



OFFICE OF THE CITY CLERK  
1243 National City Blvd., National City, California 91950  
619-336-4228 phone / 619-336-4229 fax

To: Risk Manager

Date: 7/22/24

From: City Clerk's Office

Re: Brian R. Mason, Esq. Attorney for Claimants  
(Claimant / Plaintiff / Requester)

Our office received the following document/s:

- Claim for Damages – Hand-Delivered
- Claim for Damages – Delivered via USPS Mail – *certified*
- Claim for Damages – Delivered via UPS
- Claim for Damages – Delivered via FED-EX

Date Received: 7/22/24

Staff member to contact for questions regarding receipt:



We are forwarding the above document/s to your office for further action.



RECEIVED

JUL 22 2024

Office of the City Clerk  
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: See Attachment
2. Home Address of Claimant: See Attachment  
Home Telephone Number: 619-237-3490 /Cell: \_\_\_\_\_  
Email: teammason@thegomezfirm.com
3. Give address to which you desire notices or communications to be sent regarding this claim:  
Gomez Trial Attorneys, 755 Front Street, San Diego, CA 92101
4. How did DAMAGE or INJURY occur? Give full particulars:  
See Attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. When did DAMAGE or INJURY occur? Give the date and time of day:  
See Attachment  
\_\_\_\_\_
6. Where did DAMAGE or INJURY occur? Describe fully, and attach diagram where appropriate. Give street names and addresses and measurements from landmarks:  
See Attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

See Attachment

8. What DAMAGE or INJURIES do you claim resulted? Give full extent of injuries or damages claimed:

See Attachment

9. NAMES of physicians, hospitals, etc.: discovery and investigation are ongoing

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. Greater than \$35,000 per Claimant

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): discovery and investigation are ongoing

12. What EXPENDITURES did you make on account of accident or injury: (Date-Item) (Amount):

13. Give NAMES AND ADDRESSES of Witnesses, Doctors and Hospitals: discovery and investigation are ongoing

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: 07/15/2024

Brian R. Mason, Esq. - Attorney for Claimants  
Claimant or Agent

755 Front Street, San Diego, CA 92101  
Address of Above

619-237-3490  
Telephone No. of Above

Attachment to Government Claim

**Claimant(s) Name, Address, & Date of Birth:**

Claimants file their claims individually and on behalf of a class of those similarly situated.

1. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
2. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
3. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
4. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
5. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
6. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
7. [REDACTED]
  - a. [REDACTED] Street San Diego, CA 92113
  - b. DOB: [REDACTED]
8. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
9. [REDACTED]
  - a. [REDACTED] Spring Valley, CA 91977
  - b. DOB: [REDACTED]
10. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
11. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
12. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
13. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]

Attachment to Government Claim

14. [REDACTED]
  - a. [REDACTED] San Diego, CA 92114
  - b. DOB: [REDACTED]
15. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
16. [REDACTED]
  - a. [REDACTED] Spring Valley, CA 91977
  - b. DOB: [REDACTED]
17. [REDACTED]
  - a. [REDACTED] Spring Valley, CA 91977
  - b. DOB: [REDACTED]
18. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
19. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
20. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
21. [REDACTED]
  - a. [REDACTED] National City CA 91950
  - b. DOB: [REDACTED]
22. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
23. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
24. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
25. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
26. [REDACTED]
  - a. [REDACTED] National City, CA 91950
  - b. DOB: [REDACTED]
27. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]

Attachment to Government Claim

28. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
29. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
30. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
31. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
32. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
33. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
34. [REDACTED]
  - a. [REDACTED] San Diego, CA 92114
  - b. DOB: [REDACTED]
35. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. [REDACTED]
36. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
37. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
38. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
39. [REDACTED]
  - a. [REDACTED] San Diego, CA 92115
  - b. DOB: [REDACTED]
40. [REDACTED]
  - a. [REDACTED] San Diego, CA 92114
  - b. DOB: [REDACTED]
41. [REDACTED]
  - a. [REDACTED] San Diego, CA 92114
  - b. DOB: [REDACTED]

