

CLAIM AGAINST THE COUNTY OF ALAMEDA



PLEASE TYPE OR PRINT

Please complete the form, retain one (1) copy for your records.

Return the signed original:

Clerk, Board of Supervisors Office,
Administration Building, 1221 Oak Street, Room 536
Oakland, CA 94612
Phone: (510) 208-4949

Please provide a copy of all attachments supporting your claim
(estimates, bills, receipts, police report, etc.)

CBS CLAIM NO. _____

FOR CLERK'S USE ONLY

**FOR FUTURE INFORMATION ON YOUR CLAIM PLEASE CONTACT:
Acclamation Insurance Management Services (800) 966-4980**

1. Claimant's Name: Michael Madden, et al. - See Attachment. _____
(Last, First, Middle Initial)
- 1.5 Claimant's PFN (if applicable): Mary E. Alexander, Mary Alexander & Associates, P.C. _____
2. Address: 44 Montgomery St., Ste. 1303, San Francisco, CA 94104 - 415-433-4440
(Number, Street, City, State & Zip Code) (Phone Number)
3. Address to which notices are to be sent, if different from 1 & 2:
Name: _____
Address: _____
(Number, Street, City, State & Zip Code) (Phone Number)
- *4. Total Amount of Claim: \$ See Attachment.
5. Date of Accident/Loss: December 2, 2016
6. Location of Accident/Loss: 1315 31st Avenue, Oakland, CA 94601, and adjacent/surrounding premises.
7. Describe How Accident/Loss Occurred: See Attachment.
8. Describe Injury/Damage/Loss: See Attachment.
9. Name of Public Employee(s) Causing Injury/Damage/Loss, if known: See Attachment.
10. Itemization of Claim (List items totaling the amount in line #4). (Use separate sheet for additional items.)

ITEM DESCRIPTION	AMOUNT	ITEM DESCRIPTION	AMOUNT
See Attachment.	\$ _____ / _____		\$ _____
	\$ _____ / _____		\$ _____
		*TOTAL AMOUNT OF CLAIM	\$ _____

11. Signed by or on behalf of claimant: Mary E. Alexander Date: 12/23/16

NOTICE: Section 72 of the Penal Code provides:

"Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand (\$1,000), or by both such imprisonment and fine; or by imprisonment in the state prison, or by a fine not exceeding ten thousand (\$10,000), or by both such imprisonment and fine."

ATTACHMENT TO CLAIM AGAINST COUNTY OF ALAMEDA BY CLAIMANTS

1. CLAIMANTS' NAMES:

MICHAEL MADDEN, Individually, as Personal Representative of the ESTATE OF GRIFFIN MADDEN and as Successor in Interest of GRIFFIN MADDEN; CATHERINE MADDEN, Individually and as Successor in Interest of GRIFFIN MADDEN

4. TOTAL AMOUNT OF CLAIM & 10. ITEMIZATION OF CLAIM:

The amount of Claimants' damages exceeds ten thousand dollars (\$10,000). This would be an unlimited civil case. This would not be a limited civil case.

As a result of the subject incident and the injuries sustained therein, GRIFFIN MADDEN died. Claimants seek all special damages permitted in civil actions under the law. These include, but are not limited to: medical and incidental expenses; lost wages and benefits; the financial support Decedent would have contributed to the family; the loss of gifts or benefits that Claimants would have expected to receive from Decedent; funeral and burial expenses; and the reasonable value of household services that Decedent would have provided. Claimants seek all applicable general damages, including but not limited to, the loss of Decedent's love, companionship, comfort, care, assistance, protection, affection, society and moral support. Claimants seek attorneys' fees, costs and other damages as permitted under applicable laws. Claimants seek prejudgment interest on those damages attributable to an ascertainable economic value, in accordance with Civil Code section 3291.

7. DESCRIBE HOW ACCIDENT/LOSS OCCURRED:

On the evening of December 2, 2016, GRIFFIN attended an electronic dance music event at 1315 31st Avenue in Oakland, County of Alameda, California, a warehouse named "Ghost Ship." A fire broke out inside the warehouse. There were at least 100 people inside. Patrons and invitees, including GRIFFIN, tried to exit the warehouse, but were unable to exit due to the unsafe conditions and configuration of the warehouse. GRIFFIN was trapped in the inferno inside. GRIFFIN suffered injuries from the fire, including from smoke inhalation, while trying to escape.

