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Office of the City Clerk  
City of National City

**AMENDED  
CLAIM FOR DAMAGES  
TO PERSON OR PROPERTY**

**To: THE CITY CLERK OF THE CITY OF NATIONAL CITY**

**This is an AMENDED Claim for Damages. The initial Claim is attached hereto.**

**Name of Claimant:** § Personal Information

**Address of Claimant:** Personal Information National City, CA 91950

**Phone of Claimant:** Personal Information

**Address to which Notices or Communications regarding this claim should be sent to:**

Brian C. Gonzalez  
Law Offices of Brian C. Gonzalez  
2445 Fifth Avenue, Suite 330  
San Diego, California 92101  
Phone: 800-884-1072  
Email: [bgonzlaw@gmail.com](mailto:bgonzlaw@gmail.com)

**General Description of Incident and City's Acts and Omissions:**

Claimant has lived on East 8<sup>th</sup> Street for decades and prior to the installation of the metal grate across the storm drain located directly behind her home, there had never been an issue with flooding. During the Winter of 2022/2023, the years of debris that had built up along the storm drain channels due to the lack of maintenance and clearing by the City of National City caused the newly installed grate to become clogged and the Claimant's property was flooded. The City was made aware of this problem, City officials came to the area and confirmed notice of the problem and assured the Claimant and other adjacent property owners that the problem that caused the flooding would be fixed. But nothing was done. Nothing.

So when the rain storms came again this Winter, culminating with the rain on January 22, 2024, the same thing happened: The uncleared and unmaintained debris flowed down the channel and clogged the grate, causing the water to back up and eventually flood the Claimants property, only this time, the flooding was devastating. The flood waters poured into Claimants home and garage and destroyed all of the contents. The flood waters completely destroyed the fencing around Claimant's property and destroyed everything inside of Claimant's home (personal items, flooring, walls, appliances, photographs, family memories, everything).

This was not a flooding that occurred due to a "once in a thousand year" rain. This flooding was completely avoidable and preventable if the City had simply fixed the

problem that they had been directly placed on notice of and acknowledged a year earlier. Instead, the City did nothing and the Claimant's home, property and lifetime of memories have been destroyed. The City acted negligently by installing the grate, failing to maintain and clear the water channel and the Paradise Creek Water Quality and Community Enhancement Project basin, and allowing the water to trespass onto the Claimant's property creating a nuisance and causing devastating loss and damages (both economic and non-economic).

**Date, Time and Place of Incident:**

On January 22, 2024, starting at approximately 10:00 am, Claimant's home and property located at [Personal Information] National City, CA 91950 was severely damaged or completely destroyed by flooding.

**The name(s) of the City Employee who was responsible for the incident:**

It is presently unknown what City employees are charged with the duty and responsibility of clearing and maintaining the National City storm drains and channels in this area, as well as the basin for the Paradise Creek Water Quality and Community Enhancement Project. Claimant does know that the City was aware of this problem due to complaints and claims made to the City in January 2023. It is claimant's understanding that Dick Miller, Inc. was contracted by the City to install the grate and that Wright Construction was contracted by the City to create the basin for the Paradise Creek Water Quality and Community Enhancement Project.

**The amount of the claim:**

Property Damage

Prior to the January 22, 2024 flooding, Claimant's home could have been sold for approximately \$750,000. It is now destroyed and it will cost at least \$250,000 to repair. The land on Claimant's property has eroded and is unstable and needs to be replaced and stabilized, including, but not limited to the area surrounding and including the Claimant's backyard below ground pool. Even if the home and property are restored to its pre-incident condition, the Claimant is now obligated to disclose this severe damage and history of flooding to any potential buyer, which will decrease the value of the home by at least \$100,000. In addition to the damage to the structures on the property, the Claimant lost virtually all of her personal items, furniture, appliances, photos and lifelong memories located inside the home, garage and surrounding property. The Claimant is in the process of itemizing all of her personal items lost or destroyed so the exact amount is unknown but is anticipated to be in excess of \$100,000.

