages, "or a description" of all damages which you believe you have incurred as a result of the incident." For the purposes of this document "CLAIMANT" means the individual Claimant, Claimants plural, and all plaintiffs and parties in interest represented by POINTER & BUELNA, LLP. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code § 910:

CLAIMANT'S NAME: Bianca Valenzuela

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: POINTER & BUELNA, LLP – LAWYERS FOR THE PEOPLE, 155 FILBERT ST., SUITE 208, OAKLAND, CA 94607

CLAIMANT TELEPHONE NUMBER: C/O POINTER & BUELNA, LLP. (510) 929-5400

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANT AND ALL CONTACT SHOULD BE MADE WITH HIS ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: On or about May 15, 2022 at around 2:00 a.m.

LOCATION OF INCIDENT: At or near the intersection of N. Sycamore Ave. and E. Foothill Blvd., in Rialto, California

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM" AND "THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: [Per Government Code § 910]. For the purposes of this claim, "AGENCY" is defined by and refers to the municipal, county, or state entity, which governs the **RIALTO POLICE DEPARTMENT**.

DESCRIPTION OF INCIDENT:

On May 15, 2022 at approximately 2:00 a.m., Claimant, Bianca Valenzuela, and her sister, Jackie Valenzuela, were in a vehicle being driven by Jackie Valenzuela. Near the intersection of N. Sycamore Ave. and E. Foothill Blvd., the sisters noticed they were being pulled over by a Rialto Police vehicle with its siren and lights going off. Jackie pulled the car over and out of sheer panic, due to Jackie not possessing a driver's license, Jackie and Bianca switched seats. Officer Matthews then approached the vehicle and asked for Claimant's driver's license. Claimant complied and thereafter provided her driver's license. Officer Matthews left and presumably returned to the police vehicle to run Claimant's information. Officer Matthews thereafter re-approached the vehicle Claimant was in and told her, "Nice try, but I saw you both switch seats." Claimant stated, "I am sorry, she [Jackie Valenzuela] doesn't have a license, and we panicked." Officer Matthews then ordered Claimant to get out of the vehicle. Officer



Matthews put Claimant in handcuffs and told Claimant he was going to detain her. Officer Matthews then put Claimant in the back of the police vehicle. Claimant complied and sat in the backseat. While Claimant was in the backseat of the police vehicle, Officer Matthews went to speak with Jackie Valenzuela, who was on the passenger's side. Officer Matthews performed a sobriety test on Jackie and then handcuffed Jackie. Officer Matthews then placed Jackie in the car with Claimant. At this point, two (2) more officers arrived on the scene.

As both sisters were sitting handcuffed in the backseat of the police vehicle, Jackie Valenzuela, who suffers from epilepsy, began having a seizure. Being terribly scared and unable to help as she was in handcuffs, Claimant was frantic and began to bang on the door and window of the patrol vehicle, while screaming for help in hopes that one of the officers would pay attention and render aid to her sister. Claimant was successful in getting the officers' attention, but to her shock, none of the officers provided any help for Jackie, who was still in the midst of a seizure. Instead, Officer Matthews and Officer Lamm approached, and Officer Matthews opened the door. Claimant told the officers that her sister needed an ambulance, to which Officer Lamm, in a snarky tone, said, "Oh, she is faking it." Claimant explained that Jackie was not faking and suffered from Lupus. Officer Lamm smugly dismissed Claimant's words regarding the possible life-threatening emergency situation. Claimant became more panicked and continued to explain that Jackie suffers from Lupus (a disease that can cause life-threatening seizures) and that Jackie was in need of medical attention. Yet again, Officer Lamm was dismissive of Claimant's pleas and instead, Officer Lamm callously shouted at Claimant to "Shut the fuck up, Bitch!" Officer Matthews then directed Officer Lam to take Claimant to Officer Lamm's Vehicle. Officer Lamm, who appeared to be frustrated with Claimant, opened the door where Claimant was sitting, snatched a still handcuffed Claimant by the arm, abruptly lifted Claimant up, and dragged Claimant out the car. Officer Lamm grabbed the nape of Claimant's neck and while holding Claimant by the back of her neck, forcefully slammed Claimant to the ground, causing Claimant's face to hit the concrete and an injury to Claimant's knee. Claimant was placed in a police vehicle and taken away from the scene.

As a result of the excessive force used by Rialto police officers, Claimant suffered an eye injury, headaches, bruising and lacerations on her face and body and other physical injuries. Claimant also suffered emotional distress, pain, suffering and humiliation.

DESCRIPTION OF CLAIM:

Claimant alleges that the conduct of individual employees, agents, and/or servants of AGENCY constitute State statutory violations, which might include but are not limited to: assault, battery, false imprisonment, false arrest, negligence, negligent hiring, intentional infliction of emotional distress, and negligent infliction of emotional distress.

