

LAW OFFICES OF
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February 18, 2021

City Clerk's Office
ATTN: Ellie Householder, City Clerk
200 H Street
Antioch, CA 94509
FAX: (925) 779-7007

RE: Request for Endorsed Copy Verifying Administrative Claim Received – Law Offices of John L. Burris


Our clients: Maria Quinto-Collins, mother of decedent Angelo Quinto; Isabella Collins, sister of decedent Angelo Quinto
Date of Incident: 12/23/2020

Dear Claims Division,

This is to inform you that the Law Offices of John L. Burris represents Maria Quinto-Collins, decedent's mother, and Isabella Collins, decedent's sister. Angelo Quinto died as a result of an encounter with Antioch Police Department on December 23, 2020 at the home of Maria Quinto-Collins, 1909 Crestwood Drive, Antioch, CA 94509.

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.

Very truly yours,


Ruby Yearling
Law Clerk

LAW OFFICES OF JOHN L. BURRIS

ATTACHMENT "A - WRONGFUL DEATH CLAIM"

Claimant objects to your Claim Form because it requires information which constitutes an invasion of the Claimant's privacy. Moreover, the information is not required to be provided by the Claimant 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 City is liable for your damages, "or a description" of all damages which you believe you 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 OFFICES OF JOHN L. BURRIS. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANTS' NAME: Maria Quinto-Collins, decedent's mother; and Isabella Collins, decedent's sister.

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF JOHN L. BURRIS, Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, CA 94621

CLAIMANT TELEPHONE NUMBER: C/O LAW OFFICES OF JOHN L. BURRIS, ESQ. (510) 839-5200

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANTS AND ALL CONTACT SHOULD BE MADE WITH HIS OR HER ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: December 23, 2020 at approximately 11:15 p.m.
LOCATION OF INCIDENT: 1909 Crestwood Drive, Antioch, CA 94509

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 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 Antioch Police Department.

DESCRIPTION OF INCIDENT:

The incident took place on December 23, 2020 at approximately 11:15 p.m., at the home of Claimants: 1909 Crestwood Drive, Antioch, CA 94509.

On the date of the incident, Decedent Angelo Quinto was at his family's home, when around 11:00 p.m., Claimants noticed Mr. Quinto exhibiting signs of mental distress. Mr. Quinto had been suffering from anxiety, depression, and paranoia for the previous few months, so Claimants were familiar with the behavioral signs often exhibited by Mr. Quinto in moments of mental distress. This particular mental health episode on December 23, 2020 was characterized by

paranoia; Mr. Quinto repeatedly asked Claimants “what are you doing?” despite being in the same room as them, he followed Claimants around the house out of fear of losing sight of them, and he was afraid of Claimants leaving him alone.

Claimant Maria Quinto-Collins (Mr. Quinto’s mother) directed Mr. Quinto to her room, and during this time, Claimant Isabella Collins (Mr. Quinto’s sister) called Antioch Police and expressed fear about the situation to the police dispatcher.

When two yet-to-be-identified Antioch police officers arrived at the home, Isabella Collins directed them to Ms. Quinto-Collins’ bedroom. Ms. Quinto-Collins was holding Mr. Quinto onto her chest with her hands clasped around his back. She said that she had been holding onto Mr. Quinto for about 5 minutes, and he had already started to calm down.

The two yet-to-be-identified Antioch police officers then took Mr. Quinto from Ms. Quinto-Collins’ grasp and turned him onto his stomach. As he was being pulled from his mother’s arms, he said to the officers at least twice “please don’t kill me” One officer then crossed Mr. Quinto’s legs behind him. The other officer put the lower part of his right leg on the back of Mr. Quinto’s neck. The officer who had his leg on Mr. Quinto’s neck then said to Ms. Quinto-Collins, “this is what we do to keep them calm.” Then, that same officer with the leg on Mr. Quinto’s neck got tired, so the other officer took his place and moved to put his lower leg on Mr. Quinto’s neck. At this point, Mr. Quinto started bleeding from his mouth. At no time while being restrained did Mr. Quinto resist physically or verbally. After being restrained for almost 5 minutes, Mr. Quinto became lifeless. Ms. Quinto-Collins then asked about Mr. Quinto’s pulse and asked, “is he dead?” but she did not receive a response. Once paramedics arrived, the two officers flipped Mr. Quinto over (to his left side), and a puddle of blood where Mr. Quinto’s head had been was visible. Paramedics then rolled Mr. Quinto onto a blanket and moved him to a gurney. Ms. Quinto-Collins noticed even more more blood on the floor and around Mr. Quinto’s mouth area. Though it was obvious that Mr. Quinto was either non-responsive or dead, the two police officers asked Mr. Quinto a question. He did not respond. Paramedics proceeded to administer CPR to Mr. Quinto while wheeling him to an ambulance. Mr. Quinto was transported to Sutter Delta Medical Center, where he never regained consciousness and eventually succumbed to his injuries sustained from the police encounter. Mr. Quinto was pronounced dead on December 26, 2020.

Mr. Quinto died as a direct consequence of the unreasonable force used against him during the subject-incident by the involved officers. In particular, claimants allege that the manner of prolonged prone restraint including the extended application of weight force pressure to Mr. Quinto’s back and neck area. This type of force has long been well-established as potentially deadly force, and each officer involved in this incident was on notice that such restraint is improper and can kill people. Decedent Angelo Quinto had committed no crime, was neither violent nor threatening, possessed no weapons, and only required medical or psychiatric help. Instead, the involved Antioch Police Department officers killed him. The killing of Mr. Quinto was wholly unjustified, and Claimants will seek punitive damages against each involved Antioch Police officer.