Claimant has also been forced to incur the cost of additional living expenses,

clothing, food and other costs as she tries to start putting her life back together. It is anticipated that it will take up to two years, and possibly longer for the Claimant to replace all of her lost personal items and to repair her property, structures, pool and fencing. The Claimant may be covered for some of the losses through home/flood insurance, however, to the extent that there is any coverage for the losses she has sustained, she will not be fully reimbursed and her insurance carrier would have the right to seek a lien for reimbursement out of any recovery she would have under this claim and any other actions she brings. Thus, even if she receives some insurance benefits, she may have to repay them and she may be forced to obtain a loan in order to replace and repair the full amount of everything that she has lost. Assuming that she can even obtain a sufficient loan, she will incur the interest and fees associated with such a loan. The estimated cost for these additional living expenses, clothing, food, loan interest and fees and other costs is likely to exceed \$100,000. Additionally, Claimant's dog, Annie, suffered severe physical injuries during the flooding and required veterinary treatment, for which Claimant incurred the costs of her treatment. The bill for the veterinary treatment totaled \$531.00.

Claimant also lost or had significant damage done to the following additional items: 2012 Dodge Ram Truck, 2004 Honda Accord, 2009 Yamaha boat and trailer.

#### General Damages:

The damage to Claimant's home, property and personal items has been devastating, but the emotional loss is far more significant. Claimant lost everything, and the City could have easily prevented this from happening. As a result of the City's negligence, trespass and nuisance, Claimant is entitled to "non-economic damages" for the annoyance and discomfort of being displaced from her home since January 22, 2024 and for however long it takes to have her home, property and personal items replaced. Claimant will be forced to spend countless hours itemizing and replacing her lost items. Claimant has suffered emotional distress and mental anguish caused by the damage to Claimant's peaceful enjoyment of her property and home. Included among the irreplaceable personal items that were destroyed, Claimant lost her Mothers Family heirloom Organ, all of her family photos (including mostly photos of her parents and in-laws, whom are all no longer with us). Among the numerous collectible items that were destroyed, Claimant lost a Padres signed bat from the entire 1984 World Series team, which is priceless.

#### Total Damages:

Thus, the amount of this claim, which includes damage to Claimant's property, to the structures on her property, destruction of all of the Claimant's personal items and general damages (also known as "non-economic damages") would rest within the unlimited jurisdiction of the California Superior Court, as it is clearly well in excess of the

\$35,000 minimum limits.

Insurance Payments:

Claimant has received \$14,697 for damage to the 2012 Dodge Ram and \$2756.14 for damage to the boat. However, Claimant's insurance carrier has the right to seek reimbursement from the Claimant's recovery in this Claim.

**Witnesses:**

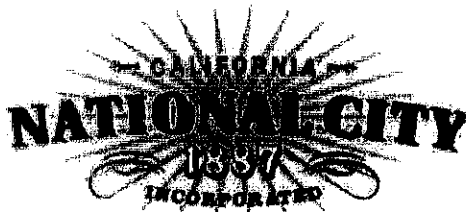
All of the residents of the five homes located in this section of [Personal Information] in National City are witnesses to the incident and to Claimant's losses and damages. Those individuals are [Personal Information] [Personal Information] (each of whom is filing a Claim for Damages as well). [Personal Information] [Personal Information], National City, CA 91950.

Dated: February 29, 2024

LAW OFFICES OF BRIAN C. GONZALEZ

[Personal Signature]

By: Brian C. Gonzalez  
Attorneys for Claimant Sherry Gogue



City Of National City

### CLAIM FOR DAMAGES TO PERSON OR PROPERTY

#### INSTRUCTIONS

1. Read entire claim form before filing.
2. This claim form must be signed at bottom.
3. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.
4. Claims must be filed with the City Clerk, 1243 National City Boulevard, National City, CA 91950 (619) 336-4228.
5. Inquiries regarding status of filed claims should be directed to the Risk Manager at (619) 336-4370.

