

### **COUNTY OF TRINITY**

#### CLAIM FOR DAMAGES

This claim must be filed with the Board of Supervisors within six (6) months after the accident or event. Where space is insufficient, please use additional paper and identify information by paragraph number. Please include photographs if applicable.

When claim is complete, mail to:

# TRINITY COUNTY BOARD OF SUPERVISORS OFFICE ATTN: CLERK OF THE BOARD

Courthouse P.O. Box 1613 Weaverville, CA 96093

#### CLAIMANT:

NAME: Jan ADDRESS:	HC62/Box 59-1	
	Zenia, CA 95595	
TELEPHONI	E: (707 ) 923-4037	
DATE OF BI	E: (707 ) <u>923–4037</u> RTH 8/12/52	
	ICENSE # N/A	

The undersigned respectfully submits the following claim and information:

TIME:circumstance you believe
unty you believe caused the
01

5. Description of property damaged:  N/A	
6. Owner of property damaged: N/A	<del></del>
7. Location of property damaged: N/A	
8. Description of personal injury (if there was no personal injury, state "NONE"): See Attachment.	
9. Name of any other person injured: See Attachment Address of injured person:	
10. Names and addresses of witnesses, doctors, hospitals, etc.:  NAME  ADDRESS  TELEPHONE  (1) See Trinity County Sheriff's Department Report No. 1  (2) dated March 13, 2011.  (3)	<u>1–</u> 000303
11. Amount of reimbursement claimed as damages with computation and supporting bills, receipts, or estimates of cost:  (Please attach supporting documents to this form)  \$5,000,000.00	
12. Any additional information that might be helpful in considering claim:  See Attachment	
WARNING! IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (Penal Code 72: Insurance Code 556)	
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.	
SIGNED THIS DAY OF Sept 20 11 TIME: 11:01	<del></del>
CLAIMANT'S SIGNATURE	

#### Attachment

This claim arises out of an incident that occurred on March 13, 2011 in Kettenpom, California, County of Trinity.

Claimants, James Gund and Norma Gund (Hice) sustained critical injuries during an attack by an individual named Tomas Gouverneur who brutally assaulted Claimants with a taser gun and a knife.

Tomas Gouvernour had also attacked and murdered Kristine Constantino and Christopher Richardson, two individuals living in a house approximately one quarter mile from the Gund residence. According to records from the California Highway Patrol, a call was received at approximately 15:28:13 originating from the Kettenpom airstrip "x-ray whispering help, help over and over again when promted (sic) for location she stated at the end of the Kettenpom air strip." A California Highway Patrol — Centralized CAD journaling system is attached hereto as Exhibit 1 setting forth details regarding the call received by the California Highway Patrol dispatcher.

Exhibit 1 indicates that the CHP dispatcher made a call to the Trinity County Sheriff's Office shortly thereafter. Allegedly a Trinity County Deputy Sheriff tried to dial the number provided by the caller but was unsuccessful. Thereafter, Trinity County Sheriff Corporal Ron Whitman called the Gund's who resided in a home approximately one quarter mile from the residence where the distress calls had originated.

Allegedly, no recorded copy of the discussion between Corporal Whitman and Norma Gund exists. Claimants have been informed that the call from Corporal Whitman was from a cell phone. The Trinity County Sheriff's Department has advised that no recording of the conversation exists.

During said conversation, Corporal Whitman requested that Mr. and Mrs. Gund go to "check on Kristine" Constantino, the individual who resided at the home from where the distress calls originated. Corporal Whitman asked the Gund's to check on the 911 call since it was "likely a phone malfunction due to the recent inclement weather". Nothing was said regarding a whispered distress "help me" call.

Claimants drove to the residence together in their truck. They had no safety concerns in following Corporal Whitman's request because Corporal Whitman had not advised them that a whispering "help me" distress call had been received from the Constantino residence.

After arriving at the Constantino residence Mr. Gund stayed in the truck and Mrs. Gund went up to the residence to contact Kristine.

After a short period of time Mr. Gund heard a commotion coming from the residence. He exited his truck and walked to the residence to check on his wife. As he got near the front door

he could see an unknown male attacking his wife. Mr. Gund could see the suspect holding Mrs. Gund down and proceed to cut her throat with a knife. Mr. Gund thereafter ran to the door and entered the house in an attempt to help Mrs. Gund.

