



CLAIM AGAINST THE CITY OF SAN DIEGO
(FOR DAMAGES TO PERSONS OR PERSONAL PROPERTY)

Present claim by personal delivery or mail to the City of San Diego, Risk Management Dept., 1200 Third Ave., Suite 1000, San Diego, CA 92101.

Received via:

- U.S. Mail
- Inter-Office Mail
- Over-the-Counter

TIME STAMP

FILE No. _____

TO THE HONORABLE MAYOR AND CITY COUNCIL, the City of San Diego, California

I, Dan Gilleon, hereby make a claim against the City of San Diego and make the following statements in support of the claim:

1. CLAIMANT INFORMATION

- a. Claimant's Name: See Attachment 1
- b. Post Office Address of Claimant: c/o The Gilleon Law Firm
1320 Columbia St., Ste. 200, San Diego, CA 92101
(CITY) (STATE) (ZIP)
- c. Claimant's Home Phone No.: Not required by GC 910
- d. Claimant's Business Phone No.: Not required by GC 910
- e. Post Office address to which the person presenting the claim desires notices to be sent, if different than above: _____
The Gilleon Law Firm, 1320 Columbia St., Ste. 200, San Diego, CA 92101
- f. Social Security No.: Not required by GC 910
- g. Date of Birth: Not required by GC 910
- h. Driver's License No.: Not required by GC 910

2. CIRCUMSTANCES GIVING RISE TO THE CLAIM

- a. Date of the occurrence or transaction which gave rise to the claim: March 6, 2014
- b. Time of the occurrence or transaction which gave rise to the claim: About 6 p.m.
- c. Place of occurrence or transaction (please be specific): _____
Cheetahs, 8105 Clairemont Mesa Blvd., San Diego, CA 92111

d. Other circumstances of the occurrence or transaction giving rise to the claim: _____
See Attachment 2

3. DESCRIPTION OF CLAIM

a. General description of the indebtedness, obligation, injury, damage or loss incurred:
See Attachment 2

b. The name or names of the public employee or employees causing the claimant's injury, damage, or loss, if known, are: _____
10 unidentified SDPD officers

c. Damages [please choose one]:
 The amount claimed is less than \$10,000.
The amount of the claim as of the date of this claim is \$_____. This figure is based on the following: _____

The amount claimed is more than \$10,000.
Please state if the claim would be a limited civil case¹. Not a limited civil case,

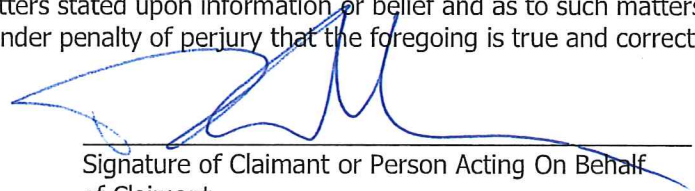
d. Please provide any additional information that might be helpful in considering your claim, including names of witnesses, treating physicians, and hospitals: _____
See Attachment 3

e. Please attach and/or provide any additional information that may be helpful in considering your claim including proof of damages such as invoices, receipts, and estimates.

WARNING: It is a criminal offense to file a false claim (Cal. Penal Code § 72).

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters, I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Dated: 3/24/2014



Signature of Claimant or Person Acting On Behalf of Claimant

¹ Limited civil cases are discussed in California Code of Civil Procedure § 85.

Attachment 2

Cheetahs' Entertainers v. San Diego Police Department

On March 6, 2014, at about 6 p.m., at Cheetahs in San Diego, approximately ten SDPD officers detained claimants against their will for about one hour, without a warrant, and without probable cause that any crimes had been committed. The police had no legitimate safety concerns, nor were the manner of the detentions commensurate with any articulable threat. The detentions were made with arrogant and demeaning comments and demands by the police that the nearly nude women submit to photographs, including ordering the women to pose in various positions and expose body parts so that the police could ostensibly photograph their tattoos. The SDPD officer taking photographs even had the audacity to tell the Claimants to "smile." Claimants suffered economic and non-economic damages including loss of income and general damages for emotional distress and humiliation.

After this violation of civil rights by SDPD resulted in local and national media attention to more police misconduct in San Diego, the SDPD tried to rationalize what had been done by sending the following Municipal Code (with highlights in the original) to the media:

§33.0103 Inspections and Authority of Peace Officers or Police Employees

(a) The *Chief of Police* shall make, or cause to be made, regular inspections of all police-regulated businesses. Any *peace officer* shall have free access to any police-regulated business during normal operating hours. It is unlawful for any *permittee* or *employee* to prevent or hinder any *peace officer* from conducting an inspection.

(b) Any police code compliance officer assigned by the *Chief of Police* to conduct inspections shall have free access to any police-regulated business during normal operating hours. It is unlawful for any *permittee* or *employee* to prevent or hinder any police code compliance officer from conducting an inspection.

(c) The right of reasonable inspection to enforce the provisions of this Article is a condition of the issuance of a *police permit*. The applicant or *permittee* shall acknowledge this right of inspection at the time of application. Refusal to acknowledge this right of inspection is grounds for denial of the application. The right of inspection includes the right to require identification from *responsible persons* or *employees* on the *premises*. The refusal to allow inspection upon reasonable demand or the refusal to show identification by *responsible persons* or *employees* is grounds for the suspension, revocation, or other regulatory action against the *police permit*.

The above admission from SDPD demonstrates it detained claimants without probable cause. Instead, SDPD concluded that because a municipal code allowed them to inspect Cheetahs and request identification, they could also detain the claimants, violate their privacy rights, order them to disclose private information (e.g., social security numbers), and then subject them to demeaning searches and seizures. Either the officers acted maliciously, knowing they were violating claimants' civil rights (e.g., Fourth Amendment), or SDPD's failure to train the officers amounted to deliberate indifference to the claimants' rights.