



Claim Against The City of Chino

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For Damages to Persons and/or Personal Property

Subject to certain exceptions found in the California Government Code, a claim must be filed with the Human Resources Department of the City of Chino no later than six (6) months after the incident or event occurred. Please be sure your claim is against the City of Chino, not another entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Provide a diagram if appropriate. Completed claims must be mailed or delivered to the City of Chino, Human Resources Department, 13220 Central Avenue, Chino, CA, or mailed to: P.O. Box 667, Chino, CA 91708, or emailed to hr@cityofchino.org.

(Please type or print clearly. Make sure information shows on all copies.)

Name of Claimant ISMAEL BALANDRAN
(First Name) (Middle Initial) (Last Name)

Home Address 2063 Southgate Road #124 Date of Birth 08/04/63 CA Driver Lic# _____

City, State, Zip Colorado Springs CO 80906 Social Security # _____

Telephone: Day 714-424-5400 Evening _____ Cell/Pager _____

Name, address, and telephone number to which claimant requests all notices and/or communications be sent: (If different from above)

James M. Bergener, Esq., Bergener & Associates, 5 Hutton Centre Dr., Ste 1050, Santa Ana, CA 92707 (714)424-5400

Type of Loss: Personal Injury Property Damage Other Wrongful Indemnity – Date Complaint Served: _____
Death (Attach copy of complaint)

Were Police at the scene? No Yes Police Report # _____ Police Agency Chino Police Department

1. When did injury or damage occur? 02/01/2009 AM PM
(Month/Day/Year) (Day of Week) (Time)

2. Where did injury or damage occur? (Exact location – street address, intersecting streets, or other location) At or near 12625 Central Avenue,
Chino, CA

3. How did injury or damage occur? (Describe accident or occurrence) See attachment.

4. What action or inaction of City employee(s) caused your injury or damage? (Include name of City employee(s) involved)
See attachment.

5. What injury or damage did you suffer? (Give description. If there were no injuries, state "No Injuries.") See attachment.

6. Name of any witnesses:
See attachment.

(Name) (Address) (Phone Number)

(Name) (Address) (Phone Number)

State the total amount claimed: \$ TBD, but over \$25,000 NOTE: Please attach copies of supporting documentation for the amounts claimed.

If claim relates to an automobile accident, answer the following and attach Proof of Insurance:

Please check box if there was no insurance coverage in effect at time of incident.

Insurance Policy # _____ Insurance Company/Broker _____

Address _____ Telephone _____

Warning: It is a criminal offense to file a false claim (Penal Code Sec. 72; Government Code Sec. 12651).

I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 25 day of June 2009 at Santa Ana, CA
(Date) (Month) (Year) (Location)

Signature of Claimant or Authorized Representative

James M. Bergener, Esq.
Printed or Typed Name

1 JAMES M. BERGENER – SBN 226570
2 **BERGENER & ASSOCIATES**
3 5 Hutton Centre, Suite 1050
4 Santa Ana, CA 92707
5 Tel: (714) 429-0011
6 Fax: (714) 429-0044

7 Attorneys for Claimants,
8 IRENE BALANDRAN; and ISMAEL BALANDRAN

9 **CLAIM AGAINST A PUBLIC ENTITY**

10 **TO THE CITY OF CHINO, ITS POLICE DEPARTMENT, AGENTS, AND
11 EMPLOYEES:**

12 Claim is hereby made on behalf of IRENE BALANDRAN; and ISMAEL BALANDRAN
13 the surviving parents of Decedent, DANIEL BALANDRAN, who both reside at 2063 Southgate
14 Road #124, Colorado Springs CO 80906. At the time of decedents death, Claimants were
15 dependant upon decedent for, among other things, the necessities of life.

16 Claim is made against the city of Chino, its agents, employees and departments for the
17 wrongful death of decedent, an unarmed, innocent bystander, that occurred when he was shot to
18 death without cause, legal justification or warning by Corporal Claudia Lisner, an employee of
19 the City, and their Police Department at or near 12625 Central Avenue, City of Chino, and State
20 of California on February 1, 2009.

21 At all relevant times:

- 22 1. The public entity, its agents and employees, negligently conducted
23 themselves and negligently hired, retained, trained and supervised their
24 agents and/or employees who were unfit for their duties, and further
25 negligently conducted themselves while in the course and scope of their
26 duties within meaning of *California Government Code* §§ 815.2, 815.4
27 and 820 causing decedent to be shot and killed and his wrongful death.

1 Further, at the time of decedent's death Corporal Lisner, among others,
2 was unfit for her duties.

3 2. Among other things, the public entity and its employees, and its command
4 staff, including but not limited to Sergeant Andrew Bjelland and Sergeant
5 Kevin Mensen failed to supervise, control and secure a crime scene for a
6 reported armed robbery that was taking place at said location. Said
7 command staff, when they had the opportunity to do so, failed to warn
8 bystanders or clear, and remove them from harm's way, creating a
9 substantial risk of harm or death to said bystanders, resulting in the
10 shooting death of decedent by Corporal Lisner.