As Mr. Gund entered the home, the assailant attacked him. Mrs. Gund was able to get away at that time and was able to drive their vehicle to the Kettenpom store. Mr. Gund was tased by the suspect and punched several times. Claimant could see a motionless body on the floor in the living room of the residence with a bag over the head. Mr. Gund believed that the individual he observed was deceased and he suspected that the assailant was going to attempt to kill him.

The assailant placed his knife by Mr. Gund's throat and managed to cut Mr. Gund, however Mr. Gund was ultimately able to grab the knife with his hand and disarm the suspect.

Mr. Gund left the scene and had to run to his house through the woods to get to his vehicle. As he was running to his house he saw the assailant flee the scene.

Mr. Gund was ultimately able to drive to the Kettenpom store to get help. When Mr. Gund arrived at the store he found his wife and then thereafter called 911 to report the incident, giving a description of the assailant and the suspect's vehicle.

Corporal Whitman and other members of the Trinity County Sheriff's Department acted negligently and in violation of law enforcement standards by asking Claimants to investigate the situation at the Constantino residence. Corporal Whitman knew, or should have known that the Gund's had no law enforcement training or experience. Corporal Whitman should have foreseen that due to the nature of the distress call, namely a female voice repeatedly uttering "help me" in a whisper tone, that said victim was potentially the victim of a serious crime and that dangerous weapons may well have been involved.

Corporal Whitman himself or another trained law enforcement or emergency responder should have responded to the distress call as soon as possible. Further, Corporal Whitman could have called upon other individuals in the Kettenpom area with emergency response training who would have been much better trained and prepared to deal with any contingency that presented itself at the Contantino residence.

Individual Trinity County Sheriff's Department Employees who might be liable for the injuries sustained by Claimants include:

- 1. Corporal Ron Whitman
- 2. Deputy Ron Hanover
- 3. Deputy Will Robles
- 4. Deputy Joshua Ford
- 5. Deputy Nathan Trujillo
- 6. Corporal Will Oliver

- 7. Detective Jeramy Ammon
- 8. Under Sherriff Eric Palmer
- 9. Sheriff Bruce Haney
- 10. Dispatcher Kathy Morrison.

#### Injuries:

Each claimant has sustained major and significant injuries including:

Norma Gund sustained a severe laceration to her throat and continues with difficulty speaking and breathing. She also suffers significant emotional distress.

James Gund sustained a severe laceration to his throat and continues with residual scarring and emotional distress.

Each Claimant also sustained emotional distress based on each witnessing injury to the other.

Medical bills in the case are unknown at this time. Claimant will provide this information once it is obtained.

# California Highway Patrol - Centralized Cad Journaling System

## Completed Incident Search

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081	B12102	20:14:37	B 18-03	37	
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020	A11520	22:09:23	B 3-167	7	
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17074433863

