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8 Attorneys for Claimant
9 JOSE GARIBO

GOVERNMENT TORT CLAIM

10 TO:
11 CITY OF SAN BERNARDINO
12 Genoveva Rocha E-Mail: rocha_ge@sbcity.org Fax: 909.384.5158
13 City Clerk
14 201 N. "E" Street, Bldg. A
15 San Bernardino, CA 92401

16 In re Government Tort Claim of
17 JOSE GARIBO - DOB: 10/09/2001.

18 The following letter shall serve as formal notice of a Government Claim in
19 accordance with Government Code, Section 911 et seq.

20 **The Claimant:** JOSE GARIBO

21 Home Address: The Claimant may be contacted through his counsel:

22 Home Telephone Number: **562-624-1177**

23 Legal Representative: **Maximiliano Galindo**

24 **CURD, GALINDO & SMITH**

25 **301 E. Ocean Blvd., Ste 1700**

26 **Long Beach, CA 90802**

27 **Date of Injury: 04/18/2021 @ 18:36**

1 on the ground, face down, with arms outstretched behind him, and had surrendered
2 to officers when officers first made contact with Claimant at 1436 Valencia
3 Avenue.

4 Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt. Imran Ahmed, City of
5 San Bernardino and its employees, violated the Claimant's civil rights and
6 constitutional rights, including unlawful search and seizure. Kevin Ramirez, Joe
7 Lucero, Paulina Zamora and Sgt. Imran Ahmed attempted to cover-up and
8 suppress the truth surrounding the subject incident by filing false police reports and
9 attempting to cover the video evidence at the time of the assault and battery on
10 Claimant. Additionally, Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt.
11 Imran Ahmed threatened Claimant while at the scene, prior to being treated by San
12 Bernardino County Fire personnel, and at Arrowhead Regional Medical Center on
13 the day of the incident. Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt.
14 Imran Ahmed told Claimant to misstate the true facts about how Claimant
15 fractured his right humerus and coerced him into making a false statement on video
16 in an effort to cover-up the beating and fracture that Claimant suffered at the hands
17 of Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt. Imran Ahmed. Video
18 evidence clearly shows that Officers Kevin Ramirez, Joe Lucero, Paulina Zamora
19 and Sgt. Imran Ahmed filed false reports and in fact caused the injuries to
20 Claimant, who was not resisting and submissive, kneeling down, head down, with
21 his arms outstretched behind his back when officers arrived to make contact with
22 Claimant.

23 Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt. Imran Ahmed of the
24 San Bernardino Police Department, while in the course and scope of their
25 employment as police officers for the City of SAN BERNARDINO, acted with
26 excessive force when they made or caused to be made unlawful contact with
27 Claimant's person without justification. Sgt. Imran Ahmed, Kevin Ramirez,
28 Paulina Zamora and Joe Lucero kicked and punched Claimant multiple times, and

1 violently twisted Claimant's right arm, causing Claimant's right humerus to be
2 fractured (See attached x-ray images from the date of the incident taken at
3 Arrowhead Regional Medical Center). Claimant, JOSE GARIBO, was struck
4 multiple times by officers Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt.
5 Imran Ahmed without justification, causing Claimant's right humerus fracture,
6 which required surgical open internal fixation. Sgt. Ahmed, Officer Ramirez,
7 Officer Zamora and Officer Lucero of the San Bernardino Police Department, and
8 others employed by the SAN BERNARDINO Police Department, acted
9 unreasonably in light of the facts and circumstances surrounding their contact with
10 Claimant on April 18, 2021.

11 Sgt. Imran Ahmed, a commanding officer, further falsified use of force
12 reports and fraudulently manipulated and coerced Claimant to misstate the true
13 nature of his injuries and how he suffered his injuries.

14 The City of SAN BERNARDINO and its employees, including Officers
15 Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt. Imran Ahmed of the San
16 Bernardino Police Department violated the Claimant's civil rights and
17 constitutional rights, including unlawful search and seizure.