GRIFFIN was alive and feared for his safety. He was eventually overcome by the fire and smoke, and subsequently died inside the warehouse. GRIFFIN did not die instantaneously when the fire broke out. GRIFFIN was injured and suffered from the injuries caused by the fire and smoke for many minutes before dying.

Plaintiff MICHAEL MADDEN is the surviving father of Decedent. Plaintiff CATHERINE MADDEN is the surviving mother of Decedent.

The County of Alameda ("County") is liable for Decedent's injury, then death, and Claimants' injuries and damages pursuant to, but not limited to, the following statutes: Government Code Sections 815.2, 815.4 & 820.2. The County also violated mandatory duties under Government Code 815.6, including, but not limited to those set for County of Alameda Ordinances, including, but not limited to, Chapters 3.44, 6.04, 6.08, 6.12, 6.44, 6.48, 6.60, 6.64, 6.65, 15.08, 15.12,

15.20, 15.24, 15.28 & 17.59, California statutes and regulations, including, but not limited to, Building Codes, Health and Safety Codes, the 2013 Fire Code and Cal. Pen. Code § 11166.

The County, through its departments/agencies, employees, agents and/or representatives, including, but not limited to, Sheriff's Office, Social Services Agency, Planning Department, Vector Control Services District, had a duty to investigate and to protect the public against and warn of the dangers and harms caused by the dangerous and unsafe conditions at the Ghost Ship, and the surrounding and adjacent premises, which include 1315, 1305, 1309 and 1313 31st Avenue in Oakland. The County had a duty to avoid the creation of conditions that are dangerous to its citizens and the public.

1305 31st Avenue is a lot to the southwest of and next to the Ghost Ship. 1309 and 1313 31st Avenue contain the structure immediately to the northeast of the Ghost Ship. 1305 through 1315 31st Avenue are owned by Chor Nar Siu Ng, individually and as trustee of the Chor Nar Siu Ng Revocable Trust Dated September 28, 2007.

The interior of the approximately 10,000 square-foot Ghost Ship was a death trap, which contained a maze of makeshift rooms, alcoves and partitions. It was cluttered with carvings, mannequins, paintings, artwork, scraps of wood, pianos, furniture, tapestries and at least one recreational vehicle trailer, which was kindling for the fire.

The interior of the Ghost Ship was poorly constructed and lacked a safe means of access and egress between the upper floor where the music event was and the warehouse exit on the ground floor.

The Ghost Ship lacked adequate and sufficient fire safety measures and was not up to fire protection and life safety codes, including, but not limited to, not having adequate and sufficient smoke alarms, fire extinguishers, overhead sprinklers, exit signs, emergency lighting, exit lights and a safe means of ingress and egress.

The Ghost Ship lacked a safe and sufficient electrical system and supply. All power to the Ghost Ship was supplied from a meter shared with the structure at 1309 and 1313 31st Avenue and electricity was supplied through a hole in the wall between the Ghost Ship and the adjacent structure. Extension cords and cables were snaked throughout the Ghost Ship, and electrical boxes were installed by unlicensed contractors.

The electrical system was overloaded with excessive use by the dozens of people who lived and worked at the warehouse, including artists, musicians and tattoo artists that used electrical equipment, as well as the musicians and groups that performed public events held at the Ghost Ship. There were often sparks from the electrical system that smelled and circuit breakers blew out often. Overloaded electrical lines at the rear of the Ghost Ship were a likely cause of sparking the first flames that started the fire.

There had been fires inside the Ghost Ship prior to December 2, 2016. The most recent fire occurred the day before, on December 1, 2016, when a refrigerator caught on fire.

Dangerous and flammable materials, including industrial and art supplies and propane tanks that fueled camping stoves, were located throughout the interior of the Ghost Ship.

Employees, agents and/or representatives of the County of Alameda knew and should have known that the Ghost Ship was dangerous and unsafe, was a public nuisance and was being used for unpermitted music events open to the public and for illegal residential purposes. Employees, agents and/or representatives of the County inspected the premises in response to the complaints for hazardous and unsafe conditions before the fire, including the building being used illegally for residential purposes, trash and debris and vector issues.

Employees, agents and/or representatives of the County knew and should have known that the Ghost Ship was dangerous and unsafe, was a public nuisance and that events open to the public were held and entertainment was provided there. The Ghost Ship had an open, obvious and known history of having public events and parties inside, outside and on the roof top, and charging an entrance fee to the events. There were complaints of excessive noise and debris made to law enforcement when events were occurring.