11 3. Said command staff failed to monitor, supervise, direct or control Corporal
12 Lisner, Officer James Skropos and others and allowed them to charge off,
13 unprepared without supervision, causing them to attack and shoot to death
14 decedent.

15 4. After shooting decedent, and knowing that he was wrongfully shot, and
16 grievously injured, the public entity and its employees failed to promptly
17 summon emergency aid. Thereafter said employees, including Corporal
18 Lisner, Officers James Skropos and David Villeran, handcuffed decedent,
19 left him to die on the pavement without medical aid.

20 5. That said employees, while in the course and scope of their duties,
21 committed an intentional homicide, false arrest, false imprisonment,
22 assault, battery, and intentional infliction of emotional distress upon
23 decedent causing to him to suffer grievous pain, suffering and then death.
24 At all times mentioned herein, the acts of each agent and employee of the
25 public entity was intentional, willful and done in a conscious disregard for
26 the safety of decedent, justifying the awarding of punitive damages against
27 each such agent and employee.

- 1 6. The public entities, its agents and employees, including the command
2 staff, Corporal Lisner and Officer Skropos and others violated, among
3 other things, the applicable standards of care, rules, procedures and
4 protocols resulting in Corporal Lisner wrongfully shooting decedent
5 without warning.
- 6 7. That said public entity and its employees, under color of law, used
7 excessive force, and searched, seized, assaulted, battered, shot and killed,
8 without cause, and violated the constitutional and civil rights, including
9 the substantive due process of the decedent, depriving him of life and
10 liberty, pursuant to §§ 42 U.S.C. 1983 causing claimants to suffer, inter
11 alia damages for the wrongful death of decedent, and for decedent's estate
12 to incur special damages.
- 13 8. Thereafter, said public entity, its agents and employees, including
14 Corporal Lisner, in violation of California and federal law conspired to
15 and engaged in a cover-up, created false and misleading investigation
16 reports and conspired to hide the truth and true nature of their culpable
17 conduct, thereby further depriving the decedent, and now claimants, of
18 their constitutional rights and causing claimants damages. Among other
19 things, Corporal Lisner filed a false police report claiming untruthfully,
20 among other things, that she twice "gave orders" for decedent to "show his
21 hands" before she shot and killed him.
- 22 9. That it was the policy for the public entity to inadequately train and
23 supervise its police officers and their supervisors, and further, said public
24 entity had in place and ratified policies, procedures, customs and practices
25 which permitted and encouraged their police officers to unjustifiably,
26 unreasonably and in violation of the Fourth and Fourteenth Amendments
27 use deadly force against persons such as decedent. These customs and
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policies, on behalf of the public entity, demonstrate a deliberate indifference on the part of policymakers of the public entity to the persons such as decedent and were cause of the violations of decedent's rights set forth herein.

10. At all times mentioned herein, the acts of the agents and employees were intentional, willful and done in a conscious disregard for the safety of decedent, justifying the awarding of punitive damages against each such employee.

11. Claimants have suffered loss of comfort, society, support and all other wrongful death damages, as well as survival damages.

12. Claimants have and will incur attorneys' fees in an amount to be established and to which they now make claim.

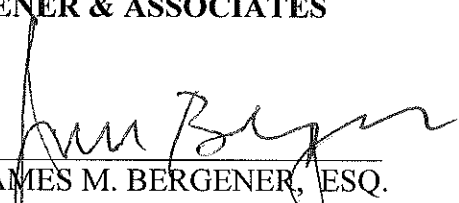
The amount of this claim places the jurisdiction of this claim in the Superior Court.

Claimants requests that all notices be delivered to his attorney of record, whose name and address is as follows JAMES M. BERGENER, ESQ; **BERGENER & ASSOCIATES**, 5 Hutton Centre, Suite 1050, Santa Ana, CA 92707. Tel: (714) 429-0011

BERGENER & ASSOCIATES

DATED: June 25, 2009

By:



JAMES M. BERGENER, ESQ.
Attorney for Claimants
IRENE BALANDRAN; and ISMAEL
BALANDRAN

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not party to the within action. My present business address is 25 E. Union Street, Pasadena, CA 91103.

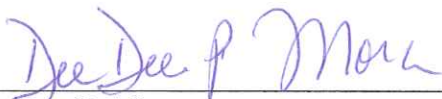
On June 25, 2009, I served the foregoing document, described as **CLAIM AGAINST THE CITY OF CHINO** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope as follows:

**CITY OF CHINO
HUMAN RESOURCES DEPARTMENT
13220 CENTRAL AVENUE
CHINO, CA 91708**

BY PERSONAL DELIVERY: I caused such envelope to be delivered by hand to the office of the addressee.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 25, 2009, at Pasadena, California.



DeeDee P. Mora