

**CLAIM AGAINST COUNTY OF SAN BERNARDINO**  
*(CLAIM FORM MUST BE FILLED OUT PROPERLY OR CLAIM WILL BE RETURNED WITHOUT FILING)*

DATE: March 13, 2024

Claim is hereby made against the treasury of the County of San Bernardino, State of California, as follows:

**SEE ATTACHMENT 1**

- Less than \$10,000 – State the total amount claimed \$ \_\_\_\_\_
- More than \$10,000 – Check one of the boxes:
  - Municipal Court Jurisdiction (\$10,000 - \$25,000)
  - Superior Court Jurisdiction (\$25,001 and up)

Claimant makes the following statements in support of the claim: **SEE ATTACHMENT 1**

1. Name of Claimant: Norman Gainer, Sharon Haywood, Rebecca Gainer, & William Roper  
*First Middle Last (Area Code and Phone No.)*

2. Address of Claimant: SEE ATTACHMENT 1  
*Street City Zip Code*

Gender:  Male  Female Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_  
**\*\*\* (The information Requested is Mandatory if Presenting a Claim for Bodily Injury) \*\*\***

3. Notices concerning claim should be sent to: **SEE ATTACHMENT 1**

*Name Address Zip Code (Area Code and Phone No.)*

4. Circumstances giving rise to claim are as follows: SEE ATTACHMENT 1

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Date, Time and Place (city, street, cross-street) damage occurred and nature thereof: \_\_\_\_\_  
**SEE ATTACHMENT 1**

6. Public property and/or public officers or employees causing injury, damage or loss:  
**SEE ATTACHMENT 1**

\_\_\_\_\_  
\_\_\_\_\_

7. Name, address and telephone number of witnesses: \_\_\_\_\_  
**SEE ATTACHMENT 1**

8. Basis of computation of claimed amount is as follows: **SEE ATTACHMENT 1**

Medical expenses to date _____	Loss wages _____
Estimated future medical expenses _____	General damages _____
Other expenses _____	Property damage _____
Other damages _____	

*Claimant or Representative (Signature)*

**RETURN COMPLETED FORM TO:**

Risk Management Division – County of San Bernardino, State of California  
222 W. Hospitality Lane, 3<sup>rd</sup> Floor  
San Bernardino, CA 92415-0016

Office: (909) 386-8631  
Fax: (909) 382-3212

**ATTACHMENT “A”**

Claimants object to your Claim Form because it requires information which constitutes an invasion of the Claimants’ privacy. Moreover, the information is not required to be provided by the Claimants under California Government Code Section 910. For example, California Government Code Section 910 does not require that the Claimants provide their home and work numbers, driver’s license number, date of birth, auto insurance name and policy number, a diagram of the location of the incident, any statements by the Claimants as to their reasons “for believing the County is liable for [their] damages,” nor “a description of all damages which [Claimants] believe [they] have incurred as a result of the incident.” For the purposes of this document “CLAIMANT” means the individual claimant, “CLAIMANTS” plural, and all plaintiffs and parties in interest represented by the law firm BURRIS, NISENBAUM, CURRY, & LACY LLP. Therefore, Claimants submit the following information in support of their Claim pursuant to California Government Code Section 910:

CLAIMANTS’ NAMES:

- (1) Norman Gainer, father of Decedent Ryan Gainer;
- (2) Sharon Haywood, mother of Decedent Ryan Gainer;
- (3) Rebecca Gainer, sister of Decedent Ryan Gainer;
- (4) William Roper, cousin of Decedent Ryan Gainer.

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT:

BURRIS, NISENBAUM, CURRY, & LACY LLP  
9701 Wilshire Blvd, Suite 1000  
Beverly Hills, CA 90212

CLAIMANT TELEPHONE NUMBER:

C/O BURRIS, NISENBAUM, CURRY, & LACY LLP: (310) 601-7070.

