

LUZ MARIA MONTES SOZA & SERGIO SANTIAGO MIGUEL

223 S. Waydie Pl.
Anaheim, Ca 92805

June 1, 2022

VIA PERSONAL DELIVERY

Rialto City Clerk
150 S. Palm Ave.,
Rialto, CA 92376

CITY OF RIALTO
2022 JUN -2 AM 9:57
RECEIVED
CITY CLERK

ATTENTION: CLAIMS

RE: GOVERNMENTAL CLAIM FOR DAMAGES

Claimants: **LUZ MARIA MONTES SOZA & SERGIO SANTIAGO
MIGUEL**

Date of Incident: January 9, 2022

Place of incident: 100 Block of E. Valley Boulevard Rialto, CA 92376

To Whom it May Concern,

Pursuant to Section 910 of the California Government Code, this letter constitutes our client's formal Governmental Claim and request that all notices regarding this matter be sent to our office.

I. NAME AND ADDRESS OF CLAIMANT:

LUZ MARIA MONTES SOZA & SERGIO SANTIAGO MIGUEL, individually,
and as successors in interest to the ESTATE OF OSCAR SANTIAGO MONTES
223 S. Waydie Pl.
Anaheim, Ca 92805

II. ADDRESS CLAIMANTS DESIRE NOTICES TO BE SENT:

Send all Notices to Claimants to:
223 S. Waydie Pl.
Anaheim, Ca 92805

III. DATE, PLACE, & OTHER CIRCUMSTANCES WHICH GAVE RISE TO THE CLAIM:

A. Date: January 9, 2022

B. Place of incident: 100 Block of E. Valley Boulevard Rialto, CA 92376

C. Other Circumstances: This is a wrongful death action stemming from the shooting and killing of OSCAR SANTIAGO MONTES by City of Rialto police officers.

IV. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM:

On January 9, 2022, OSCAR SANTIAGO MONTES was experiencing a mental health crisis at a Chevron gas station located at 100 Block of E. Valley Boulevard Rialto, CA 92376

OSCAR SANTIAGO MONTES never harmed anyone despite having a knife. In fact, OSCAR SANTIAGO MONTES only cut himself with the knife and as a result he was bloody. OSCAR SANTIAGO MONTES cutting himself demonstrated at the OSCAR SANTIAGO MONTES was experiencing a mental health crisis.

Instead of helping OSCAR SANTIAGO MONTES, Rialto PD officers arrived to the Chevron gas station and shot OSCAR SANTIAGO MONTES to death.

A. STATE THEORIES OF LIABILITY:

1. *Negligence Causing Wrongful Death;*
2. *Negligent Tactics and Negligent Hiring and Training;*
3. *Assault;*
4. *Battery;*
5. *Violations of Civil Code 52.1 (Tom Bane Act).*
6. *Violation of Civil Code 51.7 (Ralph Act);*

California Tort Claims Act Claim

7. *Other applicable state law claims which may apply to a deadly use of force shooting.*

**V. NAME OF PUBLIC EMPLOYEES PUBLIC EMPLOYEE OR EMPLOYEES
CAUSING THE INJURY, DAMAGE, OR LOSS:**

Unknown at this time.

VI. AMOUNT CLAIMED:

1. General Damages in excess of the mandatory amount for jurisdiction in the Unlimited Superior Court;
2. Special Damages according to proof plus all further and proper relief;
3. Wrongful death damages;
4. Survival damages for decedent's own pain and suffering prior to his death;
5. Punitive damages as to individual officer defendants;
6. Attorney's fees pursuant to State Law (CCP § 1021.5 & private attorney general doctrine);
7. Attorney's fees pursuant to Federal Law; and
8. All other remedies awarded by the court.

Sincerely,

LUZ MARIA MONTES SOZA & SERGIO SANTIAGO MIGUEL

Luz Maria Montes Soza