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Office of the City Clerk  
City of National City

**CLAIM FOR DAMAGES  
TO PERSON OR PROPERTY**

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

**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's parents, [Personal Information], have lived at [Personal Information] Street in National City for decades and prior to the installation of the metal grate across the storm drain located directly behind their 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 parents 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 Claimant's parents property, only this time, the flooding was devastating. The flood waters poured into his parents home and garage and destroyed all of the contents, including property, heirlooms, keepsakes and photos and other family memories of the Claimant's.

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 parents 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:**

Physical Injuries

As the flood waters rushed across Claimant's parents property, Claimant went to their home to make sure that they were safe from danger. Claimant had to help his Father [Personal Information] to safety and while rescuing him from the rapidly moving flood waters, Claimant was physically injured. Claimant was treated at Sharp, emergency and sharp, urgent care for a [Personal Information] because of the flood and he also contracted [Personal Information] Claimant was prescribed [Personal] for the [Personal Information] Claimant was also treated at Sharp urgent care in Chula Vista a day after the flood for [Personal Information] he suffered when, while helping rescue his Dad, all of the things that were floating in the water kept hitting him [Personal] As Claimant was trying to hold onto his Dad and get him to safety, floating objects, like a furniture chest, a small shed, things like that kept hitting Claimant as he was trying to hold onto his Dad and avoid both of them getting swept away. Ever since that day, when Claimant closes his eyes, he has flashbacks of the raging water and being stuck in there struggling for his life and his Dad's life, which has been extremely traumatizing for Claimant. Claimant keeps having images of his Dad being carried away by the flood waters and thrown into a wall.

Claimant's medical records are in the process of being obtained and will be provided to the Risk Manager upon receipt. Claimant has ongoing pain and discomfort from the injuries he sustained. Claimant has incurred and will in the future incur medical expenses for the care and treatment of his physical injuries. The bills for Claimant's treatment are in the process of being obtained and will be provided to the Risk Manager upon receipt.

#### Lost Earnings

As a result of the need to provide life saving assistance to his Dad and the physical injuries that Claimant sustained in doing so, Claimant has been unable to work for a period of time. The exact amount of Claimant's lost earnings and the documentation to support such losses will be provided to the Risk Manager once Claimant has been able to return to his full time employment and those records are obtained.

#### Property Damage

Claimant lost virtually all of his personal items, photos and lifelong memories located inside his parents home, garage and surrounding property. The Claimant is in the process of itemizing all of his personal items lost or destroyed so the exact amount is unknown but is anticipated to be in excess of \$10,000. The Claimant's 2019 Dodge Ram 1500 SLT was totaled by the flooding at his parents home.

#### General Damages:

Claimant sustained physical injuries and has and will continue to experience pain and suffering from those physical injuries. The damage to Claimant's vehicle, property and personal items has been devastating, but the emotional loss equally significant. Claimant lost everything that he had at his parents house, 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 losing his vehicle, property and personal items from his parents home since January 22, 2024 and for however long it takes to have his truck, property and personal items replaced. Claimant will be forced to spend countless hours itemizing and replacing his lost items. Claimant has suffered emotional distress and mental anguish caused by the damage to Claimant's peaceful enjoyment of his property and the knowledge that many of his irreplaceable possessions are destroyed forever.

#### Total Damages:

Thus, the amount of this claim, which includes damage to Claimant's property, to

the structures on his 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 no insurance that would cover his property losses. Claimant did receive \$13,932 from his vehicle insurance for his 2019 Ram 1500 SLT, however, that vehicle was almost fully paid off, and his insurance carrier has the right to seek reimbursement from Claimant for his recovery in this Claim.

**Witnesses:**

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

Dated: February 29, 2024

LAW OFFICES OF BRIAN C. GONZALEZ

[redacted] Personal Signature

By: Brian C. Gonzalez  
Attorneys for Claimant Clyde Thomas

# Redaction Log

Reason	Page (# of occurrences)	Description
Personal Information	1 (4) 2 (8) 4 (2)	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.
Personal Signature	4 (1)	Personal Signature - Redacted for cyber protection