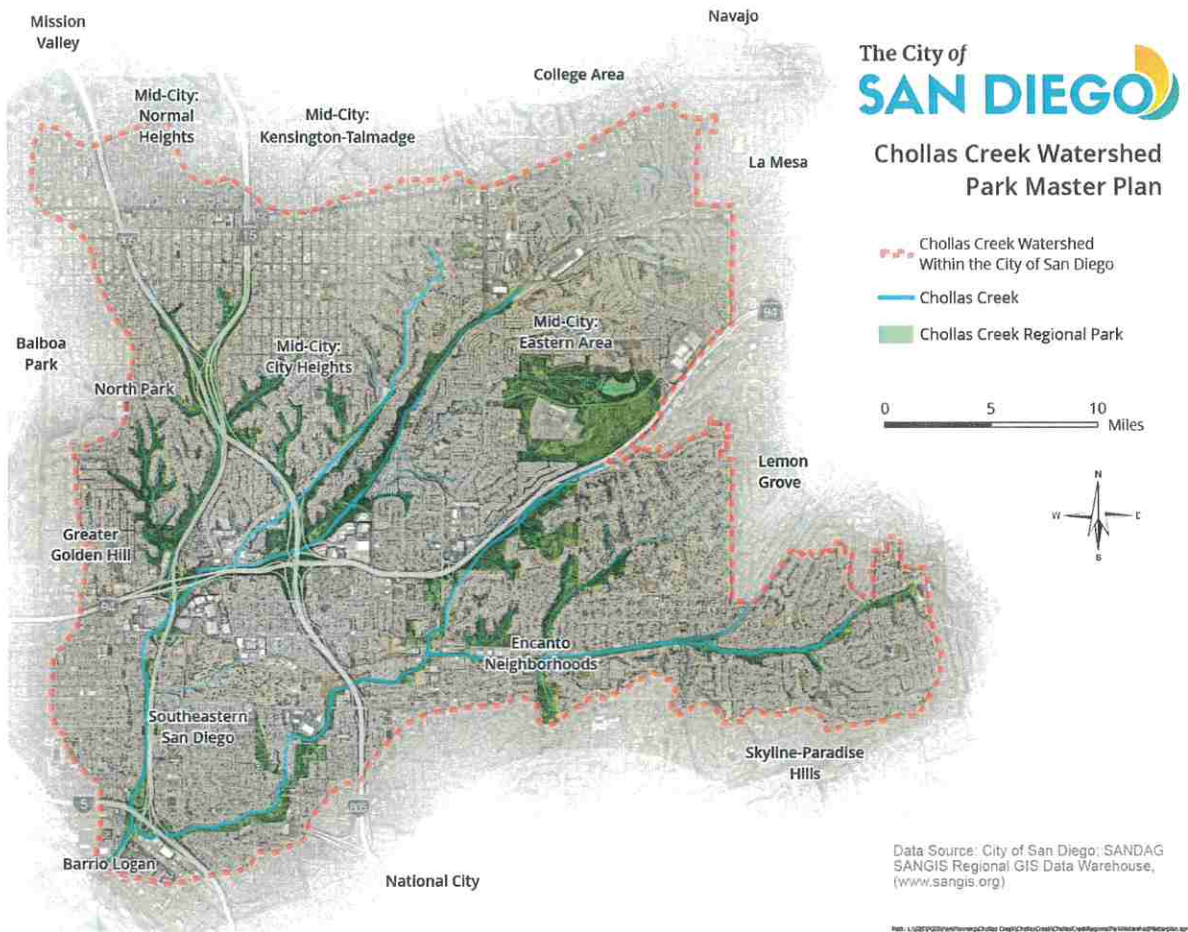
Attachment to Government Claim

42. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
43. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
44. [REDACTED]
  - a. [REDACTED] Lemon Grove, CA 91945
  - b. DOB: [REDACTED]
45. [REDACTED]
  - a. [REDACTED] San Diego, CA 92115
  - b. DOB: [REDACTED]
46. [REDACTED]
  - a. [REDACTED] San Diego, CA 92115
  - b. DOB: [REDACTED]
47. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
48. [REDACTED]
  - a. [REDACTED] San Diego, CA 92114
  - b. DOB: [REDACTED]
49. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]
50. [REDACTED]
  - a. [REDACTED] San Diego, CA 92113
  - b. DOB: [REDACTED]

**Location of Incident:**

Claimants live in neighborhoods throughout the City of San Diego and surrounding areas in the county for which the City of San Diego along with National City, City of Lemon Grove, the County of San Diego, and the California Department of Transportation- CALTRANS (the "Public Entities") are responsible, or have affected the stormwater infrastructure including but not limited to: Southcrest, Logan Heights, Mountain View, Jamacha, Lomita, Encanto, Rolando Park, Oak Park, Emerald Hills, Lincoln Park, Paradise Village, Shelltown, Grant Hill, Sherman Heights, Spring Valley, National City, and Lemon Grove.