Attention: City Clerk

The undersigned hereby presents the following claim to the City of National City, in accordance with the laws of the State of California.

1. Name of Claimant: \_\_\_\_\_  
 2. Home Address of Claimant: Personal Information National City CA 91950  
 Home Telephone Number: \_\_\_\_\_ /Cell: Personal Information  
 Email: Personal Information

3. Give address to which you desire notices or communications to be sent regarding this claim:  
Personal Information Spring Valley CA 91977

4. How did DAMAGE or INJURY occur? Give full particulars:  
 Grate was blocked near my property. Complete property loss due to flooding on 1/22/2024

We lost our home. All of our furniture and contents. 2012 Dodge Ram Truck  
 2004 Honda Accord. 2009 Yamaha 230 boat and trailer sustained damage.

5. When did DAMAGE or INJURY occur? Give the date and time of day:  
 1/22/2024 9:00-11:00 AM

6. Where did DAMAGE or INJURY occur? Describe fully, and attach diagram where appropriate. Give street names and addresses and measurements from landmarks:  
 see attached photos

7. What particular ACT or OMISSION do you claim caused the injury or damage? Give names of City employees causing the injury or damage, if known:  
Storm Grate and Paradise Creek Water Quality and Comm Enhancement Project were not properly maintained

8. What DAMAGE or INJURIES do you claim resulted? Give full extent of injuries or damages claimed:  
Total Home valued at \$700,000. Personal property valued at \$150,000  
Additional Living Expenses \$72,000 for 2 years  
Approximate \$ 922,000.00

9. NAMES of physicians, hospitals, etc.:

10. What AMOUNT do you claim on account of each item of injury or damage as of date of presentation of this claim? Explain how you calculated this amount.

Give ESTIMATED AMOUNT as far as known you claim on account of each item of future injury or damage, giving basis of computation:

11. What INSURANCE PAYMENTS did you receive, if any, and what were the names of any insurance Company(ies): Farmers Insurance Paid \$14697.00 for 2012 Dodge Ram

12. What EXPENDITURES did you make on account of accident or injury: (Date-Item) (Amount):  
\$4000.00 Additional living expenses, clothing, skip loader rental

13. Give NAMES AND ADDRESSES of Witnesses, Doctors and Hospitals:  
Personal Information National City, CA 91950  
National City CA 91950

Attach COPIES of any photos, documents or receipts you wish considered.

I declare under penalty of perjury that I have read the foregoing claim and the papers attached thereto, and that the same are true and correct to the best of my knowledge.

