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23
24 **CITY OF LA MESA**

25 MICHELLE HORTON,
26
27 Claimant,
28
29 v.

30 CITY OF LA MESA, LA MESA POLICE
31 DEPARTMENT, UNKNOWN LA MESA
32 POLICE DEPARTMENT OFFICERS,
33
34 Respondents.

35 **CLAIM FOR DAMAGES PURSUANT
36 TO CALIFORNIA GOVERNMENT
37 CODE § 910 AND ALL OTHER CASE
38 AND STATUTORY LAW THAT MAY
39 APPLY**

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1 This claim for damages is filed pursuant to California Government Code section
2 910. The purpose of this claim is to provide notice to the City of La Mesa, and certain
3 of its law-enforcement personnel that, unless this claim is accepted and appropriate
4 compensation paid therefor, Claimant intends to file suit for the violation of Claimant's
5 rights under the United States Constitution and for recovery under various federal and
6 California state laws.

7 **1. Names of Claimant:** Michelle Horton.

8 **2. Address/Where Notices to Be Sent:** Singleton Law Firm, APC; 450 A
9 Street, 5th Floor, San Diego, CA 92101; c/o Brody A. McBride and Trenton G. Lamere.

10 **3. Description of Occurrence from Which Claim Arises:** On or about May
11 30, 2020, Claimant was physically injured in a drive-by shooting by a currently
12 unknown La Mesa Police Department ("LMPD") law-enforcement officer(s). After
13 peacefully demonstrating in La Mesa, Claimant was standing on a public sidewalk,
14 preparing to leave the area with her children. Without warning, a LMPD vehicle drove
15 by, and an unknown LMPD officer fired from the moving vehicle on Claimant. A "less
16 lethal" ammunition round, likely a rubber bullet, struck Claimant's torso, causing serious
17 physical injury.

18 Based on the foregoing, unless this claim is accepted and appropriate
19 compensation is paid therefor, Claimant intends to assert the following causes of action
20 against the City of La Mesa and the individuals named herein:

21 a. Violation of Claimant's rights under the United States Constitution
22 (pursuant to 42 U.S.C. § 1983 and *Monell v. Department of Social Services*
23 *of the City of New York*, 436 U.S. 658 (1978));

24 b. Negligence;

25 c. Negligent supervision and training;

26 d. Claim under California's Bane Act (pursuant to California Civil Code §
27 52.1);

28 e. Battery; and

1 f. Intentional infliction of emotional distress.

2 **4. Description of Injuries:** Physical and emotional injuries, along with
3 medical and legal expenses, fees, and costs. Claimant thus seeks economic and non-
4 economic damages to compensate for these injuries.

5 **5. Identity of Public Employees Involved:** To date, Claimant is unaware of
6 the specific La Mesa Police Department personnel that were involved in the incident
7 giving rise to this claim, as this information is in the custody and possession of the La
8 Mesa Police Department.

9 **6. Estimate of Claim:** Claimant has sustained damages in an amount within
10 the jurisdiction of the California Superior Court, and in excess of its limited jurisdiction.

11 **7. Deficiency in Claim:** If this claim fails to comply in any respect with any
12 requirements of California Government Code sections 910 or 910.2, you are required to
13 provide written notice of the insufficiency pursuant to section 910.8 of the same code.

14
15 Respectfully submitted,
16 SINGLETON LAW FIRM, APC

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18 Dated: July 15, 2020

19 By: 

20 Brody A. McBride

21 Trenton G. Lamere

22 Attorneys for Claimants
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