

**ORIGINAL**

City of El Segundo  
350 Main Street  
El Segundo, California 90245  
(310) 524-2307

CLAIM NO.: 11-57

RECEIVED  
CITY CLERK'S OFFICE  
10-29A-1 11/08/11

**INSTRUCTIONS**

- a Claims for death, injury to person or to personal property must be filed not later than **six months** after the occurrence (Govt Code Sec. 911 2)
- b Other claims for damages must be filed not later than **one year** after the occurrence (govt Code Sec 911 2)
- c Read the entire claim before filing
- d Attach and sign additional supportive sheets , if necessary
- e The claim form must be **signed and witnessed**.
- f **This claim form must be filed with the Office of the City Clerk (Govt. Code Sec. 915a).**

TO CITY OF EL SEGUNDO, 350 MAIN STREET, EL SEGUNDO, CALIFORNIA 90245

1 Name of Claimant Tracy Garton, on behalf of herself, and as Guardian ad Litem to Garrett and Grant Garton  
 2 Home Address of Claimant 12611 Martha Ann Drive, Rossmoor, CA 90720 Phone 310.477.1700 (Attorney)  
 3 Business Address of Claimant \_\_\_\_\_ Phone \_\_\_\_\_  
 4 Mail Notices to Home \_\_\_\_\_, Business \_\_\_\_\_, Other  11111 Santa Monica Blvd., Ste 700, L.A. CA 90025  
 5 Name and Address of Attorney (if any) SEE ATTACHED  
 6 When did damage/injury occur? (Date/Time) SEE ATTACHED  
 7 Where did damage/injury occur? (Describe fully and locate on diagram on back, if appropriate) SEE ATTACHED  
 8 How did damage/injury occur? (Give full description) SEE ATTACHED

9 If the basis of liability is alleged to be an act or omission of a city officer or city employee, complete the following, if known  
 a Name of officer/employee SEE ATTACHED  
 b Claimant's statement of the basis for such liability \_\_\_\_\_

10 If the basis of liability is alleged to be a dangerous condition of public property complete the following  
 a Public Property alleged to be dangerous \_\_\_\_\_  
 b Claimant's statement of basis for such liability \_\_\_\_\_

11 What specific damages or injury do you claim resulted (Give full description) SEE ATTACHED

12 What specific sum do you claim on count of each item or injury or damage? (Include basis of computations)  
SEE ATTACHED

