

1 ALFONSO PADRON
2 16484 E. ROSE AVE
3 REEDLEY, CA. 93654
4 559-513-1329



8 ALFONSO PADRON,
9 CLAIMANT,

11 vs.

13 CITY OF PARLIER; ISREAL LARA; CITY
14 ATTORNEY GREGORY MYERS AND
15 YOUTH CENTERS OF AMERICA
(YCA),

16 RESPONDANT'S

CLAIMANT'S TORT CLAIM FOR
DAMAGES AGAINST CITY OF
PARLIER; ISREAL LARA; CITY
ATTORNEY GREGORY MYERS AND
YOUTH CENTERS OF AMERICA (YCA)

19 CLAIMANT

20 1. Alfonso Padron herein after (Claimant) am a citizen of the United States and reside in
21 Fresno County, California where the damages were inflicted. Claimant Tort Claim for
22 damages herein is against CITY OF PARLIER; ISREAL LARA; CITY ATTORNEY
23 GREGORY MYERS; AND YOUTH CENTERS OF AMERICA (YCA) which are all
24 located or reside in Fresno County, where the damages occurred.

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27 CLAIMANT'S TORT CLAIM FOR DAMAGES AGAINST CITY OF PARLIER; ISREAL LARA; CITY
ATTORNEY GREGORY MYERS AND YOUTH CENTERS OF AMERICA (YCA) - 1

1 2. The Tort Claims Act requires that any civil complaint for money or damages first be
2 presented to and rejected by the pertinent public entity (Gov.Code, §§ 910, 912.4, 912.8,
3 945.4).

4 3. THIS DOCUMENT IS A TORT CLAIM FOR DAMAGES AGAINST THE CITY OF
5 PARLIER and THEIR EMPLOYEE CITY MANAGER ISRAEL LARA, IS FOR
6 SETTLEMENT PURPOSES ONLY, AND CLAIMANT RESERVES THE RIGHT TO
7 PURSUE AN UNLIMITED SUPERIOR COURT COMPLAINT IF THIS CLAIM IS
8 DENIED BY THE CITY OF PARLIER.

9 INTRODUCTION

10 4. Claimant's request for protective order on 2/22/16 indicated that "opposing Counsel using
11 interrogatories for annoyance, embarrassment, oppression, or undue burden and expense and
12 as a weapon". **Plaintiff asserts that this is exactly what happened in this case.**

13 5. In Mr. Myers memorandum of points and authorities in opposition for protective order
14 filed August 4, Myers contended on pg. 7 (10-11) that "In this case, Defendants have
15 propounded reasonable discovery which is intended to gather information which will allow
16 them to evaluate Mr. Padron's legal and damage claims".

17 6. Again on pg. 6 (17- 19) Mr. Myers claims "It is submitted the discovery is well within
18 reasonable bounds of discovery, and do not seek any information which could be argued to
19 be protected by the privacy rights of a party who claims such injuries".

20 STATEMENT OF FACTS

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22 7. On November 3, 2017, Claimant discovered that a Private Non Profit Corporation, Youth
23 Centers of America (YCA), has and is disseminating confidential information belonging to
24 Claimant, City of Parlier and Defendants attorney Gregory Myers.

1 8. The information, specifically, special interrogatories, request for admissions and the
2 deposition of Claimant were taken at Gregory Myers' (attorney for City of Parlier) office.
3 The documents have YCA bates stamped at the bottom of each page indicating that YCA has
4 access to the documents. These documents were shared by either one of the defendant parties
5 and disseminated by YCA and used for unwarranted annoyance, embarrassment, or
6 oppression, or undue burden against Claimant and not for the purpose "to evaluate Mr.
7 Padron's legal and damage claims" as put forth by Mr. Myers.

8 9. The deposition and other documents are pertinent only to City of Parlier and not anyone
9 else including YCA. YCA is not a party to complaint #16cecg00211 and should not have this
10 confidential information. "Certainly the public has no right to demand access to discovery
11 materials which are solely in the hands of private party litigants" (*Public Citizen v. Liggett*
12 *Group, Inc.*, 858 F.2d 775, 780 (1st Cir. 1988)).