Claimant alleges those individual employees, agents and/or servants of AGENCY are responsible for Claimant's injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondent superior. Respondent's superior liability includes but is not limited to: negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of the AGENCY, include but are not limited to: the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for AGENCY, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimant alleges the appropriate offenses listed below.

Claimant alleges that assault included, but was not limited to: conduct causing Claimant to reasonably fear a harmful and/or offensive touching upon Claimant's person.

Claimant alleges that battery included, but was not limited to: conduct resulting in a harmful and/or offensive touching upon Claimant's person in a manner foreseeably likely to cause injury.

Claimant alleges that false imprisonment included, but was not limited to: acts or omissions causing Claimant to be confined and/or restricted to an area without means of escape while Claimant was aware of the confinement.

Claimant alleges that false arrest included, but was not limited to: acts that placed Claimant under wrongful arrest without a warrant, actually caused Claimant harm and the arresting person(s) were a substantial factor in causing that harm.

Claimant alleges that negligence included, but was not limited to: breach of duty upon failing to exercise due care by placing Claimant at risk of serious physical injury, detention and/or arrest.

Claimant alleges that negligent hiring included, but was not limited to: breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimant alleges that negligent infliction of emotional distress included, but was not limited to: the failure to use reasonable care to avoid causing emotional distress to another individual. The negligent conduct resulted in Claimant's physical injuries.

Claimant alleges that intentional infliction of emotional distress included, but was not limited to: outrageous acts or omissions with the intent to cause emotional distress to another individual. The intentional conduct resulted in Claimant's physical injuries.

Claimant alleges violation of California Civil Code § 52.1, for actions by law enforcement personnel, whether or not acting under color of law, which interfere by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state.

Claimant will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimant has, or may have in the future, claims for general damages, including, but not limited to: claims for pain, suffering and emotional distress, in amounts to be determined according to proof.

Claimant may have and/or may continue to have in the future, claims for special damages, including, but not limited to: claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages, in amounts to be determined according to proof.



Claimant may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities, in amounts to be determined according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

Ofc. 'FNU' Matthews, Ofc. 'FNU' Lamm; DOES 1-50

DEMAND FOR PRESERVATION OF EVIDENCE:

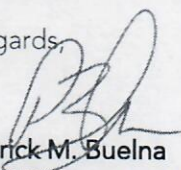
Claimant does hereby demand that AGENCY including, but not limited to: the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials that relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to: a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

AMOUNT OF CLAIM:

This claim is in excess of \$25,000. Jurisdiction is designated as "unlimited" and jurisdiction would be in the United States District Court and/or Superior Court of the State of California.

DATED: 11/14/2022 3:26 PM

Regards,


Patrick M. Buelna

Partner/ Litigation Attorney

POINTER & BUELNA, LLP

LAWYERS FOR THE PEOPLE



November 14, 2022

ATTN: Claims Division
Rialto City Clerk's Office
150 S. Palm Ave.,
Rialto, CA 92376

RE: Preservation of Evidence

RE: Bianca Valenzuela
Date of Birth: 09/30/1989
Date of Incident: 05/15/2022

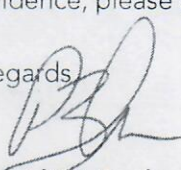
CITY OF RIALTO
RECEIVED
CITY CLERK
2022 NOV 17 AM 10:28

This is to inform you that Pointer & Buelna, LLP – Lawyers for the People represents Bianca Valenzuela, who suffered injuries due to an encounter with Rialto Police Officers on or about 2:00 a.m. on May 15, 2022, at or near the intersection of N. Sycamore Ave. and E. Foothill Blvd. in Rialto, California.

Please be advised that this letter constitutes a written, formal demand to you, your department and/or agency that you or said department and/or agency shall preserve, protect, gather, secure, save or otherwise refrain from disposing of any relevant documents or other tangible evidence. This includes a demand to PRESERVE ALL VEHICLES, VEHICLE RECORDINGS, BODY WORN CAMERA FOOTAGE AND EVIDENCE RELATED TO THE BODY WORN CAMERAS and VEHICLES used by officers involved in the incident. This includes but is not limited to the following: the full names of the involved officers, name of the K9 officer (if any), any and all video footage, body-mounted camera footage, patrol car dash cam footage, blood samples, physical evidence, tests, notes, handwritten notes, records, reports, tapes, any and all memorandums, messages, tape recordings, photographs of the crime scene, journals, logs, tape transcripts, computer aided dispatch records, Ampex radio tape broadcasts, investigations, examinations, any and all property seized from the crime scene, reports and statements taken from witnesses regarding the incident, any and all documents prepared, and any other written material concerning this incident. Chief, you and your department are also hereby put on notice that your department and/or agency may be held civilly or criminally liable for the destruction and/or loss of any of the above-referenced items of evidence.