Below is the Chollas Creek urban watershed and master park plan as outlined on the City of San Diego's website.



**Basis for Liability:**

The City of San Diego along with National City, City of Lemon Grove, the County of San Diego, and the California Department of Transportation- CALTRANS (the “Public Entities”) are responsible for stormwater maintenance including, but not limited to, the maintenance of its stormwater conveyance system/flood control project and the adjacent infrastructure surrounding the drainage channels and storm drain system/flood control project including, but not limited to the stormwater conveyance system. Maintenance includes, but is not limited to, the “removal of sediment, vegetation, debris, and trash to maximize stormwater conveyance capacity.”

Prior to January 22, 2024, the Public Entities had long been aware that maintenance of the stormwater conveyance system in the City of San Diego, County of San Diego, was insufficient and yet failed to act. Numerous citizens provided notice to the Public Entities regarding the need to maintain the stormwater system and provided the Public Entities notice of the significant debris contained throughout the storm drain flood channels. In 2018, the Chollas Creek watershed flooded, and the City of San Diego was sued for failure to maintain the system, which the City of San Diego settled in 2022. Yet, despite this knowledge, the Public Entities did nothing to remedy the problem.



## Attachment to Government Claim

For at least 20 years, the Public Entities failed to adequately fund maintenance of the stormwater conveyance system. Since 2002, the City of San Diego recognized corrective actions were needed to maintain adequate flood control infrastructure in a workable condition, but failed to implement what the Public Entities understood needed to be done to maintain the viability of the infrastructure, including but not limited to the following:

1. Failure to timely and efficiently replace corrugated metal pipes
2. Insufficient funding for storm water needs
3. Failure to establish a funding mechanism to maintain Flood Prevention Infrastructure
4. Failure to develop and pursue a long-term funding strategy
5. Failure to enforce storm water regulations
6. Failure to address hydrological issues—storm water management
7. Failure to prioritize green infrastructure—bioswales
8. Failure to install permeable pavements to manage storm water
9. Failure to create safety harbors during storm conditions
10. Failure to complete channel reconstruction
11. Failure to make long-term maintenance a high priority

At all times relevant, Claimants owned and/or resided at property within the City of San Diego and/or National City, City of Lemon Grove, Spring Valley, or other surrounding cities within the County of San Diego. Rain began to fall on January 22, 2024, and several San Diego neighborhoods were flooded. San Diego's Mayor Todd Gloria declared a state of emergency.

As a result of the Public Entities' failure over the course of several years, to properly maintain the stormwater conveyance system/flood control project and adjacent infrastructure surrounding drainage channels in the City, on January 22, 2024, Claimants' real and personal property was deluged with floodwater containing polluted urban runoff. The flood caused by the Public Entities' failure to maintain the stormwater drain system destroyed and/or severely damaged Claimant's real and personal property and caused injuries to each Claimant.

The Public Entities were under a duty to use due care to maintain the flood protection systems within their custody or control so as not to cause damage to Claimants' property. The Public Entities breached this duty through its negligent design, construction, ownership and maintenance of the drainage system and flood channels in such a way that it created a substantial risk of flooding to nearby property developed and maintained in a manner which is reasonably foreseeable, as herein alleged. Moreover, the Public Entities breached said duty by consciously disregarding the need for corrective actions to maintain flood control infrastructure in a workable condition and failed to implement what the Public Entities understood needed to be done to maintain the viability of the infrastructure. By deliberating, planning, engaging, and carrying out such conduct, the Public Entities were aware that flooding would necessarily result from their actions. Despite their awareness, the Public Entities continued to maintain critical flood control infrastructure inadequately up through and until the subject incident on January 22, 2024.