**PLEASE NOTE: CLAIMANTS ARE REPRESENTED BY COUNSEL. ALL CONTACT SHOULD BE MADE WITH CLAIMANTS’ ATTORNEYS ONLY.**

DATE AND TIME OF INCIDENT: March 9, 2024 at or around 4:00 p.m.

LOCATION OF INCIDENT: At or around 13400 block of Iroquois Road in Apple Valley, California.

THE FOLLOWING PROVIDES A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGES OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM AND THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGES, OR LOSS, IF KNOWN [per California Government Code Section 910]:

For the purposes of this Claim, “AGENCY” is defined by and refers to the municipal, county, or state entity, which governs the *San Bernardino County Sheriff’s Department*.

DESCRIPTION OF INCIDENT:

The incident occurred on March 9, 2024 at approximately 4:00 p.m., at the Gainer Family’s Residence on the 13400 block of Iroquois Road in Apple Valley, California. Decedent Ryan Gainer (“Ryan”), an autistic 15-year-old boy, was experiencing a mental health episode after a following a dispute that arose about whether Ryan could listen to music and play video games before doing his chores. Frustration caused Ryan to act out and he hit his sister Rebecca Gainer on the arm. Rebecca called 911 for assistance. This led to Ryan picking up a garden tool and breaking the glass on the front door. Ryan seemed to calm down and apologized to his family for breaking the glass and to Rebecca for hitting her arm. Ryan’s cousin, William Roper, called 911 for a second time to advise that Ryan was calming down. However, San Bernardino County Sheriff’s deputies were already en route responding to the residence despite William’s notice to San Bernardino County Sheriff’s Department.

Two yet-to-be-identified San Bernardino County Sheriff’s Deputies arrived on scene and began to approach the residence. Neighbors yelled from across the street warning deputies not to shoot the autistic teen.

The deputies began to make entrance into the residence announcing “where is he?” The deputies’ announcement startled Ryan who turned and began making towards the door. As Ryan entered the hallway in viewpoint of deputies, the deputies drew their weapons escalating the situation, and shouting orders at Ryan. Ryan walked toward deputies with a hula hoe in his hands. The deputy announced for Ryan to stop or he would shoot. The deputy then turned to create time and distance between himself and Ryan and Ryan continued pursuing the deputy. The second deputy took aim and fired two rounds, striking Ryan. A third round was fired and struck Ryan after an unknown amount of time.

The two deputies then pointed their weapons at family members and neighbors who were offering life saving aid and ignored Ryan for approximately 5-10 minutes while Ryan choked and asphyxiated on his own vomit.

Afterwards, Sharon Gainer, Rebecca, and William were forced to give statements under the threat of arrest and were held in custody for several hours without acknowledgment of Ryan’s death.

DESCRIPTION OF CLAIM:

Claimants allege that the conduct of individual employees, agents, and/or servants of the San Bernardino County Sheriff's Department ("AGENCY") constitutes State statutory violations, which might include but are not limited to wrongful death, assault, battery, false imprisonment, negligence, negligent hiring/training/supervision/retention, intentional infliction of emotional distress, negligent infliction of emotional distress, and violations of California Civil Code §§ 52.1 and 57.1.

Claimants allege those individual employees, agents and/or servants of AGENCY are responsible for Claimants' and/or Decedent's injuries, and acts and/or omissions committed within the course or scope of their employment under the theory of respondeat superior. Respondeat superior liability includes but is not limited to, negligent training, supervision, hiring, retention, control and/or discipline.

Individual employees, agents, and/or servants of the AGENCY, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for AGENCY, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimants allege the appropriate offenses listed below:

Claimants allege that assault included, but was not limited to, conduct causing claimant to reasonably fear a harmful offensive touching upon claimant's and/or Decedent's person.

Claimants allege that battery included, but was not limited to, conduct resulting in a harmful offensive touching upon claimant's and/or Decedent's person in a manner foreseeable likely to cause injury.

Claimants allege that false imprisonment included, but was not limited to, acts or omissions causing claimant and/or Decedent to be confined or restricted to an area without means of escape while claimant and/or Decedent was aware of the confinement.