DATE: 2/6/2024

Personal Signature  
Claimant or Agent

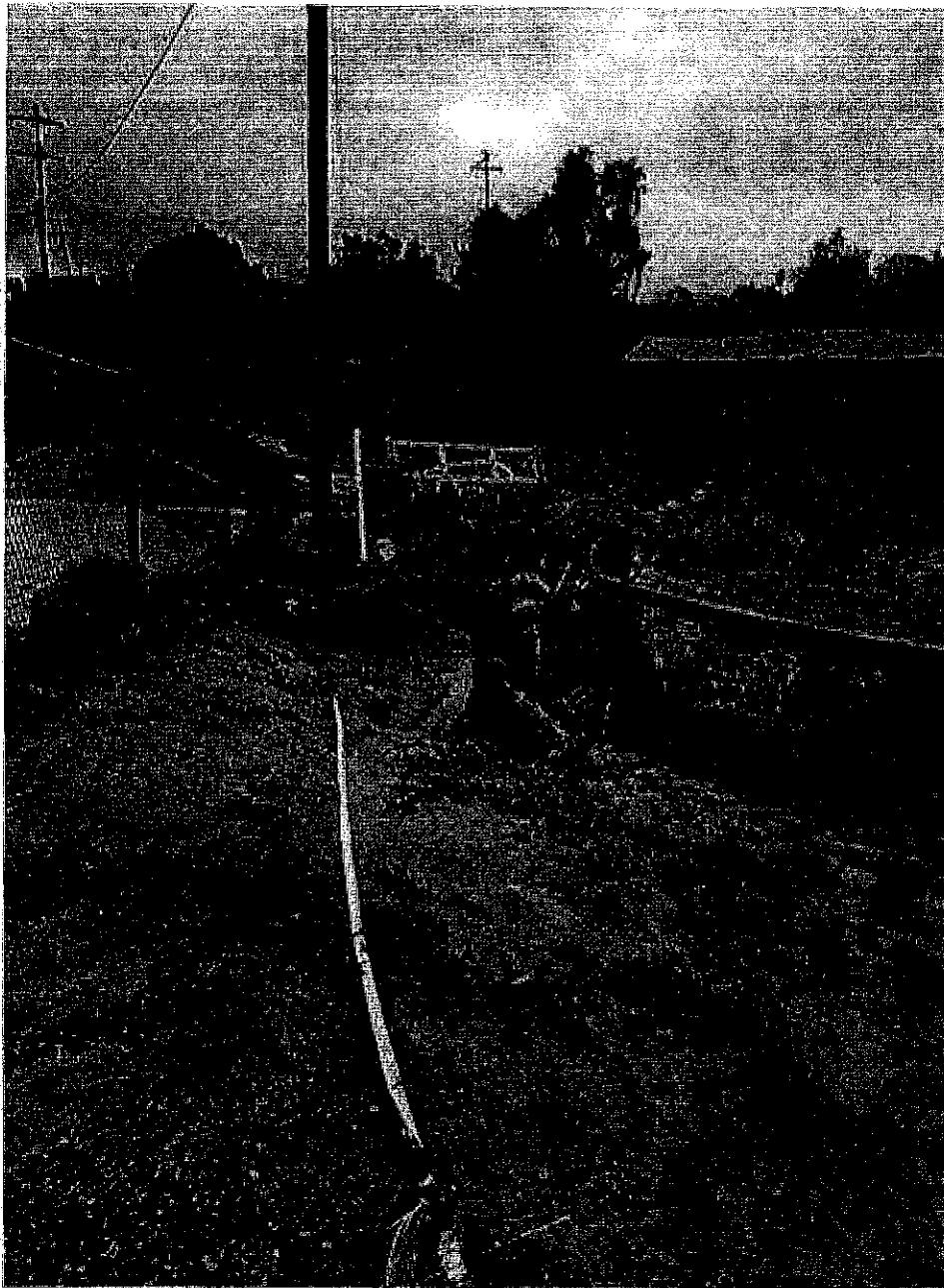
Personal Information National City CA 91950  
Telephone No. of Above