Prior to January 22, 2024, the Public Entities failed to properly repair, inspect, and restore the City's storm prevention infrastructure. As a result of this abject failure, Claimants incurred additional flooding damage, damage which would have been entirely preventable or would have at least been substantially minimized had the Public Entities actually acted in any meaningful way to address the

## Attachment to Government Claim

maintenance and design concerns that they were undoubtedly well-aware of prior to the January 2024 rainstorm, and certainly aware of after being put on notice by Claimants following the serious flooding that previously occurred.

Further, the City of San Diego further breached its duties by misleading the public by publishing in its annual budgets the maintenance and repair projects for flood prevention infrastructure as accomplishments when they were years away from completion, and in several instances, were yet to be completed. In other instances, funding for infrastructure maintenance and/or improvements was diverted to purchase a building the City of San Diego was and is unable to use. As a result, the City of San Diego maliciously, oppressively, consciously, and knowingly disregarded the apparent and obvious risk of flooding associated with the failure to maintain flood prevention infrastructure in such a way that it encroached upon, interfered with, and altered the function, purpose, and integrity of the flood prevention infrastructure, as well as the rights and safety of Claimants and their homes and property resulting from the City's conduct.

As a proximate result of the Public Entities' negligence and as a proximate result of the hereinabove and hereinafter alleged acts, omissions, and conduct of the Public Entities, Claimants sustained permanent injuries to their homes and destruction of property, in addition to pain, suffering, inconvenience, mental suffering, and emotional distress, from the time of January 22, 2024 up through and including the present day in an amount in excess of \$35,000.00 per Claimant.

Claimants bring this claim pursuant to California Government Code § 835 as the Public Entities controlled, owned, and were responsible for the maintenance of the storm water conveyance system at all relevant times, but the stormwater conveyance system was in a dangerous condition on or around January 22, 2024, because of the Public Entities' failure to install adequate drainage and/or the negligent conduct of its employees acting within the scope of employment, and the Public Entities had notice of the dangerous condition for a long enough time to have protected against it.

Claimants bring this claim under California Constitution Article I § 19, because there was an invasion of their property which directly, substantially, and peculiarly burdened Claimants to their detriment. The Public Entities by their voluntary, knowing and/or willful actions and inactions in connection with their constructing, designing, maintaining, planning, permitting, operating, and supervising the flood prevention infrastructure as described herein, voluntarily created and/or knowingly adopted by course of conduct a dangerous and unreasonable design that was disproportionately harmful to Claimants and Claimants' property so as to not incur the expense of maintaining the original design or adopting a reasonable alternative design resulting in a constructive taking for which Claimants and each of them are entitled to just compensation. The conditions created by the actions and inactions of the Public Entities, as described herein, interfered with, and continue to interfere with, Claimants' use and/or enjoyment of their land and property. The invasion of Claimants' property is disproportionate to neighboring properties, substantial and unreasonable.

Claimants bring this claim under California Code of Civil Procedure § 526a and 3479, *et. seq.*, for private nuisance against the Public Entities. The Public Entities, by their actions and inactions in connection with their constructing, designing, maintaining, planning, permitting, operating, and supervising the flood prevention infrastructure operating in the area including the neighborhoods as described herein, created conditions that were harmful to Claimants and Claimants' property.

## Attachment to Government Claim

Claimants bring this claim pursuant to California Code of Civil Procedure 382 on behalf of all the residents and landowners who suffered damages caused by the Public Entities' negligence in failing to maintain and remedy deteriorated flood prevention infrastructure.

Claimants intend to bring causes of action on the following grounds: negligence, inverse condemnation, dangerous condition of public property, CCP 382, violation of CCP 526a, trespass, and nuisance.

### **Description of Injury, Property Damage, and Loss:**

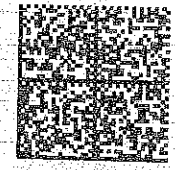
As a proximate result of the Public Entities' negligence and as a proximate result of the hereinabove and hereinafter alleged acts, omissions, and conduct of the Public Entities, Claimants sustained permanent injuries to their homes and destruction of property, in addition to pain, suffering, inconvenience, mental suffering, and emotional distress, from the time of January 22, 2024 up through and including the present day in an amount in excess of \$35,000.00 per Claimant.

Gomez  
155 Pro  
San Diego, CA 92101

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JUL 27 2024

Office of the City Clerk  
City of National City

City Clerk  
1243 National City Blvd  
National City, CA 91950