If you have any questions or comments regarding this formal demand for the preservation of the evidence, please do not hesitate to contact the undersigned.

Regards,


Patrick M. Buelna
Partner/ Litigation Attorney
POINTER & BUELNA, LLP
LAWYERS FOR THE PEOPLE

CITY OF RIALTO
 RECEIVED
 CITY CLERK
 2022 NOV 17 AM 10:29

CERTIFICATE OF SERVICE
 (VALENZUELA v. CITY OF
 RIALTO)

STATE OF CALIFORNIA, COUNTY OF ALAMEDA:

I am a citizen of the United States and employed in the county aforesaid; I am over the age of eighteen years, and not a party to the within action; My business address is 155 Filbert Street, Suite 208, Oakland, California 94607. On the date below, I served on the named parties and/or counsel of record:

ATTN: Claims Division Rialto City Clerk's Office 150 S. Palm Ave., Rialto, CA 92376	
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The following documents in the manner checked below:

TWO COPIES OF ADMINISTRATIVE CLAIM AND COVER LETTER; RECORDS REQUEST; PRESERVATION OF EVIDENCE DEMAND

- ☐ (VIA MAIL – CCP §§ 1013(a), 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection and mailing on that date following ordinary business practices. I am readily familiar with my firm's business practice of collection and processing of correspondence for mailing with the U.S. Postal Service at Oakland, California, with postage thereon fully prepaid, that same day in the ordinary course of business.

- ☐ (VIA PERSONAL DELIVERY – CCP §§ 1011, 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and causing each envelope(s) to be hand delivered on that day by _____, in the ordinary course of my firm's business practice.

- ☐ (VIA E-MAIL OR ELECTRONIC TRANSMISSION – CCP §§ 1013(e), 2015.5, CRC 2008) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document to be sent to the persons at the e-mail address(es) or the facsimile number listed above. I am readily familiar with my firm's business practice of collection and processing of correspondence via facsimile transmission(s) and any such correspondence would be transmitted in the ordinary course of business. The facsimile transmission(s) was reported as complete and without error, and a copy of the transmission report is attached.

- ☒ (VIA OVERNIGHT MAIL/ COURIER – CCP §§ 1013(c), 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection by overnight mail service or overnight courier service. I am familiar with my firm's business practice of collection and processing of correspondence for overnight mail or overnight courier service,

FedEx Express Package
US Airbill

FedEx Tracking Number
8173 7853 9923

1 From

Date 11/14/12

Sender's Name

ADAMTE POINIER

Phone

510 928-8400

Company

POINIER AND BUELA

Address

135 FILBERT ST STE 20B

City

OAKLAND CA 94607-2524

2 Your Internal Billing Reference

VALENZUELA (CLAM)

3 To

Recipient's Name

CLAIMS DIVISION

Company

CITY OF RIALTO

Address

190 S PALM AVE

City

RIALTO CA 92376

State

CA

ZIP

92376

Country

USA

Address

190 S PALM AVE

City

RIALTO CA 92376

State

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190 S PALM AVE

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RIALTO CA 92376

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CA

ZIP

92376

Country

USA

Address

190 S PALM AVE

City

RIALTO CA 92376

State

CA

ZIP

92376

Country

USA

4 Express Package Service

* To meet location.

Next Business Day

FedEx First Overnight

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

Packages up to 150 lbs.
For packages over 150 lbs., see the
FedEx Express Freight US Airbill.

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

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FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

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FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

5 Packaging

* Declared value limit \$500.

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

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Other

2 or 3 Business Days

FedEx 2Day A.M.

FedEx 2Day

FedEx Express Saver

FedEx Standard Overnight

FedEx Envelope*

FedEx Pak*

FedEx Tube

Other

2 or 3 Business Days

FedEx 2Day A.M.

6 Special Handling and Delivery Signature Options

Res may apply. See the FedEx Service Guide.

Saturday Delivery

Not available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required

Package may be left without obtaining a signature for delivery.

Direct Signature

Someone at recipient's address may sign for delivery.

Indirect Signature

If no one is available at recipient's address, someone for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?

One box must be checked.

No

Yes

As per attached Shipper's Declaration.

Restrictions apply for dangerous goods—see the current FedEx Service Guide.

Payment Bill to:

Sender

Recipient

Third Party

Enter FedEx Acct. No. below

Total Packages

Total Weight

lbs.

Your liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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147918 REV 5/20

FedEx
TRK# 8173 7853 9923
0215

TUE - 15 NOV 8:00A
FIRST OVERNIGHT

W1 RIVA

92376
CA-US
SBD

FO

F-0 08:00 9923 1116