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    080 A14852 19:06:40 JI.0331D0313
    080 A14852 19:07:47
                        .18-37[.UNT/B 18-037][.STAVENRT]
    080 A14852 19:07:57
                         .UI.D/10:37 FRM SCALES.R/N
   021 B12529 19:08:02 .UI.331.D/11:TOOK SB 101 FROM 162 // CALLING WILLITS PD FOR SPIKE STRIP PER
   080 A14852 19:08:05 .UI.D/12:S2 CPZ.D/13:21 ENRT .R/N
   080 A14852 19:08:08 .18-21[.UNT/C 18-021 ][.STA/ENRT]
   020 A11520 19:08:18
                        .UI.105-54.D/14:54 FROM MM 76
   080 A14852 19:08:58
                        .UI.D/15:PER 37 / END OF CONSTRUCTION ZONE / GD PLACE TO SET UP
   081 B12102 19:09:00
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   081 B12102 19:09:35 .UI.D/16:SB 101 JSO MM55 - WPD SETTING UP SPIKE STRIP NO WLTS AT OLD
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   080 A14852 19:11:30 .II.0331D0313
  020 A11520 19:12:32 .UI.D/18:VEH TC MM 51 1141 ENRT
  080 A14852 19:12:33 .UI.D/19:MM 51 VEH TC D.R/N
  080 A14852 19:12:49 .UI.D/20:37 FRM NB 101 FRM WALKER RD.R/N
  020 A11520 19:13:00 .UI.D/21:54 FROM LAYTONVILLE
  081 B12102 19:15:41
                       .UI.331.D/22:PER MSO - UNKNOWN STATUS ON UNITS AT THIS TIME.R/N
  080 A14852 19:15:56 .UI.D/23:14 CPZ AT BURKE HILL.R/N
  080 A14852 19:18:33 .18-21[.UNT/C 18-021 ][.STA/1022]
  080 A14852 19:18:38 .18-14[.UNT/B 18-014 ][.STA/1022]
  081 B12102 19:20:56 .II.0331D0313
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  080 A14852 19:21:41 .UI.D/25:PER 105-S1 ENRT .D/26:POSS 1144 PER ;37[.RL/20.]
  080 A14852 19:22:15 .18-37[.UNT/B 18-037 ][.STA/1097]
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                      .105-54[.UNT/B105-054][.STA/1097]
 021 B12529 19:23:15
                       .UI.105-54.L/101 MM 53.53[GEO.GL/REDWOOD HWY MM 53.53.TBM/ 182
                       6D.XY/1049324:3450730.CROSS ST1/ACORN PARK.CROSS ST2/HILL
                       VILLA.CITY/MENC.CNTY/MENC.B/105-77][.RL/20.]
 080 A14852 19:24:31 .UI.18-37.D/28:REQ CT'S FOR 1184.R/20[.RL/20.]
 080 A14852 19:25:08 .UI.18-37.D/29:NB LN PARTIALLY BLKD.D/30:37 SWITCHING TO GRN.R/N
 080 A14852 19:25:27 .UI.18-37.D/31:105-S1 SWITCHING TO GRN.R/N
 080 A14852 19:25:29 .II.0331D0313
 021 B12529 19:26:03 .105-S1.I/105-54[.UNT/B105-S1][.STA/ENRT]
 080 A14852 19:26:07 .II.0331D0313
 081 B12102 19:26:33 .UI.D/32:1039 CTS 167-9 / WILL ADV 167 - AND HAVE APPROX ETA 30-40MIN.R/N
 021 B12529 19:26:58 .UI.105-S1.D/33:ENRT FRM UKIAH AREA[.RL/20.]
081 B12102 19:28:49 .UI.18-37.D/34:PER 21 / S2 APPROVED HIM TO RESP TO ASSIST W/1184.D/35:21
                      ENRT FOR 1184.R/N
081 B12102 19:28:54 .18-21.I/18-37[.UNT/C 18-021 ][.STA/ENRT]
021 B12529 19:29:01
                     .UI.105-54.D/36:54 -- 1144 / 187 SUSP // NEED CALTRANS FOR 1184 -- BOTH LNS
                      BLKED // SOLO VEH INV D, SOLO OCCUPANT[.RL/20,]
020 A11520 19:30:31
                     .UI.D/37:CT REQ CALLOUT 167-1
021 B12529 19:31:04