13 Total sum of claim SEE ATTACHED

14 What expenditures have been made as a result of damage or injury?

Date	Item	Amount
	<u>SEE ATTACHED</u>	

15 Names and addresses of witnesses, doctors and hospitals  
SEE ATTACHED

READ CAREFULLY

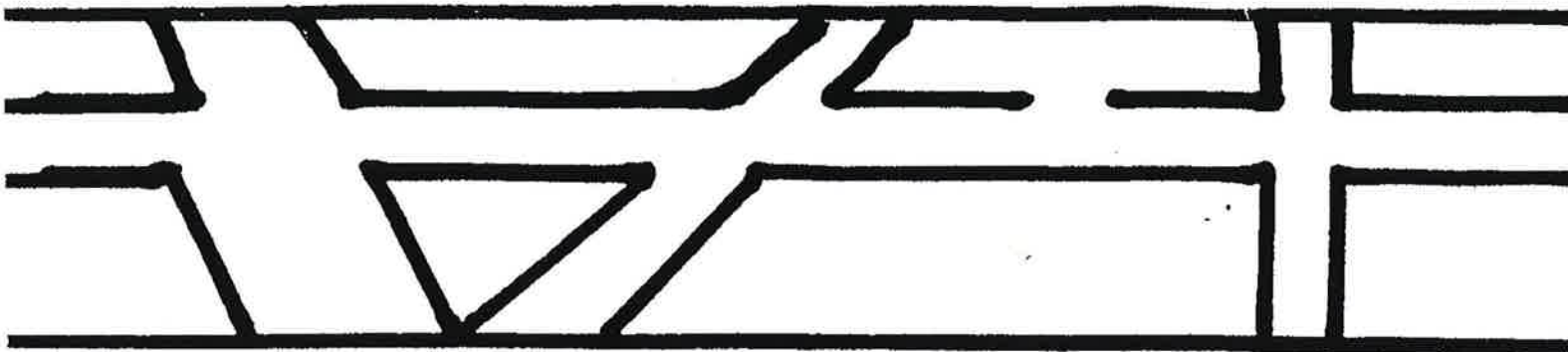
11-57

FOR ALL ACCIDENT CLAIMS, PLACE ON FOLLOWING DIAGRAM THE NAMES OF STREETS (INCLUDING NORTH, SOUTH, EAST AND WEST), INDICATE PLACE OF ACCIDENT WITH AN "X" AND BY SHOWING THE HOUSE NUMBERS OR DISTANCES TO THE STREET CORNERS

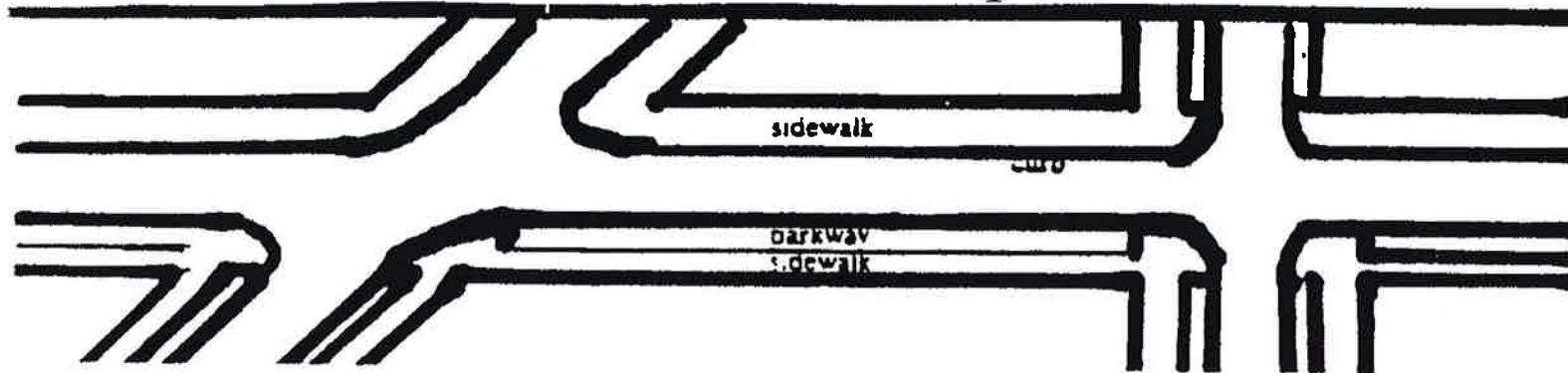
IF CITY VEHICLE WAS INVOLVED, DESIGNATE BY A LETTER "A" THE LOCATION OF THE CITY VEHICLE WHEN YOU FIRST SAW IT, AND BY THE LETTER "B" THE LOCATION OF YOURSELF OR YOUR VEHICLE WHEN YOU FIRST SAW THE CITY VEHICLE, THE LOCATION OF THE CITY VEHICLE AT THE TIME OF THE ACCIDENT BY "A-1", AND THE LOCATION OF YOURSELF OR YOUR VEHICLE AT THE TIME OF THE ACCIDENT BY "B-1", AND THE POINT OF IMPACT BY AN "X"

NOTE IF THE DIAGRAMS BELOW DO NOT FIT THE SITUATION, ATTACH A PROPER DIAGRAM SIGNED BY CLAIMANT

FOR AUTOMOBILE ACCIDENT



FOR OTHER ACCIDENTS



*Genie A Kohler* Signature of Claimant ATTORNEY FOR CLAIMANTS *R. Blusa* Signature of Witness to Claimant's signature

