



Claim Against The City of Chino

For Damages to Persons and/or Personal Property

Orig: IG
XC: GK

For Official Use Only

Received By: P. Bier
U.S. Mail _____
Hand Delivered 6/25/09
Email _____

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 J. ARACELI MILLAN
(First Name) (Middle Initial) (Last Name)

Home Address 5230 Odell Street Date of Birth 02/05/85 CA Driver Lic# _____

City, State, Zip Riverside, CA 92509 Social Security # _____

Telephone: Day 626-568-4000 Evening _____ Cell/Pager _____

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

Mark S. Algorri, Esq., DeWitt, Algorri & Algorri, 25 East Union Street, Pasadena, CA 91103 (626) 568-4000

Type of Loss: Personal Injury Property Damage Other Wrongful Death Indemnity – Date Complaint Served: _____
(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 Pasadena, CA
(Date) (Month) (Year) (Location)

Signature of Claimant or Authorized Representative

Mark S. Algorri, Esq.
Printed or Typed Name

1 MARK S. ALGORRI, ESQ. SBN: 88859

2 **DeWITT ALGORRI & ALGORRI**

3 25 E. Union Street

4 Pasadena, CA 91103

5 Telephone (626) 568-4000

6 Facsimile: (626) 584-3980

7 mail@daalaw.com

8 Attorneys for Claimants,

9 ARACELI MILLAN, an individual,

10 LIZZET VANESSA BALANDRAN, a minor,

11 Individually, and as a Joint Successor in Interest to the

12 Estate of DANIEL BALANDRAN, Deceased;

13 MANUEL NISMO BALANDRAN, a minor,

14 Individually, and as a Joint Successor in Interest to the

15 Estate of DANIEL BALANDRAN, Deceased, by and

16 through their Guardian, ARACELI MILLAN

17
18
19
20
21
22
23
24
25
26
27
28
CLAIM AGAINST A PUBLIC ENTITY

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

Claim is hereby made on behalf of ARACELI MILLAN, an individual, and LIZZET VANESSA BALANDRAN, a minor, whose date of birth is 11/13/03, and MANUEL NISMO BALANDRAN, a minor, whose date of birth is 10/01/08, the Joint Successor's in Interest to and the sole issue and surviving heirs at law of decedent, DANIEL BALANDRAN, by and through their Guardian and natural mother, ARACELI MILLAN, who all reside at 5230 Odell Street, Riverside, CA 92509.

ARACELI MILLAN, the Domestic and Life Partner of Decedent, DANIEL BALANDRAN, and the mother of LIZZET VANESSA BALANDRAN and MANUEL NISMO BALANDRAN, who died intestate on February 1, 2009, in the City of Chino, County of San Bernardino, and State of California. At the time of decedent's death, Claimants all resided together in a family relationship and were dependant upon Decedent for, among other things, the necessities of life.

Claim is made against the city of Chino, its agents, employees and departments for the wrongful death of decedent, an unarmed, innocent bystander, that occurred when he was shot to

1 death without cause, legal justification or warning by Corporal Claudia Lisner, an employee of
2 the City, and their Police Department at or near 12625 Central Avenue, City of Chino, and State
3 of California on February 1, 2009.

4 At all relevant times:

- 5 1. The public entity, its agents and employees, negligently conducted
6 themselves and negligently hired, retained, trained and supervised their
7 agents and/or employees who were unfit for their duties, and further
8 negligently conducted themselves while in the course and scope of their
9 duties within meaning of *California Government Code* §§ 815.2, 815.4
10 and 820 causing decedent to be shot and killed and his wrongful death.
11 Further, at the time of decedent's death Corporal Lisner, among others,
12 was unfit for her duties.
- 13 2. Among other things, the public entity and its employees, and its command
14 staff, including but not limited to Sergeant Andrew Bjelland and Sergeant
15 Kevin Mensen failed to supervise, control and secure a crime scene for a
16 reported armed robbery that was taking place at said location. Said
17 command staff, when they had the opportunity to do so, failed to warn
18 bystanders or clear, and remove them from harm's way, creating a
19 substantial risk of harm or death to said bystanders, resulting in the
20 shooting death of decedent by Corporal Lisner.
- 21 3. Said command staff failed to monitor, supervise, direct or control Corporal
22 Lisner, Officer James Skropos and others and allowed them to charge off,
23 unprepared without supervision, causing them to attack and shoot to death
24 decedent.
- 25 4. After shooting decedent, and knowing that he was wrongfully shot, and
26 grievously injured, the public entity and its employees failed to promptly
27 summon emergency aid. Thereafter said employees, including Corporal

1 Lisner, Officers James Skropos and David Villeran, handcuffed decedent,
2 left him to die on the pavement without medical aid.

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

11 6. The public entities, its agents and employees, including the command
12 staff, Corporal Lisner and Officer Skropos and others violated, among
13 other things, the applicable standards of care, rules, procedures and
14 protocols resulting in Corporal Lisner wrongfully shooting decedent
15 without warning.

16 7. That said public entity and its employees, under color of law, used
17 excessive force, and searched, seized, assaulted, battered, shot and killed,
18 without cause, and violated the constitutional and civil rights, including
19 the substantive due process of the decedent, depriving him of life and
20 liberty, pursuant to §§ 42 U.S.C. 1983 causing claimants to suffer, inter
21 alia damages for the wrongful death of decedent, and for decedent's estate
22 to incur special damages.

23 8. Thereafter, said public entity, its agents and employees, including
24 Corporal Lisner, in violation of California and federal law conspired to
25 and engaged in a cover-up, created false and misleading investigation
26 reports and conspired to hide the truth and true nature of their culpable
27 conduct, thereby further depriving the decedent, and now claimants, of

1 their constitutional rights and causing claimants damages. Among other
2 things, Corporal Lisner filed a false police report claiming untruthfully,
3 among other things, that she twice “gave orders” for decedent to “show his
4 hands” before she shot and killed him.

5 9. That it was the policy for the public entity to inadequately train and
6 supervise its police officers and their supervisors, and further, said public
7 entity had in place and ratified policies, procedures, customs and practices
8 which permitted and encouraged their police officers to unjustifiably,
9 unreasonably and in violation of the Fourth and Fourteenth Amendments
10 use deadly force against persons such as decedent. These customs and
11 policies, on behalf of the public entity, demonstrate a deliberate
12 indifference on the part of policymakers of the public entity to the persons
13 such as decedent and were cause of the violations of decedent’s rights set
14 forth herein.

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

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

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

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

24 ///

26 ///

1 Claimants request that all notices be delivered to their attorney of record, whose name
2 and address is as follows: **MARK S. ALGORRI, Esq., DeWITT, ALGORRI & ALGORRI,**
3 25 East Union Street, Pasadena, California, 91103. (626) 568-4000.

4
5 **DeWITT ALGORRI & ALGORRI**

6
7 DATED: June 25, 2009

By: 

8 **MARK S. ALGORRI, Esq.**
9 Attorney for Claimants
10 ARACELI MILLAN, an individual,
11 LIZZET VANESSA BALANDRAN, a
12 minor, Individually, and as a Joint Successor
13 in Interest to the Estate of DANIEL
14 BALANDRAN, Deceased; MANUEL
15 NISMO BALANDRAN, a minor,
16 Individually, and as a Joint Successor in
17 Interest to the Estate of DANIEL
18 BALANDRAN, Deceased, by and
19 through their Guardian, ARACELI
20 MILLAN
21
22
23
24
25
26
27
28