                     .UI.105-54.D/38:PER 105-S1 === REQ CALL OUT TO 105-53 TO RESPOND TO THE
                      SCENE TO ASSIST[.RL/20.]
http://cadjournal.chp.ca.gov/compinc.asp?report=CRS&reports=CRS&Message=Your+rep... 4/18/2011
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021 B12529 19:31:21 .II.0331D0313 021 B12529 19:31:29 .UI.T/1144.R/N[.P/4][.Z/Y] 081 B12102 19:31:33 .II.0331D0313 021 B12529 19:34:04 .UI.105-S1.D/39:1021 TO 53 - HOSFORD - NOT AVAIL, HAS CHILDREN AT HOME, IF NEEDED CALL HIM BACK = LEFT MESS FOR 105-S1 W/INFO TO CALL DISPATCH.R/N 021 B12529 19:34:30 .UI.331.Z/N[.RL/20.] 020 A11520 19:34:34 .UI.105-54.D/40:101 OPEN TO ONE WAY TRAFFIC 080 A14852 19:36:47 .II.0331D0313 021 B12529 19:38:38 .105-53.I/105-54[.UNT/\*105-053][.STA/ENRT] 021 B12529 19:38:48 .105-53.M/MILL BE ENRT SHORTLY[.UNT/~105-053 ][.STA/ENRT] 021 B12529 19:39:11 .UI.105-S1.D/41:PER S1 -- 53 WILL BE ENRT SHORTLY, MAYBE A DELAY.R/N 021 B12529 19:39:53 .3-167.I/105-54[.UNT/B 3-167 ][.STA/ENRT] 080 A14852 19:41:56 .18-21[.UNT/C 18-021 ][.STA/1097] 020 A11520 19:42:13 .UI.D/42:VEH 2-3 FT OFF RDWAY 020 A11520 19:42:23 .[TOWASG].H/ALL IN ONE - WILLITS.T/L.G/A[.TG/105-WILL.CT/707-459-0997.PT/CEL 489-0794] 020 A11520 19:42:34 .[TOWXMT].R/N 020 A11520 19:43:19 .UI.D/43:1039 ALL IN ONE WILLITS ENRT 021 B12529 19:45:01 .US.B105-054.M/XX[3HUBBD1125 \*B12529 IR QVC CA0129900 NAM/GOUVERNEUR, TOMAS P SEXX | DOB/19781214] | .UNT/B105-054 ] 021 B12529 19:45:01 .US.8105-054.M/XX[3HUBBD1029 \*B12529 IM QM CA0129900 GOUVERNEUR,TOMAS P M DOB/19781214][.UNT/B105-054] 020 A11520 19:46:50 :105-S1[.UNT/B105-S1][.STA/1097] 080 A14852 19:49:55 .II.0331D0313 080 A14852 19:50:36 .II.0331D0313 020 A11520 19:54:57 .UI.D/44:SO IMPOUNDING FOR EVIDENCE ALL IN ONE BOT 020 A11520 19:55:02 .[TOWCAN].C/1[CAN.NM/ALL IN ONE - WILLITS.WT/L.CT/707-459-0997.PT/.TG/105-WILL] 020 A11520 19:59:49 .105-53[.UNT/~105-053][.STA/1097] 080 A14852 20:09:09 .II.0331D0313 081 B12102 20:13:22 .18-21[.UNT/C 18-021][.STA/1098] 081 B12102 20:14:15 .II.0331D0313 021 A09403 20:14:33 .H.0331D0313 081 B12102 20:14:35 .18-37[.UNT/B 18-037 ][.STA/1097] 081 B12102 20:14:37 .18-37[.UNT/B 18-037 ][.STA/1098] 021 A09403 20:19:23 .II.0331D0313 020 A11520 20:19:43 .UI.105-S1.D/45:CT 1097 CONTINUING CONTROLLED ONE WAY TRAFFIC 021 A09403 20:22:15 .UI.331.D/46:PSDSI COPIES REQ LOG ON DESKI.R/N 020 A11520 20:23:02 .UI.D/47:1039 CT CHARILE FIELDER 020 A11520 20:24:16 .TO.EOSQ [.RUEOSQ.] 020 A11520 20:24:17 .CONTINUATION OF LOG ENTRY 020 A11520 20:24:18 .CONTINUATION OF LOG ENTRY 020 A11520 20:24:18 .CONTINUATION OF LOG ENTRY 020 A11520 20:24:19 .CONTINUATION OF LOG ENTRY 020 A11520 20:24:42 .UI.D/48:ENTAC COPIES 021 A09403 20:55:39 .II.0331D0313 021 A09403 21:07:31 .II.0331D0313 021 A09403 21:09:00 .UI.331,W/GENE BASS.N/707-599-6500.D/49;RP WAS IN SIL JEEP GRAND CHER THAT THE SUSP VEH ALMOST HIT, OFCR CAN CONTACT HIM IF HE NEEDS FURTHER STATEMENT J.R/N 020 A11520 21:16:47 .105-53[.UNT/\*105-053][.STA/1098]

