

CITY OF EL PASO DE ROBLES - CLAIM FORM

***** PLEASE READ INSTRUCTIONS ON OTHER SIDE BEFORE COMPLETION *****

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CITY OF EL PASO DE ROBLES
FEB 22 2018
CITY OF PASO ROBLES

Pursuant to Section 910 of the Government Code, claim is presented to the City of Paso Robles, California, as follows:

Name of Claimant _____
(First Name) (Middle Initial) (Last Name)
Home Address _____ Date of Birth _____
City, State, Zip Paso Robles, CA 93446 SSN _____
Mailing Address _____ CA DL # _____
(If different from above) (Street address) (State) (Zip Code)
Daytime () _____ Evening () _____ Cell/Pgr () _____

TYPE OF LOSS Personal Injury Property Damage Police Report # 180503649
 Other _____ Indemnity-Date complaint served _____

When did injury or damage occur? December 19, 2017
(Month/Day/Year) (Day of Week) (Time - AM? or PM?)

Where did injury or damage occur? (street address, intersecting streets, or other location)

How did injury or damage occur? (describe accident or occurrence) Paso Robles Sgt. Sean McGuire sexually assaulted and abused Claimant. Continued on Attachment A.

What action or inaction of City employee(s) caused your injury or damage? See Attachment B

What injury or damage did you suffer? Claimant was sexually assaulted, abused, and harassed

Names of any witnesses See Attachment C
(Name) (Address) (Phone Number)

(Name) (Address) (Phone Number)

Name of City employee(s) involved See Attachment D

State the amount claimed for: Personal Injury \$ exceeds \$25,000 Property Damage \$ _____

NOTE: Please attach copies of supporting documentation for the amounts claimed

IF CLAIM RELATES TO AN AUTOMOBILE ACCIDENT, PLEASE ANSWER THE FOLLOWING AND ATTACH PROOF OF INSURANCE
Please check here if there was no insurance coverage in effect at time of incident
Insurance Policy # _____ Insurance Company _____
Insurance Broker/Agent _____
Address (street, city, state, zip) _____

WARNING: California State Law generally requires that most claims against a public entity, such as the City of Paso Robles, be presented within **SIX (6) MONTHS** from the date of the action or incident giving rise to the claim. Certain other claims must be filed within **ONE (1) YEAR** from the action or incident. You should check the Government Code to determine what presentation period applies in your case.

_____ Attorney 2/20/19
SIGNATURE RELATIONSHIP (self, attorney, guardian, etc.) DATE

ATTACHMENT "A"

On December 19, 2017, Sgt. McGuire and other members of the Paso Robles Police Department ("PRPD") responded to a call from Claimant. After assessing the situation, PRPD forced entry into the home and detained Claimant's boyfriend. McGuire inspected the entire home. After being questioned by PRPD Officer Petlachi and McGuire, all PRPD officers were released by McGuire. However, McGuire stayed at the residence for at least four hours. When they were alone, McGuire told the victim to hug him. Afraid of him, she complied, but pulled away quickly. McGuire ordered the victim hug him again, harder, and continue hugging him until he said to let go. After five minutes, McGuire grabbed Claimant's hand and placed it on his firearm, which was on his hip holster. He then grabbed her left hand and placed it on his erect penis. McGuire asked which gun Claimant preferred and she responded with his firearm. McGuire then insisted that Claimant tell him what she would do to his "big cock". Claimant requested that McGuire leave her residence, but he stated she was not safe due to the front door being damaged as a result of the forced entry. McGuire eventually left, but returned within the hour with Office Petlachi. It was now 4 a.m. and McGuire had been at Ms. Claimant's residence most of the night. Following an explanation of the SART process, the two men left.