Personal Information

National City

Personal Signature

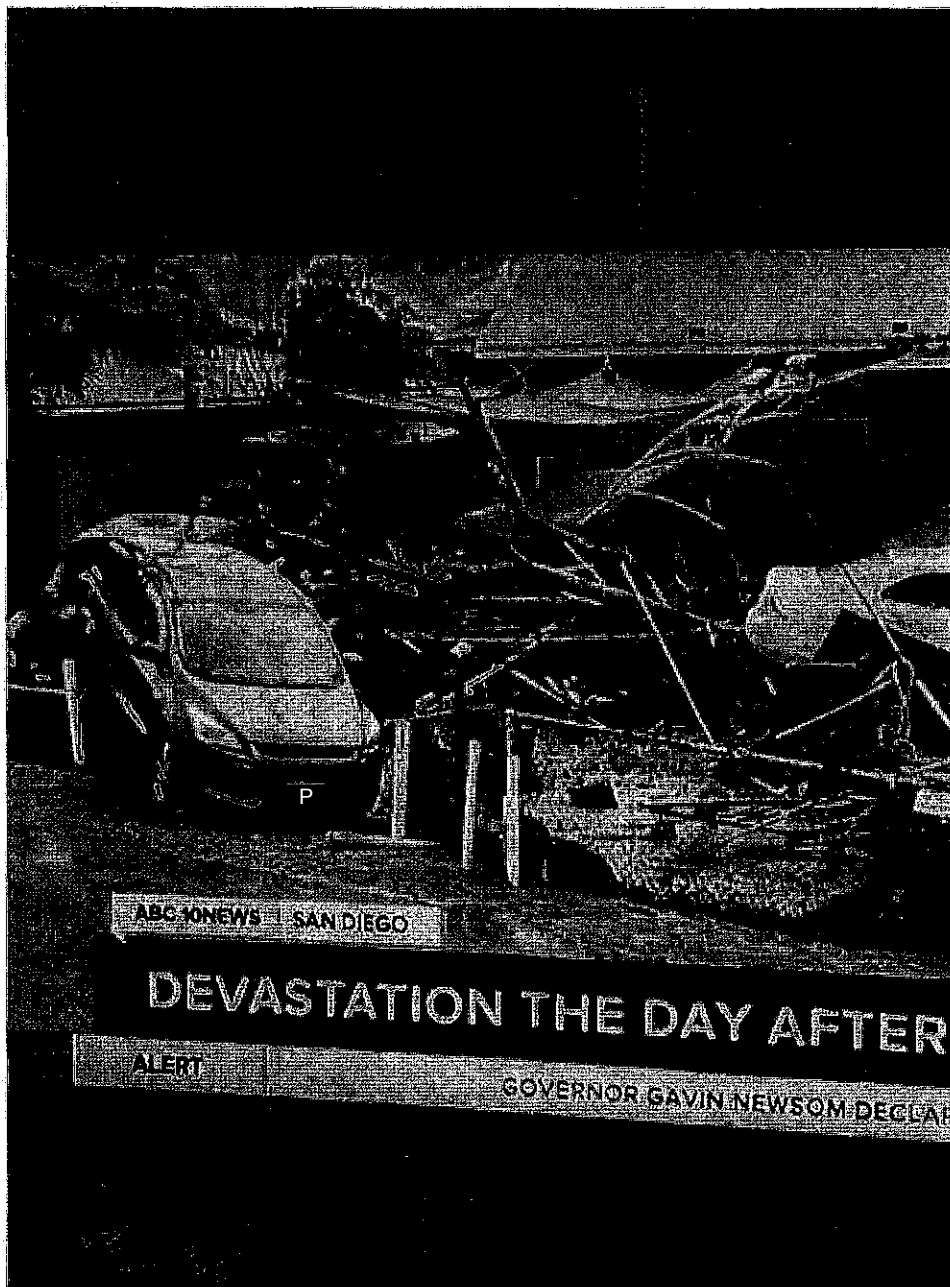


Grate

Personal Signature







ABC 10NEWS | SAN DIEGO

DEVASTATION THE DAY AFTER

ALERT

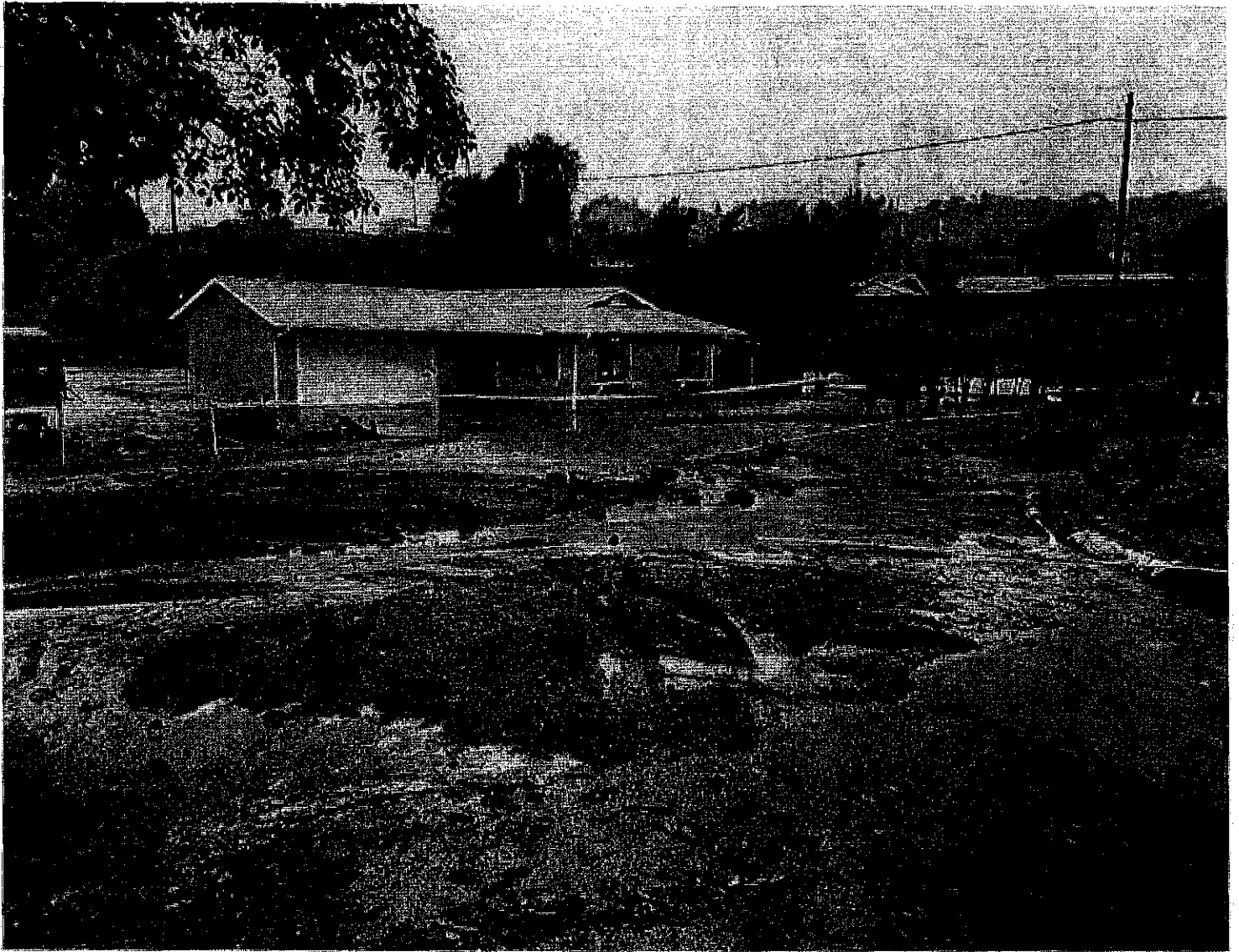
GOVERNOR GAVIN NEWSOM DECLAR

*Our boat at*

Personal Information

*National City*

Personal Signature



Personal Information

Personal Signature

# Redaction Log

Reason	Page (# of occurrences)	Description
Personal Information	1 (3)	Under Government Code section 6255(a), personal contact information is exempt under protection of the California Public Records Act, and has been withheld on some documents responding to your request. Personal information being withheld is in the interest of the applicantowner and their right to privacy which outweighs the public interest of disclosure.
	2 (1)	
	4 (4)	
	5 (4)	
	6 (2)	
	7 (1)	
	10 (2)	
11 (1)		
Personal Signature	4 (1)	Personal Signature - Redacted for cyber protection
	6 (1)	
	7 (1)	
	8 (1)	
	9 (1)	
	10 (1)	
	11 (1)	