

City of Rialto
CITY CLERK , CITY OF RIALTO
290 W. Rialto
Rialto, Ca. 92376
July 30, 2010

RE: Claim for damages, Government Code Sec. 910, et.seq.

- (a) **NAME OF CLAIMANT:** The name of the claimant is Nancy Holtgreve, who at all times relevant is an adult resident of the County of San Bernardino.
- (b) **The post office address of claimant is:** Danuta W. Tuszynska, Attorney at Law, 7121 Magnolia Avenue, Riverside, 92504.
- (c) **ADDRESS FOR NOTICES:** The post office address to which notices should be sent is : Same as (b).
- (d) **THE DATE, TIME, AND OTHER CIRCUMSTANCES** of the occurrence or transaction which gave rise to the claim asserted are as follows: The acts and course of conduct claimed against herein commenced in or about the month of November 2008, are ongoing and continuing violations as claimant suffers daily in her ongoing harassment from the City of Rialto, City of Rialto Police Department, and it's employees, specifically Officer James Dobbs and Officer Corker.
- (e) **DESCRIPTION OF THE CLAIM:** Claimant is an adult woman, mother of two children, employed at the Spearmint Rhino (hereinafter

“Rhino”) located in Rialto. Claimant, as an employee of the Spearmint Rhino, became aware that Officers of the Rialto Police Department would frequent the lounge, sometimes while on-duty. Subsequently, the Officers no longer came into the lounge while on-duty, but would make arrangements to meet the female employees of the Rhino at a local Denny’s. Claimant began dating Rialto Police Officer James Dobbs in late 2008/early 2009, having met him through another Officer and going to Denny’s after work. Claimant lived within 2 miles of Dobbs’ ex-wife, and Dobbs would come over to Claimant’s home and bring his minor daughter.

Claimant and Dobbs began have sexual relations during this time period, and he would take her to the Rialto Police Benefit Union’s (hereinafter “Union”) Association building to have sex. Sexual relations at the Union occurred while Dobbs was both on duty and off duty. Other R.P.D. officers and employees of the Spearmint Rhino also engaged in sexual relations at the Union. Occasionally several employees of the Rhino and several officers would engage in sexual relations at the Union together. Dobbs introduced Claimant to Officer LaMont Corker, a narcotics officer. Corker insisted that Claimant engage in sexual relations with him as well, which occurred at the Narcotics office of the Rialto Police Department, while Corker was both on and off duty.

Claimant became pregnant in July of 2009, and realized that Dobbs had fathered her child while previously engaging in sexual relations at Union . By this time Dobbs was engaged to Chief Kling’s secretary, Haydee. Claimant’s pregnancy was problematical and the baby was at risk, his health endangered. While pregnant, Officer Corker contacted Claimant to determine if he fathered the baby, and once again took Claimant to the Narcotics Office.

After Claimant delivered her son in March of 2010, Dobbs used his position as a peace officer to intimidate and threaten Claimant. Dobbs would call or text Claimant stating “I’m going to make you look like an unfit mother, you ruined my life, don’t f... with me, I’m a cop,” and most offensive “you should have had an abortion.” Dobbs also physically abused Claimant as well, and was violent towards her on many occasions. This conduct was observed by several witnesses. Dobb’s behavior towards Claimant escalated when she told him that she believed his daughter should know that she had a brother.

A DNA test was conducted to confirm that Dobb's had fathered the baby, but Dobb's, who was indeed the father, would not pay child support. Claimant had to file for support through the County of San Bernardino.

The threats and violence became so pervasive that Claimant was frightened for herself and her children, and moved to report Dobbs to the Rialto Police Department in late April and spoke to Sgt. Gibbs. Gibbs mistakenly thought it was Dobbs' ex-wife calling and attempted to talk Claimant out of making a report. Gibbs told Claimant to call Internal Affairs, thereby putting the burden on Claimant in this terrible situation.

Claimant contacted Dobbs' ex-wife, which further enraged Dobbs. Claimant also was interviewed by Internal Affairs, and requested protection from Dobbs. None was forthcoming. She informed IA that he intimidated her and had threatened her life. On May 8, 2010, Dobbs called Claimant and was verbally abusive and threatened Claimant, as he had become aware that she had contacted IA. A representative sampling of his tirade and threats: "How dare you f...ing call my work You f...ing whore. Watch your back." Dobbs knew Claimant was going out of town to care for her ailing mother, and file a false affidavit in support of a restraining order in San Bernardino Superior Court. On May 14, 2010, Officer Martinez texted Claimant, presumably a pretext in order to get Claimant to discuss Dobbs. Dobbs' request for restraining order was denied.

Claimant was told by a source anonymous to her that Officer Corker planned to make a false report to Child Protective Services. In fact, Officer Corker went to Court as a witness for Dobbs on the restraining order issue. Claimant told IA on numerous occasions that she was scared and they had to protect her, but they would not. She told them she was concerned for the safety of her children. An Internal Affairs detective was also present in Court and "high fived" Dobbs after the conclusion of their restraining order case. Claimant spoke to Chief Kling who apologized for the circumstances and said "we'll protect you Nancy, please don't take it to the press."

Subsequently, there was an attempted burglary at Claimant's residence. Claimant continues to receive hang up calls, as does her daughter. Two anonymous callers told her to be careful.

Equally as important as the above-stated facts, Rialto Police Department and the City of Rialto were aware that Dobbs was terminated from previous employment by the California Highway Patrol, in part based upon allegations of dishonesty, and hired Dobbs subsequently as a Rialto Police Officer.

(f) **IDENTIFICATION OF PUBLIC EMPLOYEES CAUSING HARM:** City of Rialto and the Rialto Police Department; Chief Mark Kling and Officers Dobbs and Corker. Does 1-10 to be named at a later date. City of Rialto fostered and perpetuated a culture of unwanted sexual harassment of females by male police officers.

(g) **AMOUNT CLAIMED:** As a result of the acts complained of herein, which are not intended as a full and complete statement of each and every wrongful act, Claimant has suffered general damages in an amount to be proved at trial, but not less than \$ 500,000. In addition, Claimant has suffered special, and other economic damages, plus pre-judgment interest thereon. Claimant is further entitled to incidental and consequential damages and pre-judgment interest at the prevailing legal rate. Claimant has incurred attorney fees, and will incur attorney fees, as a result of the violation of her rights. Claimant alleges that above-named individual parties acted with malice and intent to harm, oppress, and damage Claimant, and to deprive her of her statutory and constitutional rights, as a result of which she is entitled to punitive damages from each of them in an amount to be proven at trial.