The second incident occurred a few days later with McGuire arriving unexpectedly at Claimant's residence, though McGuire was wearing civilian clothes, he said he was on his way to work and was conducting a welfare check or checking in to see if Claimant was doing okay. McGuire made it clear that one of the reasons behind stopping by was to follow up on the pending sexual assault criminal investigation. Thus, McGuire was in the course and scope of his employment during this visit to Claimant's home. McGuire said he needed to speak to Claimant alone in the detached garage. Once inside the garage, McGuire told the victim to lock the door. When Claimant asked what they needed to discuss, McGuire said nothing. McGuire pulled down his shorts and attempted to force Claimant on her knees to perform oral sex on him. When Claimant resisted, McGuire bent her over a platform, pulled the back of her pants down and placed his erect penis in her vagina. McGuire proceeded to rape Claimant, thrusting his penis hard into her three times and ejaculating on the third thrust. At no time did Claimant consent to the forcible sex. After raping her, McGuire told Claimant that her boyfriend would never hurt her again and that he would be conducting additional patrol checks on her residence throughout the evening. McGuire then left to go to work.

Throughout the next few months, McGuire harassed Claimant by appearing at places she frequented when she was there and constantly driving by her house; all while on patrol.

In April, 2018, McGuire pulled Claimant over when she was driving with her daughter. At the time McGuire pulled Claimant over, he was in uniform and driving a marked patrol car. McGuire had Claimant go to his vehicle to talk. McGuire was angry because he had heard that Claimant had disclosed the sexual assault to people. McGuire then told Claimant to drive to her new residence and that he would follow her in. Once at

Claimant's home, McGuire did a check of the interior, illuminating all the bedrooms. After not finding Claimant's boyfriend present, he ordered that Claimant enter her bedroom and followed her in. McGuire locked the door, placed his gun on the master bathroom counter and unzipped his pants. McGuire had an erection. He tried to force Claimant to perform oral sex on him, pulling his pants and belt down to the floor. Claimant fought back and began screaming. McGuire told her to be quiet since Claimant's children were in the home. He then pulled up his pants and told Claimant to escort him out of the house. As he was leaving, McGuire ordered the victim to call the police department every Wednesday and leave a message for him. This abhorrent conduct amounted to sexual assault, sexual harassment, and false imprisonment.

ATTACHMENT "B"

City of Paso Robles employees were directly negligent in the supervision of McGuire and in preventing the sexual assault, abuse, and harassment suffered by Claimant. The acts described above took place by a City of Paso Robles employee within the course and scope of his employment, and, therefore, the City of Paso Robles is vicariously liable for the sexual assaults, harassment, and false imprisonment. City employees knew or should have known of McGuire's criminal conduct given his propensity to engage in sex with other women during the course and scope of his duties as a police officer. Claimant has it on information and belief that City employees had actual and/or constructive knowledge. City did nothing to intervene to investigate or stop McGuire's conduct, which directly led to the multiple sexual assaults and harassment he perpetrated against Claimant. The City failed in its duty of care owed to Claimant.

Discovery is ongoing and Claimant reserves the right to come forward with additional damages, theories and evidence in support of her claims as such are developed in this matter.

This claim will be filed and prosecuted as an unlimited civil action with damages far exceeding the \$25,000.00 limited civil case maximum. Discovery is ongoing, however, Claimant has suffered and will continue to suffer substantial damages, including (as far as it is known at the present time) past, present, and future pain and suffering, severe emotional distress, mental anguish, and expenses/costs of psychological long term care, treatment and counseling. Claimant's damages and other physical and psychological injuries were caused by the emotional distress associated with the molestation and negligence of City of Paso Robles employees. In addition, the City of Paso Robles caused Claimant direct emotional distress by the intentional and negligent misconduct of its personnel.

ATTACHMENT "C"

Discovery is ongoing and Claimant reserves the right to add to this list at a future date.
Below are witnesses known thus far:

PRPD Officer Petlachi

Anthony Alvarez

Paul Bodenshot

PRPD employees that responded to Claimant's home on December 19, 2017

Forensic analysts that tested McGuire's DNA

San Luis Obispo County Sheriffs who were involved in the criminal investigation

ATTACHMENT "D"

Discovery is ongoing and Claimant reserves the right to add to this list at a future date.
Below are City employees known thus far:

PRPD Officer Petlachi

PRPD Sgt. Sean McGuire

PRPD employees that responded to Claimant's home on December 19, 2017