18 Claimant is informed and believes and thereon alleges that the City of SAN
19 BERNARDINO and its employees, including Officers Kevin Ramirez, Joe Lucero,
20 Paulina Zamora and Sgt. Imran Ahmed of the San Bernardino Police Department
21 also discriminated against Claimant, as a Hispanic youth. The City of SAN
22 BERNARDINO knowingly and deliberately fostered, maintained and condoned a
23 policy, practice and custom or otherwise acted in a manner that was deliberately
24 indifferent to the lives and liberty of persons, such as JOSE GARIBO, and that
25 such policy, practice, custom and/or actions were a direct and legal cause of his
26 injuries. The policy, practice, custom, and actions included, without limitation,
27 knowingly and deliberately failing to properly train, discipline and supervise
28

1 employees regarding both the use of force, including deadly force, and the proper
2 procedures to be followed in detaining individuals.

3
4 At the time of the violence inflicted on JOSE GARIBO by officers Kevin
5 Ramirez, Joe Lucero, Paulina Zamora and Sgt. Imran Ahmed of the San
6 Bernardino Police Department, the City of SAN BERNARDINO Police
7 Department had in place, and had ratified, policies, procedures, customs and
8 practices which permitted and encouraged their police officers to unjustifiably,
9 unreasonably and in violation of the Fourth and Fourteenth Amendments, use
10 violence against individuals being detained. Said policies, procedures, customs and
11 practices also called for the City of SAN BERNARDINO not to discipline,
12 prosecute or in any way take corrective or responsive action to known incidents
13 and/or complaints of unjustified use of force and violent acts by said officers or the
14 related claims and lawsuits resulting from such violence.

15
16 Said policies, procedures, customs and practices called for the refusal of the
17 City of SAN BERNARDINO to investigate or document complaints of previous
18 incidents of unjustified violence and, instead, officially claim that such incidents
19 were justified and proper.

20
21 The City of SAN BERNARDINO's policies, procedures, customs and
22 practices of inaction and cover-up encouraged officers of SAN BERNARDINO
23 Police Department, including Officers Kevin Ramirez, Joe Lucero, Paulina Zamora
24 and Sgt. Imran Ahmed of the San Bernardino Police Department, to believe that
25 unjustified beatings, violence, and deadly force against individuals being detained
26 was permissible, in particular against individuals of minority groups, such as JOSE
27 GARIBO.

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CLAIMS ASSERTED:

Claimant, JOSE GARIBO, asserts the following State claims against the City of San Bernardino and its officers Kevin Ramirez, Joe Lucero, Paulina Zamora and Sgt. Inran Ahmed:

- Assault & Battery
- Negligence
- False Arrest
- Fraud Based on False Police Reporting
- Bane Act Violations, based on coercion and intimidation.