Signature of Claimant Signature of Witness to Claimant's signature

Date NOVEMBER 4, 2011 Date

NOTE ALL CLAIMANTS MAY BE REQUIRED TO BE EXAMINED AS TO THEIR CLAIM UNDER OATH PRESENTATION OF FALSE CLAIM IS A FELONY (CA PENAL CODE SEC. 72)

FOR OFFICE USE ONLY Filed in the Office of the City Clerk

On Date

By Clerk or Deputy

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11111 Santa Monica Boulevard, Suite 700  
Los Angeles, California 90025  
310.477.1700 phone • 310.477.1699 fax

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5 Los Angeles, California 90025  
Telephone: 310.477.1700  
6 Facsimile: 310.477.1699

7 Attorneys for Claimants

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES**

11 TRACY GARTON, an Individual; GARRETT  
12 GARTON, a minor by and through his  
Guardian ad Litem, TRACY GARTON;  
13 GRANT GARTON, a minor, by and through  
his Guardian ad litem, TRACY GARTON;  
14 THE ESTATE OF ANDREW GARTON, by  
and through its Successor-In-Interest, TRACY  
15 GARTON,

16 Claimants,

17 v.

18  
19 CITY OF EL SEGUNDO,

20 Respondent.

Claim No.

**GOVERNMENT CLAIM PURSUANT TO  
GOVERNMENT CODE § 900, ET SEQ.,  
FOR DAMAGES**

21  
22  
23 TO: CITY OF EL SEGUNDO  
24 Office of the City Clerk  
25 350 Main Street  
26 El Segundo, California 90245

27 Pursuant to the provisions of §§ 905 and 910 et seq. of the California Government Code,  
28 demand is hereby made by Claimants against the CITY OF EL SEGUNDO, a public entity and

1 DOES 1 through 50, inclusive, in an amount in excess of the minimum jurisdictional limits of the  
 2 Superior Court of the State of California. In support of this claim, the following information is  
 3 submitted:

4 1. Claimants: TRACY GARTON, an Individual; GARRETT GARTON, a minor by  
 5 and through his Guardian ad Litem, TRACY GARTON; GRANT GARTON, a minor, by and  
 6 through his Guardian ad litem, TRACY GARTON; THE ESTATE OF ANDREW GARTON, by  
 7 and through its Successor-In-Interest, TRACY GARTON.

8  
 9 2. Claimants' Address: 12611 Martha Ann Drive, Rossmoor, CA 90720

10  
 11 3. Address to Which Claimants Wish Correspondence to be Mailed:

12 To Claimants Attorneys: Brian J. Panish, Esq., Peter Polos, Esq. and Jessie Kohler, Esq. at  
 13 Panish Shea & Boyle LLP, 11111 Santa Monica Boulevard, Suite 700, Los Angeles, CA 90025,  
 14 Telephone number (310) 477-1700; Fax number (310) 477-1699.

15  
 16 4. Date/Time When Damage/Injuries Occurred: May 26, 2011 at approximately  
 17 12:30 p.m.

18  
 19 5. Place Where Damage/Injuries Occurred: On Hawthorne Boulevard near 227th  
 20 Street, in Torrance, California.

21  
 22 6. Governmental Entities Alleged to be At Fault: CITY OF EL SEGUNDO, a public  
 23 entity; CITY OF MANHATTAN BEACH, a public entity.

24  
 25 7. Nature of Case and Basis of Liability: Claimants are the wife and children of  
 26 Decedent, Andrew Garton ("Decedent"). Claimant Tracy Garton brings this claim on behalf of  
 27 herself, on behalf of her minor children, Garrett and Grant, for whom she is the Guardian ad litem,  
 28 and on behalf of the Estate of Andrew Garton, of which she is the Successor-In-Interest.