Prior to the music event on December 2, 2016, the County knew and/or had reason to know that the Ghost Ship was in disrepair and had a faulty electrical system and contained life-threatening, dangerous and/or illegal conditions, which could likely result in injury to and death to persons. It was reasonably foreseeable that by failing to perform any or all duties set forth herein, including failure to warn the public, the fire would occur during a music event on December 2, 2016. Therefore, it was well known to the County the illegal use and dangerous condition of the premises.

Employees, agents and/or representatives of the County knew that the lessees and property managers, Derick Almendra and Micah Allison were illegally living in the dangerous and unsafe Ghost Ship with their three minor children. Said employees, agents and/or representatives of the County, however, failed to comply with their mandatory child abuse and neglect reporting requirements.

Despite notice of the unsafe and dangerous conditions at the Ghost Ship and the surrounding and adjacent premises, employees, agents and/or representatives of the County, among other things, negligently failed to investigate, negligently failed to respond to complaints, negligently failed to protect the public, negligently failed to abate an impending peril, negligently failed to warn the public of the dangerous and unsafe conditions at the Ghost Ship and the surrounding and adjacent properties and negligently failed to abate a public nuisance, and are liable for failing to stop the ultra hazardous activities occurring.

The County's employees, agents and/or representatives failed to exercise reasonable diligence in discharge of their duties. Said employees, agents and/or representatives were negligent in carrying out investigations, protective and safety responsibilities. They were grossly negligent.

The negligent acts and omissions and wrongful conduct of the County's employees, agents and representatives were committed within the scope of their employment.

The County is liable for any tortious act or omission of an independent contractor of the public entity to the same extent that the public entity would be subject to such liability if it were a private person.

Decedent is within the general class of persons that one reasonably would anticipate might be threatened by the County's conduct and negligence of its employees and independent contractors. The harm suffered by Decedent and Claimants is within the general class of harms that one reasonably would anticipate might result from the County's conduct and the negligence of its employees and independent contractors.

The County breached its duties under California law, and as a proximate and direct legal result of the County's negligence and breach of duties under California law, Decedent was injured, then subsequently died, and Claimants were caused to suffer injuries and damages.

8. DESCRIBE INJURY/DAMAGE/LOSS:

As a result of the subject incident and the injuries sustained therein, GRIFFIN died. Claimants seek all special damages permitted in civil actions under the law. These include, but are not limited to: medical and incidental expenses; lost wages and benefits; the financial support Decedent would have contributed to the family; the loss of gifts or benefits that Claimants would have expected to receive from Decedent; funeral and burial expenses; and the reasonable value of household services that Decedent would have provided. Claimants seek all applicable general damages, including but not limited to, the loss of Decedent's love, companionship, comfort, care, assistance, protection, affection, society and moral support. Claimants seek attorneys' fees, costs and other damages as permitted under applicable laws. Claimants seek prejudgment interest on those damages attributable to an ascertainable economic value, in accordance with Civil Code section 3291.

9. NAME OF PUBLIC EMPLOYEE(S) CAUSING INJURY/DAMAGE/LOSS, IF KNOWN:

Claimants do not know the identity of all County personnel involved, but they include employees, agents and/or representatives of the Sheriff's Office, Social Services Agency, Planning Department, Vector Control Services District. Investigation is continuing.

All of the statements made in the claim are upon information and belief.

CERTIFICATE OF SERVICE

I am over the age of 18 years and not a party to the within entitled action. I am employed at Mary Alexander & Associates, P.C., 44 Montgomery Street, Suite 1303, San Francisco, California 94104.

On December 23, 2016, I served the within **CLAIM AGAINST THE COUNTY OF ALAMEDA BY MICHAEL MADDEN, INDIVIDUALLY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GRIFFIN MADDEN AND AS SUCCESSOR IN INTEREST OF GRIFFIN MADDEN; AND CATHERINE MADDEN, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST OF GRIFFIN MADDEN** on the following persons:

Clerk, Board of Supervisors Office
Administration Building
1221 Oak Street, Room 536
Oakland, CA 94612

☐ BY MAIL (CERTIFIED, RETURN RECEIPT): I caused true and correct copies of the above documents to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid, and I further caused said envelope(s) to be placed in the United States mail, in the City and County of San Francisco, California.

☒ BY PERSONAL SERVICE: I caused true and correct copies of the above documents to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

☐ BY FEDERAL EXPRESS: I caused true and correct copies of the above documents to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I used such envelope(s) to be delivered to Federal Express overnight courier service to the office(s) of the addressee(s).

☐ BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the address(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 23, 2016, at San Francisco, California.


CARLA JIMENEZ