



# 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](mailto:hr@cityofchino.org).

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

Name of Claimant ESTATE OF DANIEL BALANDRAN  
(First Name) (Middle Initial) (Last Name)

Home Address 5230 Odell Street Date of Birth 12/08/85 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.

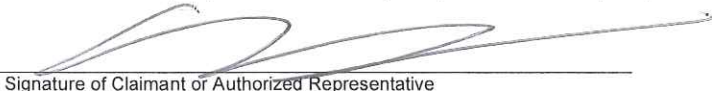
Insurance Policy # \_\_\_\_\_ Insurance Company/Broker \_\_\_\_\_

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

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**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.

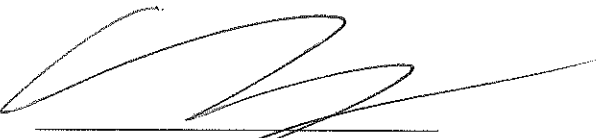
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1 Claimants request that all notices be delivered to their attorney of record, whose name  
2 and address is as follows: **MARK S. ALGORRI, Esq., DeWITT, ALGORRI & ALGORRI,**  
3 25 East Union Street, Pasadena, California, 91103. (626) 568-4000.

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5 **DeWITT ALGORRI & ALGORRI**

6  
7 DATED: June 25, 2009

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