1 On May 26, 2011, Decedent, a Hawthorne motorcycle police officer, was escorting the  
2 funeral procession for deceased City Of Manhattan Beach police officer from American Martyrs  
3 Catholic Church in the City Of Manhattan Beach to Green Hills Memorial Park in Rancho Palos  
4 Verdes along Hawthorne Boulevard. During the procession, Decedent was hit by a motorcycle  
5 driven by CITY OF EL SEGUNDO police Sergeant REX FOWLER, and was thrown into  
6 oncoming traffic causing catastrophic injuries to Decedent. Decedent succumbed to his injuries  
7 that day.

8 Claimants allege, among other things, that respondents CITY OF EL SEGUNDO and  
9 DOES 1 through 50, and their employees, agents, servants, independent contractors, volunteers,  
10 and /or representatives, including, but not limited to, REX FOWLER, did negligently, carelessly,  
11 recklessly, or in some other actionable manner, operate, control, service, inspect, repair, modify,  
12 alter, and/or monitor the motorcycle driven by REX FOWLER which collided with Decedent,  
13 causing his death.

14 Other than REX FOWLER, the specific names of the employees, agents, servants,  
15 independent contractors, volunteers, and /or representatives of respondents CITY OF EL  
16 SEGUNDO and DOES 1 through 50, inclusive, and each of them, who were involved in the  
17 operation, control, servicing, inspection, repair, modification, alteration, and/or monitoring of the  
18 motorcycle driven by REX FOWLER which collided with Decedent are unknown to Claimants at  
19 this time.

20 Claimants also contend that REX FOWLER was acting in the course and scope of his  
21 employment with the CITY OF EL SEGUNDO at the time of the subject incident and was  
22 negligent in driving his motorcycle in such a manner as to injure and kill Decedent. Claimants  
23 further contend that the CITY OF EL SEGUNDO was negligent in hiring, training and supervising  
24 REX FOWLER and that this negligence ultimately led to Decedent's injuries and untimely death.

25  
26 8. Description and Amount of Claimed Injuries and Damages: Claimants have  
27 sustained general damages and special damages, including but not limited to the loss of  
28 Decedent's love, companionship, comfort, care, assistance, protection, affection, society, moral

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1 support, mental support, solace, counseling, training and guidance, the financial support and other  
2 benefits that Decedent would have contributed to the family, the loss of gifts or benefits that  
3 Claimants would have expected to receive from Decedent, funeral and burial expenses, medical  
4 expenses, the reasonable value of household services that Decedent would have provided, and all  
5 other damages available by law. With regard to Claimant Traci Garton, Mrs. Garton also  
6 sustained damages for the loss of the enjoyment of sexual relations. With regard to the Estate of  
7 Andrew Garton, the Estate incurred medical expenses associated with Decedent's medical  
8 treatment, and other special damages incurred and lost by the estate.

9 Jurisdiction over this claim rests in the Superior Court of the State of California, Unlimited  
10 Jurisdiction. Damages are in excess of \$25 million.

11  
12 9. Names, Addresses and Telephone Numbers of Witnesses: Names and contact  
13 information for the following witnesses are presently uncertain: the paramedics who treated and  
14 transported Decedent; the doctors at Harbor UCLA Medical Center who treated Decedent; CITY  
15 OF EL SEGUNDO police Sergeant REX FOWLER; witnesses at the scene of the incident;  
16 California Highway Patrol investigators who investigated the incident. The Decedent's family  
17 members, including Claimants, are also witnesses as to the damages. Claimants anticipate that the  
18 names of additional witnesses will be available when the California Highway Patrol concludes its  
19 investigation of the incident and issues a report.

20  
21 10. Reservation of Right to Amend and/or Supplement Claim: Claimants reserve the  
22 right to amend and/or supplement this Claim for Damages, including asserting new theories of  
23 liability or causes of action, upon discovery of new or additional information or facts.  
24 Claimants reserve the right to supplement or amend these claims as discovery proceeds in this  
25  
26  
27  
28

1 matter. These claims are being made on the best information currently available to Claimants'  
2 counsel.

3 DATED: November 4, 2011

PANISH SHEA & BOYLE LLP

4  
5 By:   
6 Jessie A. Kohler  
7 Attorneys for Claimants

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10  
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