Claimants Maria Quinto-Collins (Decedent's mother), and Isabella Collins (Decedent's sister) were contemporaneously aware of wrongful conduct by the responding Antioch Police officers who used unreasonable and excessive force against Mr. Collins, and heard Mr. Collins's cries of pain and suffering and were aware of the relevant events described herein as they occurred. Claimants suffered severe emotional distress, pain and suffering as a result of Defendants wrongful conduct described herein as it took place. Both claimants make claims for Negligent Infliction of Emotional Distress proximately caused by the involved responding Antioch Police officers.

DESCRIPTION OF CLAIM:

Claimants allege that the conduct of individual employees, agents, and/or servants of CITY OF ANTIOCH constitute State statutory violations, which might include but are not limited to wrongful death, assault, battery, false imprisonment, negligence, negligent hiring, and intentional infliction of emotional distress, negligent infliction of emotional distress and state civil rights violations.

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

Individual employees, agents, and/or servants of the CITY OF ANTIOCH, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for the CITY OF ANTIOCH, 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 wrongful death included but was not limited to, conduct causing Decedent to suffer fatal injuries and/or death.

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

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

Claimants allege that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing 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 intentional infliction of emotional distress included, but not limited to, outrageous acts or omissions with the intent to cause emotional distress to another individual. The intentional conduct resulted in claimants' emotional injuries.

Claimants allege that negligent infliction of emotional distress included, but was not limited to, negligent or intentional conduct to Decedent while Claimants were in the zone of danger and were contemporaneously aware of the subject-incident. This conduct resulted in Claimants' suffering emotional distress.

Claimants will allege other causes of action such as state constitutional violations including violations of the Bane Act and may allege additional claims 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:

Antioch Police Department Officers, and DOES 1-100.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants do hereby demand that CITY OF ANTIOCH including, but not limited to, the appropriate city or county 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: February 18, 2021

Sincerely,



/s/Ben Nisenbaum

John L. Burris

Ben Nisenbaum

Attorney for Claimants

THE LAW OFFICES OF JOHN L. BURRIS

Claim Form

Name: Maria Quinto-Collins, mother of decedent Angelo Quinto Isabella Collins, sister of decedent Angelo Quinto	Race	Date of Birth: 03/10/1990 (DOB of decedent Angelo Quinto)
Address	City, State, Zip	Home Phone
Person/Supervisor Receiving Claim:	Badge #:	Date:

*Complete this portion if claimant is a minor or is being assisted or represented by counsel *

Name: First, Middle, Last The Law Office of John L. Burris	Relationship to claimant: Attorney
Address 7677 Oakport Avenue Suite 1120	City Oakland
State CA	Zip 94621
Phone: (510) 839-5200	

Location and time of incident: December 23, 2020 at approximately 11:15 p.m. 1909 Crestwood Drive, Antioch, CA 94509

Identity of involved personnel: Antioch Police Department

Badge No.	Name/Vehicle No., etc.	Sex	Race
Yet-To-Be-Identified Antioch Police Department Officers			
Narrative of incident: See Attachment			
Were you injured? Yes, See Attachment			
Witness names: (First, Middle, Last)	Address:	Phone:	

I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge.

Claimant's Signature: /s/ Ben Nisenbaum

Attorney At Law
Law Offices of John L. Burris
Date: February 18, 2021

PROOF OF SERVICE

(Quinto v. City of Antioch)

STATE OF CALIFORNIA, COUNTY OF ALAMEDA:

I am a citizen of the United States and employed in the county aforesaid; I am over the age of eighteen years, and not a party to the within action; My business address is 7677 Oakport Street, Suite 1120, Oakland, California 94621. On the date below, I served on the named parties and/or counsel of record: February __, 2021.


City Clerk's Office 200 H Street Antioch, CA 94509	City of Antioch
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The following documents in the manner checked below:

ADMINISTRATIVE CLAIM, CLAIM FORM, REQUEST FOR ADMINISTRATIVE CLAIM RECEIVED

- ☐ (VIA MAIL – CCP §§ 1013(a), 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection and mailing on that date following ordinary business practices. I am readily familiar with my firm's business practice of collection and processing of correspondence for mailing with the U.S. Postal Service at Oakland, California, with postage thereon fully prepaid, that same day in the ordinary course of business.
- ☒ (VIA PERSONAL DELIVERY – CCP §§ 1011, 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and causing each envelope(s) to be hand delivered on that day by Ben Nisenbaum, in the ordinary course of my firm's business practice.
- ☐ (VIA E-MAIL OR ELECTRONIC TRANSMISSION – CCP §§ 1013(e), 2015.5, CRC 2008) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document to be sent to the persons at the e-mail address(es) or the facsimile number listed above. I am readily familiar with my firm's business practice of collection and processing of correspondence via facsimile transmission(s) and any such correspondence would be transmitted in the ordinary course of business. The facsimile transmission(s) was reported as complete and without error, and a copy of the transmission report is attached.
- ☐ (VIA OVERNIGHT MAIL/ COURIER – CCP §§ 1013(c), 2015.5) By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection by overnight mail service or overnight courier service. I am familiar with my firm's business practice of collection and processing of correspondence for overnight mail or overnight courier service, and my correspondence placed for collection for overnight delivery would, in the ordinary course of business, be delivered to an authorized courier or driver authorized by the overnight mail carrier to receive documents, with delivery fees paid or provided for, that same day, for delivery on the following business day.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on February 18, 2021 in Oakland, California.

X 
Clerk - Law Offices of John Burris