Claimants allege that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing claimant and/or Decedent at risk of serious physical injury.

Claimants allege that negligent hiring included, but was not limited to, breach of duty upon failing to exercise due care by hiring individuals likely to cause physical injury to citizens while acting under color of law in an official capacity.

Claimants allege that negligent infliction of emotional distress included, but was not limited to, the failure to use reasonable care to avoid causing emotional distress to another

individual. The negligent conduct resulted in claimant's and/or Decedent's physical injuries.

Claimants allege that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to causing emotional distress to another individual. The intentional conduct resulted in Claimants' and/or Decedent's physical injuries.

Claimants allege violation of California Civil Code Section 52.1, for actions by law enforcement personnel, whether or not acting under color of law, which interfere by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state.

Claimants allege violation of California Civil Code Section 51.7, for acts of violence, or intimidation by threat of violence, committed against Claimants' and/or Decedent's person because of his/her race, color, and/or ancestry.

Claimants intend to pursue civil penalties pursuant to California Civil Code Sections 52(a) and 52(b).

Claimants will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimants have, or may have in the future, claims for general damages, including, but not limited to, claims for pain, suffering and emotional distress in amounts to be determined according to proof.

Claimants may have and/or may continue to have in the future, claims for special damages, including, but not limited to, claims for medical and related expenses, lost wages, damage to career, damage to educational pursuits, damage to property and/or other special damages in amounts to be determined according to proof.

Claimants may have, and/or may continue to have in the future, damages for permanent mental injuries, permanent mental scarring and/or other psychological disabilities in an amount according to proof.

NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

See description of the incident above.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants hereby demand that AGENCY including, but not limited to, the appropriate city, county, or state law enforcement agency, its employees, servants and/or attorneys, maintain and preserve all evidence, documents and tangible materials which relate in any manner whatsoever to the subject matter of this Claim, including until the completion of any and all civil and/or criminal litigation arising from the events which are the subject matter of this Claim. This demand for preservation of evidence includes, but is not limited to, a demand that all public safety entities preserve all tapes, logs and/or other tangible materials of any kind until the completion of any and all civil and criminal litigation arising from the subject matter of this Claim.

AMOUNT OF CLAIM:

This Claim is in excess of \$25,000. Jurisdiction is designated as “unlimited” and jurisdiction would be in the United States District Court and/or Superior Court of the State of California.

DATED: 3/13/2024

Sincerely,

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JULIA N. QUESADA  
Attorney for Claimants

**BURRIS, NISENBAUM, CURRY, & LACY**

March 13, 2024

County Clerk  
Risk Management Division  
County of San Bernardino  
222 W. Hospitality Lane, 3rd Fl.  
San Bernardino, CA 92415-0016  
P: (909) 386-8655  
F: (909) 382-3211

**RE: Request for Endorsed Copy Verifying Notice of Gov't Tort Claim Received**

Clients: Norman Gainer, Sharon Haywood, Rebecca Gainer, & William Roper  
Decedent: Ryan Gainer  
Date of Incident: March 9, 2024

Dear Records Clerk,

This is to inform you that Burris, Nisenbaum, Curry, and Lacy LLP represents Norman Gainer, Sharon Haywood, Rebecca Gainer, and William Roper pertaining to the death of their family member, Ryan Gainer. Ryan Gainer, a 15-year-old boy with autism, was shot three times and asphyxiated on his own vomit due to an encounter with San Bernardino County Sheriff's Department deputies on March 9, 2024, at approximately 4:00 p.m., at or around the 13400 block of Iroquois Road in Apple Valley, California.

We have attached a copy of a completed claim form, which includes a detailed addendum. We have sent you two copies of the form. We request that you send us back one endorsed copy verifying the time and date that our claim was received. We have enclosed a self-addressed stamped envelope for your convenience. If you have any questions, please contact us immediately.

Sincerely,

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JULIA N. QUESADA  
Attorney for Claimants

**BURRIS, NISENBAUM, CURRY, & LACY**