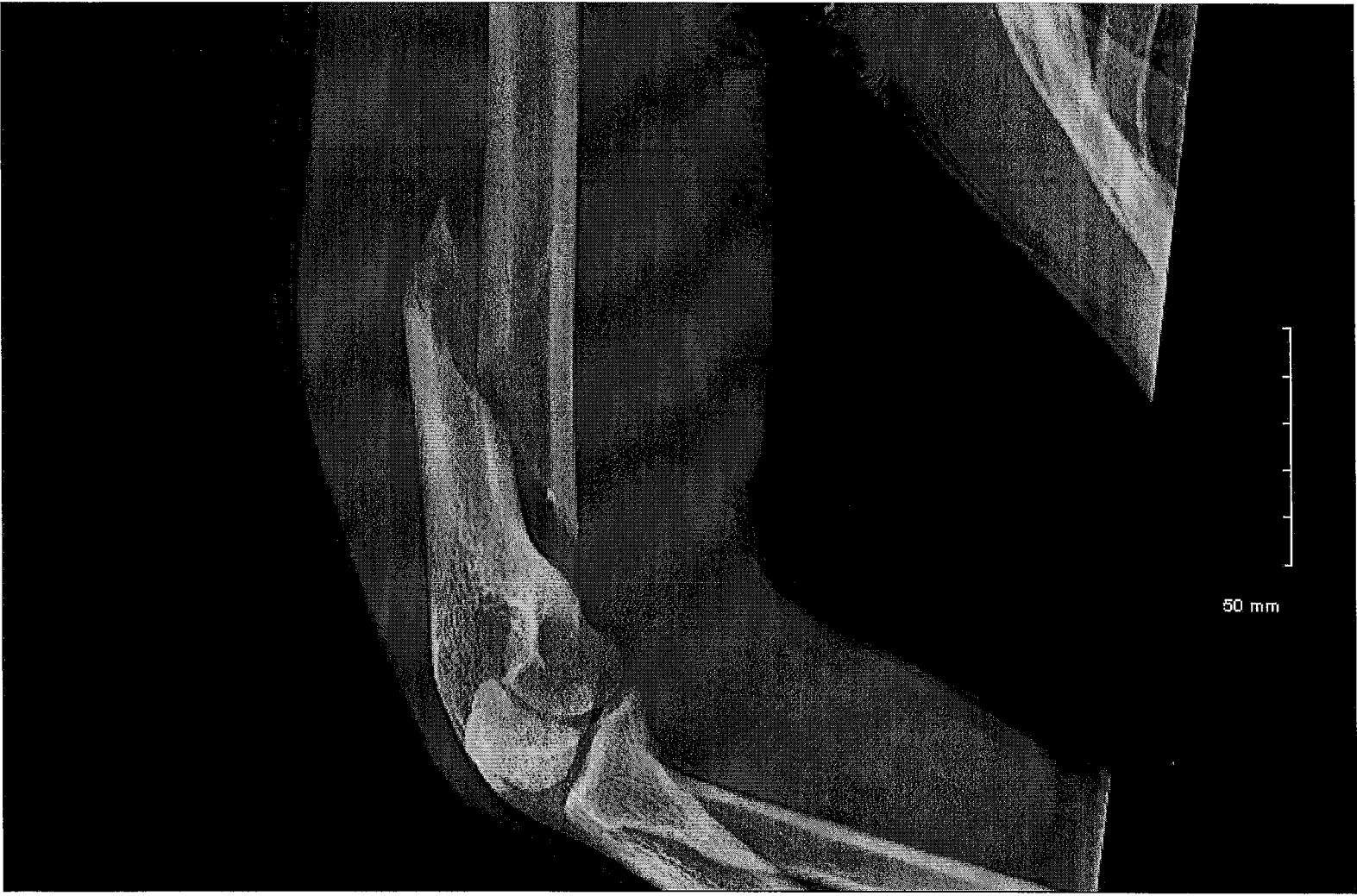
Past Medical Payments For Humeral Fracture:

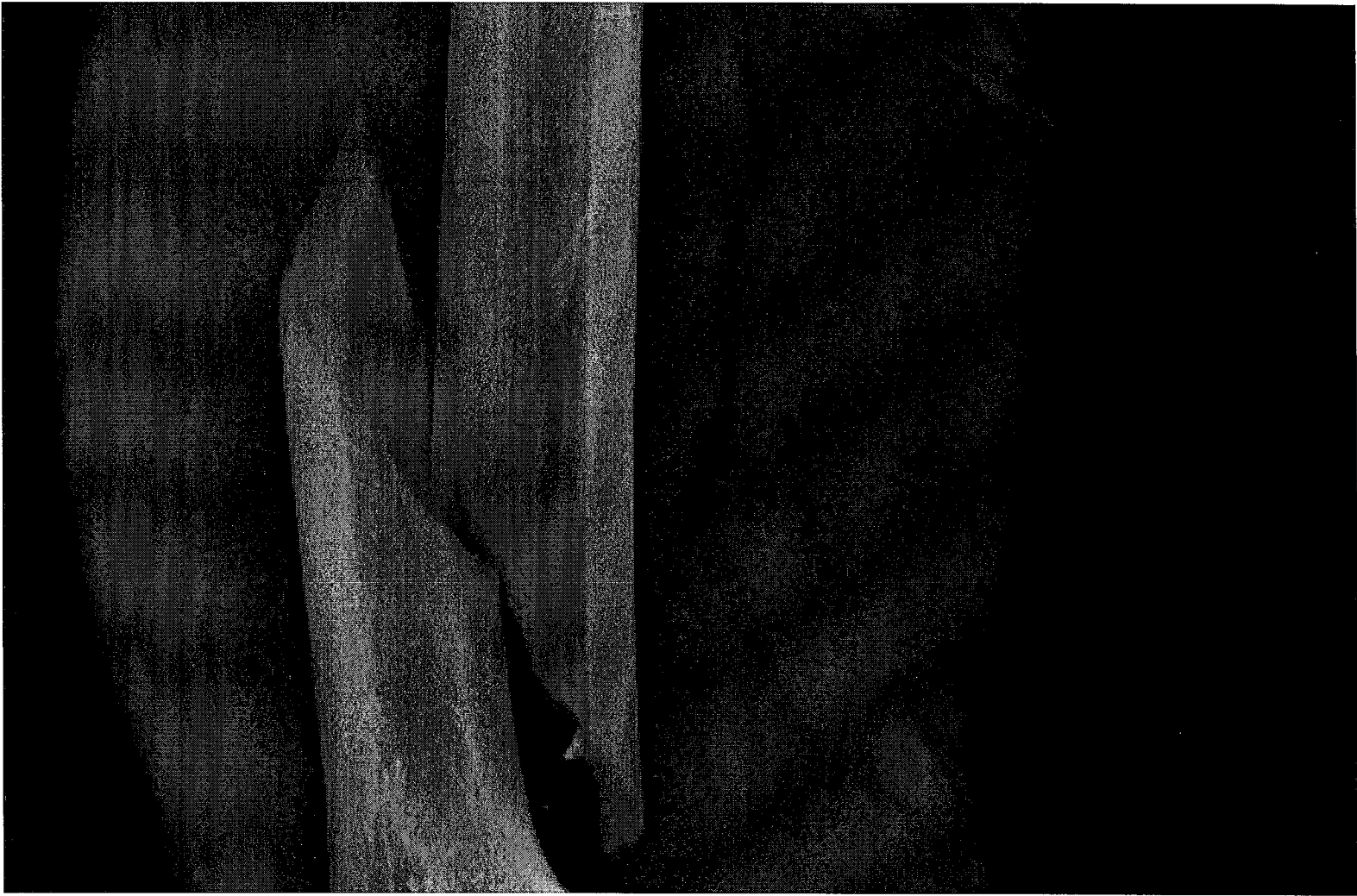
Arrowhead Regional Medical Center	\$	21,768.20
Emergency Physicians	\$	840.00
Arrowhead Anesthesia	\$	5,200.00
St. Bernardine Physical Therapy	\$	3,500.00

Attached hereto are X-ray images of Claimant's right arm on the day of the incident and post-surgery.

