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7 CLAIM AGAINST PUBLIC ENTITY
8 BEFORE THE CITY OF SANTA ANA
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10 In the Matter of)
11 SANTA ANA POLICE OFFICERS)
ASSOCIATION)
12 Claimant)
13 vs.)
14 CITY OF SANTA ANA, a Municipal)
Corporation; SANTA ANA POLICE)
15 DEPARTMENT, a Public Agency;)
DAVID VALENTIN, Chief of Police;)
16 ENRIQUEZ ESPARZA, Deputy Chief of)
Police; and DOES 1 through 10,)
17 inclusive)

NOTICE OF CLAIM
[Govt Code Sect. 910, 910.4]

18
19 1. The names and address of claimant is the Santa Ana Police Officers
20 Association, in care of Corey W. Glave, Attorney at Law, 632 S. Gertruda Ave,
21 Redondo Beach, CA 90277 (323) 547-0472.

22 2. Claimant hereby requests that any notices regarding his/her/its claim be
23 sent to the address give in paragraph 1.

24 3. This Tort Claim is being made for payment of statutory penalties,
25 damages, attorney fees and costs for Claimant under claims on a continuing violation of
26 state statutory law, including for the Public Safety Officers Procedural Bill of Rights Act,
27 Government Code §3300, et seq.; the Meyers-Milias-Brown Act, Government Code
28 §3500, et seq.; Penal Code §832.5-832.8; and/or other state statutory laws related to

1 public employees' rights. While it is not believed that a Tort Claim is required, and that
2 Claimant have provided the Respondents with prior notice, via a verbal and written
3 complaints/communications, Claimant hereby submits the following claim out of an
4 abundance of caution.

5 4. The persons, employees, agents, or individuals causing claimant injuries
6 are as follows: CITY OF SANTA ANA, a Municipal Corporation; SANTA ANA POLICE
7 DEPARTMENT, a Public Agency; DAVID VALENTIN; and DOES 1 through 10,
8 inclusive All such parties are hereinafter referred to as "Respondents" or "Defendants."

9 5. Claimant Santa Ana Police Officers Association (SAPOA) is the
10 recognized employee organization representing employees of the Santa Ana Police
11 Department holding the ranks of police sergeant and below, as well as correctional
12 supervisors and below.

13 6. The following are some of the general facts giving rise to this Tort Claim:
14 as a preliminary note, due to the unlawful concealment of facts and evidence, it was
15 only recently that most of the below violations were discovered.

16 Chief of Police David Valentin and members of his police management have
17 admitted animosity against the President of the Santa Ana Police Officers Association
18 that caused Chief Valentin to treat members of the SAPOA adversely if the employee is
19 believed to be associated with, and/or complains to SAPOA President Serrano. Due to
20 this relationship, Chief Valentin purposely and intentionally interferes with the SAPOA's
21 ability to represent its membership and acts contrary to state law. One example is as
22 follows:

23 On February 25, 2021, City Attorney Sonia Carvahlo received Public Records
24 Act (PRA) request from Voice of OC seeking records of employees that have been
25 placed on administrative leave between 2006 to 2021. On March 26, 2021, the City,
26 under Chief Valentin's supervisor and authority, responded providing confidential
27 personnel records of a number of officers and members of the SAPOA. At an unknown
28 point in time, the City admitted and/or conceded that it had improperly released

1 confidential personnel information. On April 21, 2021, almost a month after said illegal
2 production, the Respondents requested the Voice of OC destroy the produced records.
3 The following day, the Voice of OC denied the City's request.

4 On April 27th, at 3:50 p.m. a Deputy Chief, that works directly for Valentin
5 emailed SAPOA members with notice of the release of information. The emails
6 included copies of certain communications/letters but did not include any copies of the
7 confidential information that was released. Minutes later, Respondents, learning that
8 the SAPOA was looking into the issue, wrote the SAPOA and Serrano, providing the
9 same attachments given to the officers, and indicated "For your awareness, the effect
10 employees have been notified." As it turned out, this was not fully correct as some
11 officers had not yet received notice (versus had an email sent to their work email
12 address). At 4:43 p.m., the POA wrote seeking the names of the effected members so
13 that the POA could contact their members and verify claims that the officers had been
14 provided notice.¹

15 Respondents then refused to provide the list of SAPOA members that were
16 impacted by the unlawful disclosure. Moreover, when both the SAPOA, via counsel,
17 and the individual officers attempted to obtain copies of the unlawfully produced
18 records, in order to evaluate the SAPOA and member's rights, Respondents refused to
19 produce them. In fact, Respondents directed the officers would have to request the
20 materials directly, and when one officer did so, he was told to proceed through counsel.

21 The law is clear that the Santa Ana Police Officers Association has a legal right
22 to represent its members in any and all matters related to their employment with the
23 Santa Ana Police Department and the refusal to provide the requested documents was
24 done in an effort to interfere with the SAPOA's ability to represent its members and the
25 members' rights to be represented by their recognized employee association.