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020 A11520 21:33:25 .105-S1.M/UKIAH WITH VEH .S/ENRT[.UNT/B105- S1 ][.STA/ENRT]
   020 A11520 21:42:36 .UI.D/50:BOTH LNAES NOW OPEN
   020 A11520 21:42:39 .TO.GARQ [.RL/GARQ.]
   020 A11520 21:42:40 .CONTINUATION OF LOG ENTRY
   020 A11520 21:42:40 .CONTINUATION OF LOG ENTRY
   020 A11520 21:42:40 .CONTINUATION OF LOG ENTRY
   020 A11520 21:42:41 .CONTINUATION OF LOG ENTRY
   020 A11520 21:42:41 .CONTINUATION OF LOG ENTRY
   020 A11520 21:42:42 .CONTINUATION OF LOG ENTRY
   020 A11520 21:42:44 .105-54[.UNT/B105-054][.STA/1098]
  021 A09403 22:08:37 .II.0331D0313
  020 A11520 22:09:18 .3-167[.UNT/B 3-167][.STA/1097]
  020 A11520 22:09:23 .3-167.F/UA[.UNT/B 3-167][.STA/1098]
  021 A09403 22:28:06 .II.0331D0313
  080 A14852 22:39:34 .N.0331D0313
  080 A14852 22:40:06 .TO.UCCP [.RL/UCCP.]
  080 A14852 22:40:07 .CONTINUATION OF LOG ENTRY
  080 A14852 22:40:07 .CONTINUATION OF LOG ENTRY
  080 A14852 22:40:07 .CONTINUATION OF LOG ENTRY
  080 A14852 22:40:08 .CONTINUATION OF LOG ENTRY
  021 A09403 22:50:20 .II.0331D0313
  021 A09403 22:54:45 .TO,GARQ.M/ATTN [.RL/GARQ.]
 021 A09403 22:54:45 .[.D/51:ATTN S1]
 021 A09403 22:54:46 .CONTINUATION OF LOG ENTRY
 021 A09403 22:54:46 .CONTINUATION OF LOG ENTRY
 021 A09403 22:54:47 .CONTINUATION OF LOG ENTRY
 021 A09403 22:54:47 .CONTINUATION OF LOG ENTRY
 021 A09403 22:54:47 .CONTINUATION OF LOG ENTRY
 021 A09403 23:52:29 .105-S1[.IST/0331D0313,F][.UNT/B105-S1][.STA/1098]
 021 A09403 00:33:02 .II.0331D0313
 021 A09403 00:33:57 .II.0331D0313
 021 A09403 02:46:20 .II.0331D0313
             04:06:26 ..IPD/031411 .IPT/040626[.IST/0331D0313, ]
 080 A14852 06:54:33 .II.0331D0313
080 A14852 07:48:12 .II.0331D0313
 023 A12529 09:49:07 .II.0331D0313
022 A13861 13:33:38 .TO.GARQ [.RL/GARQ.]
022 A13861 13:33:38 .CONTINUATION OF LOG ENTRY
022 A13861 13:33:39 .CONTINUATION OF LOG ENTRY
022 A13861 13:33:40 .CONTINUATION OF LOG ENTRY
022 A13861 13:33:40 .CONTINUATION OF LOG ENTRY
022 A13861 13:33:41 .CONTINUATION OF LOG ENTRY
080 A12144 10:22:04 .II.0331D0313
080 A13039 21:52:17 .II.0331D0313
081 A14852 21:54:56 .II.0331D0313
081 A14852 21:54:58 .TO.UCCP [.RL/UCCP.]
081 A14852 21:54:59 .CONTINUATION OF LOG ENTRY
081 A14852 21:54:59 .CONTINUATION OF LOG ENTRY
081 A14852 21:55:00 .CONTINUATION OF LOG ENTRY
081 A14852 21:55:01 .CONTINUATION OF LOG ENTRY
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081 A14852 21:55:01 .CONTINUATION OF LOG ENTRY
 080 A14072 14:57:47 .II.0331D0313
 020 A12549 16:29:03 .II.0331D0313
 080 A14852 16:34:44 .II.0331D0313
080 A14852 16:34:47 .TO.UCCP [.RL/UCCP.]
080 A14852 16:34:47 .CONTINUATION OF LOG ENTRY
080 A14852 16:34:48 .CONTINUATION OF LOG ENTRY
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080 A14852 16:34:49 .CONTINUATION OF LOG ENTRY
080 A14852 16:34:49 .CONTINUATION OF LOG ENTRY
023 A08584 15:45:53 .II.0331D0313
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# California Highway Patrol - Centralized Cad Journaling System

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