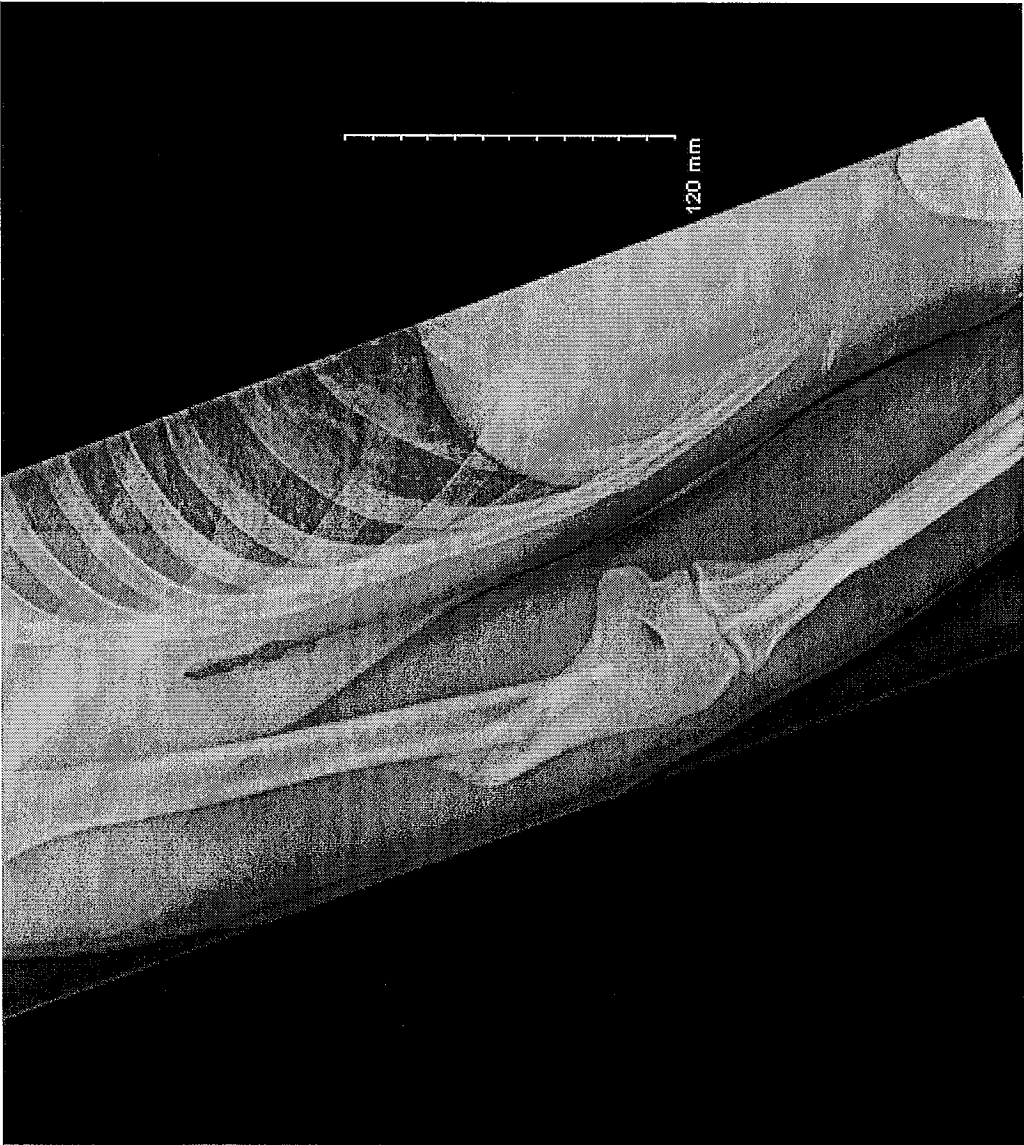
The conduct of Officers Kevin Ramirez, Joe Lucero, Paulina Zamora and especially that of Sgt. Inran Ahmed, a senior officer, is despicable, offensive and shocking, and as such Claimant will seek punitive damages against these officers.

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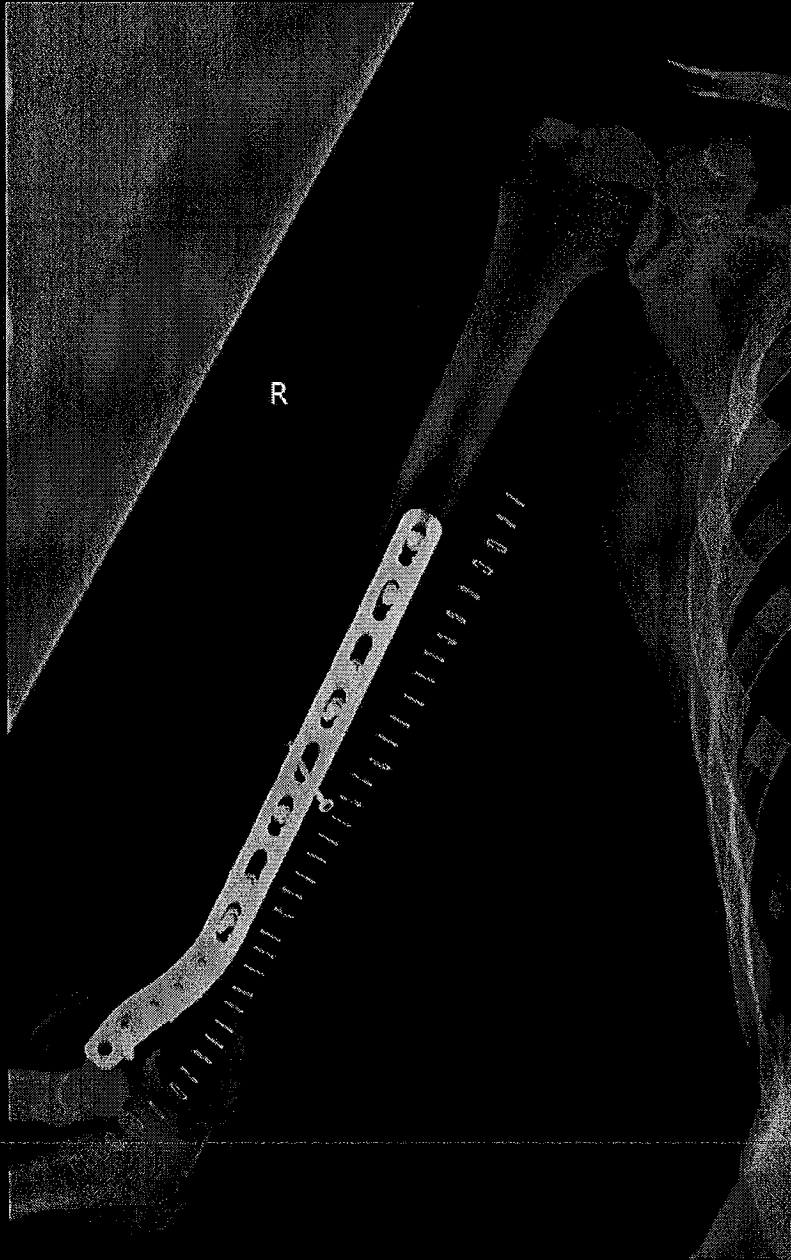