13 CAUSES OF ACTION

- 14 1. Abuse of Process
- 15 2. United States Constitution and the California Constitution Right of Privacy—Public
16 Disclosure of Private Facts
- 17 3. Local Government Liability—Failure to Train
- 18 4. Negligent Hiring, Supervision, or Retention of Employee
- 19 5. Conspiracy
- 20 6. Aggravation of Preexisting Condition or Disability
- 21 7. Negligence
- 22 8. Emotional Distress

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11. Generally speaking, the public has no constitutional, statutory (rule-based), or common-law right of access to unfiled discovery. Discovery rules are “a matter of legislative grace,” and “[l]iberal discovery is provided for the sole purpose of assisting in the preparation and trial, or the settlement, of litigated disputes” (*Seattle Times*, 467 U.S. at 32, 34, 104 S. Ct. 2199). We have said that “[s]ecrecy is fine at the discovery stage, before the material enters the judicial record” (*Baxter Int’l, Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir.2002)).

CONCLUSION OF CLAIM

CLAIMANT'S TORT CLAIM FOR DAMAGES AGAINST CITY OF PARLIER; ISREAL LARA; CITY
ATTORNEY GREGORY MYERS AND YOUTH CENTERS OF AMERICA (YCA) - 4

1 14. The right of privacy is guaranteed by article I, section 1 of the California Constitution as
2 an inalienable right (*White v. Davis* (1975) 13 Cal.3d 757, 773 [120 Cal. Rptr. 94, 533 P.2d
3 222]). In November 1972, the voters of California specifically amended article I, section 1 of
4 our state Constitution to include among the various "inalienable" rights of "all people" the
5 right of "privacy".

6 15. The Act also limits California agencies' ability to disclose the information. The Act states
7 that disclosures can be made to the individual, within the government, under statutory
8 authority, or with the consent of the individual (§ 1798.24). Section 1798.24 reads "An
9 agency shall not disclose any personal information in a manner that would link the
10 information disclosed to the individual to whom it pertains unless the information is
11 disclosed, as follows: (a) to the individual to whom the information pertains (b) with the
12 prior written voluntary consent of the individual to whom the record pertains, but only if
13 that consent has been obtained not more than 30 days before the disclosure, or in the time
14 limit agreed to by the individual in the written consent.

15 16. [People] fear exposure not only to those closest to them; much of the outrage underlying
16 the asserted right to privacy is a reaction to exposure to persons known only through business
17 or other secondary relationships. The claim is not so much one of total secrecy as it is of the
18 right to *define one's circle of intimacy* to choose who shall see beneath the quotidian mask.
19 Loss of control over which 'face' one puts on may result in literal loss of self-identity, and is
20 humiliating beneath the gaze of those whose curiosity treats a human being as an object
21 (*Briscoe v. Reader's Digest Association, Inc.* (1971) 4 Cal.3d 529, 534 [93 Cal. Rptr. 866,
22 483 P.2d 34, 57 A.L.R.3d 1], fn. omitted).

23 17. Claimant voluntarily complied with the Courts instructions to provide the interrogatories
24 and to engage in the deposition. Claimant did not provide defendants unfettered permission
25 to disclose the information taken in private to other persons of whom the information could
26 be disseminated to the public.

1 18. Claimant herein submits this Tort Claim for damages on Respondants (City of Parlier) for
2 violations of the causes of action above.

3 19. Sections 910.8 and 911 requires public entities to alert a claimant to any deficiencies in
4 his claim or waive any "defect or omission in the claim as presented" (§ 911). Moreover, a
5 Claimant need not allege strict compliance with the statutory claim presentation requirement.
6 Courts have long recognized that "[a] claim that fails to substantially comply with sections
7 910 and 910.2, may still be considered a "claim as presented" if it puts the public entity on
8 notice both that the claimant is attempting to file a valid claim and that litigation will result if
9 the matter is not resolved" (*Del Real v. City of Riverside, supra, 95 Cal.App.4th at p. 769,*
10 *115 Cal.Rptr.2d 705*).

11 20. Claimant asserts this claim is in an amount to be consistent with similar Unlimited
12 Claims and the amount will be disclosed to the entity when appropriate or at settlement
13 negotiations.

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19 Dated: December 6, 2017
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