26 Respondents failure to comply with Penal Code 832.5-832.8 was illegal as a

27
28 ¹Authority for this request includes, but is not limited to State of California
(Department of State Hospitals) (2018) PERB Decision No. 2568-S (Issued on 6/12/18)

1 matter of law, and under Government Code §1222, which makes a public officer's
2 "willful omission to perform any duty enjoined by law" a misdemeanor. (See also 82
3 Ops.Cal.Atty.Gen.246 (1999)). Consequently, Chief Valentin's acts or omissions violate
4 the very laws he was sworn to enforce.

5 Claimant files this Tort claim on behalf of the SAPOA, its membership, and the
6 officers/members impacted by Respondents' unlawful production of confidential
7 personnel information.

8 Claimant's Tort Claim is hereby timely due to the unlawful acts occurring within
9 the statutory period, the ongoing nature of the misconduct and/or the concealment by
10 Respondents.

11 7. It is believed that Respondents have engage in a pattern and practice of
12 violating employees rights and/or retaliation against employees of the City of Santa
13 Ana/Santa Ana Police Department when employees report misconduct of supervisors
14 and/or invoke their legal rights.

15 8. As a direct result of Respondents' behavior, Claimant has and will
16 continue to incur harm, damages, and/or attorney's fees in an effort to redress the
17 damages which it and its members have sustained as a result of said Respondents'
18 outrageous behavior. Claimant further requests statutory interest on all amounts of
19 damages, fees and costs.

20 9. Claimant is entitled to and hereby demands costs, attorney fees, and
21 expenses pursuant to state and federal statutes.

22 10. Claimant's individual and/or aggregate damages, statutory penalties, fees
23 and/or costs are believed to and/or will exceed the sum of \$25,000.00, thus, requiring
24 either federal court or state superior court jurisdiction.

25 11. Said damages are ongoing on a day to day basis and Claimant continues
26 to be damaged due to the adverse, illegal, retaliatory and/or unconstitutional treatment
27 at the hands of Respondents.

28 12. By this Notice, Claimant is requesting that Respondents maintain and

1 persevere all evidence pertaining to the above allegations. To the extent possible,
2 evidence must be preserved in its current form, and Respondents must take reasonable
3 steps to prevent alteration or destruction of such evidence. This preservation obligation
4 extends to ESI. ESI comes in many forms and should be afforded the broadest possible
5 definition. It includes e-mail, voicemail, text messages, word processing documents,
6 screen shots, photographs, spreadsheets, websites, social media posts and messages,
7 databases, calendars, telephone logs, Internet usage files, and all other electronic
8 information maintained, created or received by Respondents that is and/or will be
9 relevant to this lawsuit. The duty to preserve ESI obligates a party who knows of actual
10 or probable litigation not to destroy discoverable ESI or the places where ESI is stored
11 (e.g., hard drives, USB flash drives, servers, cloud and other shared network drives or
12 storage, back-up tapes, smart phones, tablets, or any other similar electronic storage
13 media or system of whatever name or description). In addition, Respondents should
14 take all reasonable steps to preserve ESI relating to this lawsuit that may have been
15 deleted from active files and which may not be readily recoverable from a backup
16 medium, such as metadata. ESI must be preserved in its original electronic form, so
17 that all information contained within it, whether visible or not, is also available for
18 inspection. Much of the aforementioned ESI may be stored in Respondents' work and
19 personal emails, text messages, social media accounts, computers and laptops,
20 tablets, and smartphones. All of the aforementioned documents and ESI, as well as any
21 other documents and ESI that are in Respondents' possession or under control and are
22 relevant to this lawsuit, must be preserved by Respondents. Moreover, Respondents
23 should consider this a continuing obligation to preserve such documents and ESI
24 relating to this lawsuit that may come into existence after the date of this Notice.

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1 Dated: May 3, 2021

COREY W. GLAVE, ATTORNEY AT LAW

2 /s/ Corey W. Glave

3 By: _____

Corey W. Glave
Attorney for Claimant

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1 PROOF OF SERVICE

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3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am over the
5 age of 18 years, and not a party to this action. My business address is 632 S. Gertruda
6 Ave, Redondo Beach CA 90277.

7 On May 3, 2021, I served the foregoing document described as

8 Tort Claim

9 by placing a true and correct copy of this document in a sealed envelope, and mailing
10 via First Class Mail it to the person and/or his office listed below:

11 City Clerk's Office
12 20 Civic Center Plaza
13 Santa Ana, CA 92701

14 I am readily familiar with the firm's practice of collection and processing
15 correspondence for mailing. Under that practice it would be deposited with U.S. postal
16 service on that same day with postage thereon fully prepaid at Los Angeles, California
17 in the ordinary course of business. I am aware that on motion of the party served,
18 service is presumed invalid if postal cancellation date or postage meter date is more
19 than one day after date of deposit for mailing in affidavit.

20 Said document was also served electronically, based on the City Clerk's service
21 of process instructions for COVID-19 service.

22 Executed on May 3, 2021, at Redondo Beach, California.

23 I declare under penalty of perjury under the laws of the State of California that
24 the above is true and correct.

25 /s/ Corey W. Glave

26 _____
27 COREY W. GLAVE
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