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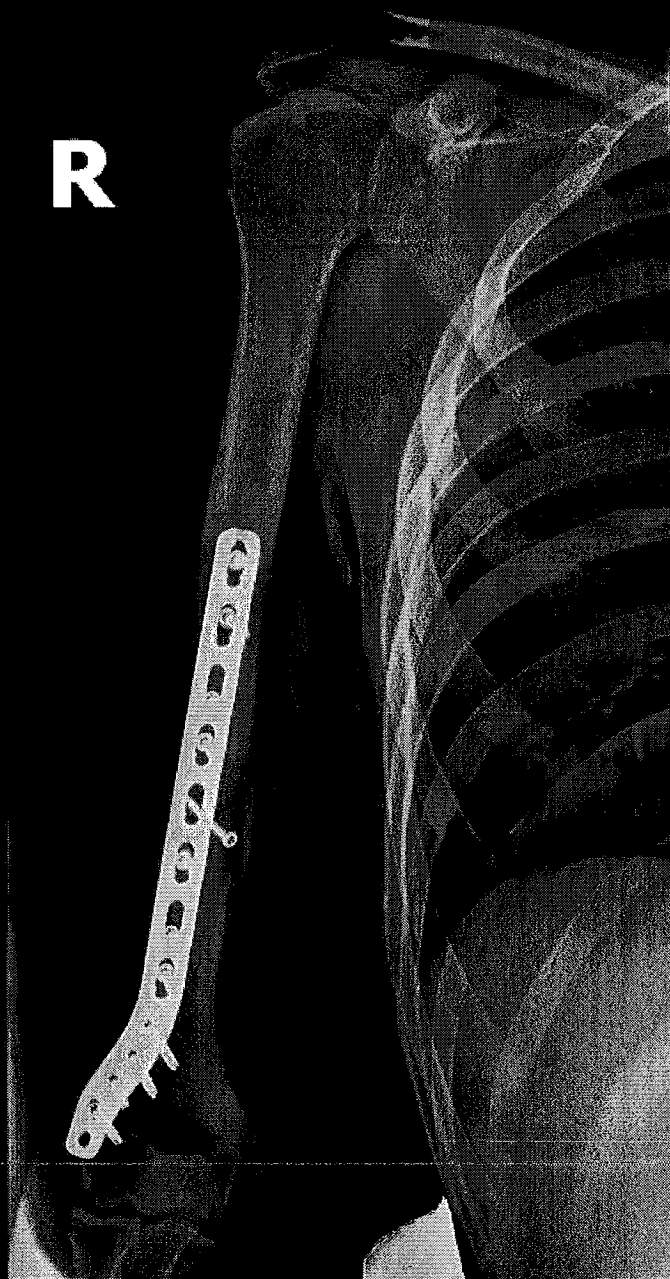
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