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ATTACHMENT "A"

Claimants objects to your Claim Form because it requires information which constitutes an invasion of the Claimant's privacy. Moreover, the information is not required to be provided by the Claimants under California Government Code Section 910. For example, California Government Code Section 910 does not require that the Claimant's provide their home and work numbers, driver's license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons "for believing the City is liable for your damages, "or a description" of all damages which you believe you have incurred as a result of the incident." For the purposes of this document "CLAIMANT" means the individual claimant, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF JOHN BURRIS. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANT'S NAMES: Fidelia Del Carmen May Can; Rosana Guadalupe Góngora May; Luis Rodolfo Góngora May; and Angel De Jesus May, co-successors-in-interest for Decedent Luis Góngora Pat.

CLAIMANT'S ADDRESS: 7677 Oakport Street, Suite 1120, Oakland, California 94621

CLAIMANT'S TELEPHONE NUMBER: C/O LAW OFFICES OF JOHN L. BURRIS, ESQ.  
(510) 839-5200

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF JOHN L. BURRIS, Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, CA 94621

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANTS AND ALL CONTACT SHOULD BE MADE WITH THEIR ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: April 8, 2016, at approximately 10:00 a.m.

LOCATION OF INCIDENT: 400 Block of Shotwell Street, San Francisco, California.

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM" AND "THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN: [Per Government Code Section 910]. For the purposes of this claim, "AGENCY" is defined by and refers to the municipal, county, or state entity, which governs the City and County of San Francisco, California.

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**DESCRIPTION OF INCIDENT:**

On April 8, 2016, at approximately 10:00 a.m., Decedent Luis Góngora Pat was sitting on the ground, on the the 400 block of Shotwell Street, in San Francisco, California.

City of San Francisco Police Sgt. Nate Steger, Officer Michael Mellone and a third yet-to-be-identified Officer arrived on the 400 block of Shotwell after someone reported a man with a knife. The three Officers parked their cars in the middle of the street and rapidly approached Mr. Góngora, who was sitting on the ground, by himself, leaning against the exterior wall of a building and minding his own business. There were no civilians in Mr. Góngora's vicinity and Mr. Góngora was not threatening or harming anyone. While Mr. Góngora is reported to have had a knife on his person for safety reasons; as is common among the homeless population, he was not wanted for any crime and was not a threat to himself or anyone else.

Mr. Góngora spoke Mayan and only understood a limited amount of English and Spanish. Despite the Officers' claims they gave Mr. Góngora orders to "get on the ground" in both English and Spanish, on the video tape capturing the incident, the Officers can only be heard giving orders in English. Witnesses recount Mr. Góngora remained crouched down on the ground with his head down, cowering in fear, unable to understand what the Officers were shouting.

The Officers quickly closed in on Mr. Góngora, abandoning all recommended de-escalation tactics and failing to maintain adequate distance and space to properly assess the situation and avoid unnecessary force. While Mr. Góngora was sitting on the ground, one of the Officers came up to him and began rapidly discharging a rubber projectile shotgun, striking Mr. Góngora multiple times in the side and back area. After the officers began using force against Mr. Góngora they did not provide any additional commands or give Mr. Góngora the opportunity to comply with their initial orders. Mr. Góngora was injured from multiple rubber projectiles and tried to move away from his attacker, when a second officer began to shoot him with live ammunition. The two Officers were simultaneously pelting Mr. Góngora with lethal and non-lethal rounds from both sides, as he attempted to escape with his life.

The Officer who initially started shooting Mr. Góngora with rubber bullets transitioned to his handgun and began shooting the wounded man with live rounds. In a shocking visual image, the officer can be seen shooting down at the wounded man, with a handgun in one hand and a shotgun in the other, in a scene that is reminiscent of a gangster movie. The double fisted shooter can be seen on video shooting down at Mr. Góngora, who received bullet wounds to the top of his head and another down into his

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back, in addition to gunshots to both arms and his abdomen. In less than 30 seconds of arriving on scene, Mr. Góngora had been hit with five (5) rubber projectiles and six (6) live rounds.

Tellingly, a third officer was present on scene and did not even unholster his weapon or engage in any force whatsoever.

Mr. Góngora died as a result of multiple gunshot wounds, leaving behind three adult children, a wife and an outraged community.

**DESCRIPTION OF CLAIM:**

Claimant alleges that the conduct of individual employees, agents, and/or servants of AGENCY constitute State constitutional violations, which might include but are not limited to wrongful death, assault, battery, negligence, negligent hiring, and intentional infliction of emotional distress.

Claimant also alleges State statutory violations, which include but are not limited to wrongful death, assault, battery, negligence, negligent hiring, and intentional infliction of emotional distress.

Claimant alleges those individual employees, agents and/or servants of AGENCY are responsible for Claimant's injuries, and acts and/or omissions committed within the course or scope of employment under the theory of respondeat superior. Respondeat superior liability includes but is not limited to, negligent training, supervision, control and/or discipline.

Individual employees, agents, and/or servants of the AGENCY, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for AGENCY, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimant alleges the appropriate offenses listed below.

Claimant alleges that wrongful death included but was not limited to, conduct causing Decedent to suffer fatal injuries and/or death.

Claimant alleges that assault included, but was not limited to, conduct causing Decedent to reasonably fear a harmful offensive touching upon his person.

Claimant alleges that battery included, but was not limited to, conduct resulting in a harmful offensive touching upon Decedent's person in a manner foreseeable likely to cause injury.

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Claimant alleges that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing Decedent at risk of serious physical injury.

Claimant alleges that negligent hiring included, but was not limited to, breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimant alleges that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to causing emotional distress to another individual. The intentional conduct resulted in decedent's physical injuries.

Claimant alleges violation of California Civil Code Section 52.1, for actions by law enforcement personnel, whether or not acting under color of law, which interfere by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state.

Claimant alleges violation of California Civil Code Section 51.7, for acts of violence, or intimidation by threat of violence, committed against Decedents' person because of his race, color, and/or ancestry.

Claimant intends to pursue civil penalties pursuant to California Civil Code Sections 52(a) and 52 (b).

Claimant will allege other causes of action subject to continuing discovery.

**DESCRIBE INJURY OR DAMAGE:**

Claimant has, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimant may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimant may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

**NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:**

See description of the incident, above.

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**DEMAND FOR PRESERVATION OF EVIDENCE:**

Claimant does hereby demand that AGENCY including, but not limited to, the appropriate city or county law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this claim.

**AMOUNT OF CLAIM:**

This claim is in excess of \$25,000. Jurisdiction is designated as "unlimited" and jurisdiction would be in the Superior Court of the State of California for the City and County of San Francisco.

Sincerely,

John L Burris,  
Attorney at Law

**THE LAW OFFICE OF JOHN L. BURRIS**