

RECEIVED

FEB 29 2024

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]

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

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

Claimant has lived on [Personal] Street for decades and prior to the installation of the metal grate across the storm drain located directly behind his 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. 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 his 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 his 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 he tries to start putting his life back together. It is anticipated that it will take up to two years, and possibly longer for the Claimant to replace all of his lost personal items and to repair his property, structures, and fencing. The Claimant has no insurance that covers the losses and he will be forced to obtain a

loan in order to replace and repair the full amount of everything that he has lost. Assuming that he can even obtain a sufficient loan, he 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.

Claimant also lost or had significant damage done to the following additional items: 2006 Ford Fusion SEL, 2005 Nissan Xterra, and 1995 Nissan Pickup.

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 his home since January 22, 2024 and for however long it takes to have his home, 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 home.

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 to cover any of his losses.

Witnesses:

All of the residents of the five homes located in this section of [Personal] in National City are witnesses to the incident and to Claimant's losses and damages.

Those individuals are [Personal Information] (each of whom is filing a Claim for Damages as well). Also [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 Dennis Santana

Redaction Log

Reason	Page (# of occurrences)	Description
Personal Information	1 (3) 2 (1) 3 (4)	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

Redaction Log

Reason	Page (# of occurrences)	Description
Personal Information	1 (1)	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.