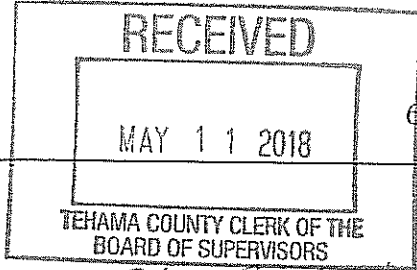


COUNTY OF TEHAMA — CLAIM FOR DAMAGES

This claim must be filed with the Clerk of the Board of Supervisors within six (6) months after the accident or event. Where space is insufficient, please use additional paper and identify information by paragraph number. When claim is complete, mail to:



Clerk of the Board of Supervisors  
COUNTY OF TEHAMA  
633 Washington Street, P.O. Box 250  
Red Bluff, CA 96080

*JS. BG, R. Stout  
D. Heneratt  
5-22-18 Agenda*

CLAIMANT

NAME: Francisco Gudino Cardenas

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

DRIVER'S LICENSE/I.D. #: \_\_\_\_\_

TO THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA:

The undersigned respectfully submits the following claim and information:

1. Post Office address to which claimant desires notices to be sent, if other than above:  
c/o Attorney Ben Rosenfeld, 115 1/2 Bartlett Street, San Francisco, CA 94110
2. Date, place, and time of occurrence or transaction which gives rise to this claim:  
DATE: November 14, 2017 TIME: starting approx. 8:15 am.  
PLACE: Rancho Tehama Rd., just E. of Stagecoach Rd., Corning, CA (Rancho Tehama Reserve)
3. Specify the particular act or omission and circumstances you believe caused injury, loss and/or damage:  
In a shootout with a gunman later identified as Kevin Neal, one or more Tehama County Sherriff's  
Deputies shot at Mr. Cardenas and his car before and after the gunman died, even though Deputies  
knew or should have known that Cardenas was an unarmed bystander and victim who posed no threat  
to Deputies or anyone else. Deputies also withheld and/or delayed medical treatment from Cardenas.  
(Continued on attached separate sheet.)
4. Name or names of any employee of the County you believe caused the injury, damage or loss; if known: John/Jane DOEs 1 - 10 who are Tehama County Sheriff's Deputies or Supervisors  
and/or other Tehama County officials or employees whose names are presently unknown;  
the Tehama County Sheriff's Office; and Tehama County.
5. Description of property damaged. If there was no property damage, state "NONE".  
Mr. Cardenas' car, a 1997 Toyota Camry, was damaged and/or destroyed and/or converted as a result  
of being riddled with bullets, seized/impounded/searched, and/or concealed/withheld from Cardenas  
while it racked up impound fees.

6. Owner of property damaged: Francisco Gudino Cardenas  
 Location of property damaged: Rancho Tehama Rd., just E. of Stagecoach Rd., Corning, CA  
(Rancho Tehama Reserve), and one or more impound locations or labs.
7. Description of personal injury. If there was no personal injury, state "NONE":  
Gunshots, incl. to right leg plus impacts by other debris as described; blood loss and loss of  
consciousness; severe pain, numbness, limited ROM, difficulty ambulating, and limitation of ADLs;  
severe emotional distress, PTSD, terror, stress, fear, anxiety, humiliation, and difficulty sleeping;  
past and future medical expenses; past and future wage loss and diminished earning capacity;  
incidental, presumed, nominal, and punitive (exemplary) damages; loss of consortium with wife.  
(Investigation is continuing.)
8. Name of any other person injured: wife Marta Hermelinda Gudino Landaverde
9. Name and addresses of witnesses, doctors, hospitals, etc:
- |     | NAME   | ADDRESS | TELEPHONE # |
|-----|--|---------|-------------|
| (1) | <u>Identities of witnesses presently unknown; still gathering medical records.</u> |         |             |
| (2) | <u></u>  |         |             |
| (3) | <u></u>  |         |             |
10. The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, indicate whether the claim would be a limited civil case.
11. If your claim involves a motor vehicle, please provide:
- | INSURANCE CARRIER  | ADDRESS | TELEPHONE # | POLICY NO. |
|--|---------|-------------|------------|
| <u>The General Insurance, 2636 Elm Hill Pike Ste 510, Nashville, TN, 844-328-0306, 22-CA-3660645</u> |         |             |            |
- REGISTERED OWNER OF VEHICLE: Francisco Gudino Cardenas
12. Any additional information that might be helpful in considering claim:

**WARNING! IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM!**  
 (Penal Code § 72: Insurance Code § 556)

I have read the matters and statements made in the above claim and I know the same to be of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 9, 2018

Signed: 

(CLAIMANT or AGENT FOR CLAIMANT)

COUNTY OF TEHAMA – CLAIM FOR DAMAGES

Clerk of the Board of Supervisors  
County Of Tehama  
633 Washington Street, P.O. Box 250  
Red Bluff, CA 96080

Additional Sheet in Support of May 9 ,2018 Claim

Re: Claimant Francisco Gudino Cardenas  
Continued Response to Questions

By: Attorney Ben Rosenfeld  
115 ½ Bartlett Street, San Francisco, CA 94110  
on behalf of Mr. Cardenas

Continued in Response to Question #3:

Prior to the November 14, 2017 incident, the Tehama County Sheriff's Office and the County of Tehama, by and through their deputies, supervisors, and/or other officials and employees, failed to protect Mr. Cardenas and the public from a known threat, to wit gunman, Kevin Neal, despite knowing he posed a danger to the community and reasonably being able to foresee that he would lash out violently, and having the authority and duty to arrest and detain him, including for committing prior offenses including one or more violations of restraining orders and/or court orders. But for this failure by authorities, Mr. Cardenas would not have suffered a gunshot injury and the other injuries complained of.

Continuation in Response to Question #7:

Mr. Cardenas claims, *inter alia*, violations of California Civil Rights under the Bane, Unruh, and Ralphs Acts, negligence, gross negligence, assault and battery by peace officers, false arrest and imprisonment, intentional and negligent infliction of emotional distress, deprivations of procedural and substantive due process, failure to protect, reckless disregard in failing reasonably to provide or summon medical care, false reporting, trespass to chattels, illegal search and seizure, conversion of Mr. Cardenas' car, plus violations of federal rights guaranteed by the U.S. Constitution, U.S. Code, and U.S. common law, including but limited to liability under the federal civil rights act, 42 U.S.C. § 1983 for violations of Fourth and Fourteenth Amendment rights.

Investigation is continuing, and Mr. Cardenas expressly reserves all rights and remedies.