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Attorneys for Claimants

**Attention: City Clerk**  
**City of Calexico**  
**608 Heber Avenue**  
**Calexico, California 92231**  
**Email: [cityclerk@calexico.ca.gov](mailto:cityclerk@calexico.ca.gov)**

Claims of CALEXICO POLICE OFFICERS'  
ASSOCIATION; RUDY ALARCON; LUIS  
CASILLAS; FRANK URIARTE; STEVEN  
GARCIA; GERMAN DURAN; GABRIEL  
RODRIGUEZ and ISAIAS NAVARRO,

Claimants,

vs.

CITY OF CALEXICO, a public agency and/or  
municipal corporation; JOHN T. QUINN,  
individually and as Finance Director; and DOES  
1 THROUGH 10,

Defendants.

**GOVERNMENT CLAIM FOR  
DAMAGES**

(Govt. Code §910)

**TO THE DEFENDANTS:**

You are hereby notified that Claimants claim damages from the Defendants as follows:

1. Claimants desire all inquiries, notices and communications be sent or directed to Michael A. McGill Esq., ADAMS FERRONE & FERRONE APC, 4333 4333 Park Terrace Drive, Suite 200, Westlake Village, CA 91361, Telephone: (805) 373-5900, Facsimile: (818) 874-1382.

2. Claimants are, and at all relevant times unless otherwise mentioned herein were, employed by Defendant City of Calexico in the capacity as peace officers. The Association is the recognized bargaining unit representing the interests of the sworn rank and file peace officers

1 of the City of Calexico. As such, each claimant is entitled to the benefits and protections of the  
2 Public Safety Officers Procedural Bill of Rights Act (POBOR). At all times relevant to the  
3 allegations contained herein, Claimants have been residents of Imperial County. Claimants'  
4 home addresses are confidential.

5 3. Defendant City of Calexico (City) is a duly constituted municipal corporation  
6 operating under the laws of the State of California, wholly situated in the County of Imperial.  
7 JOHN T. QUINN (Quinn) is the Finance Director. Defendant DOES 1 through 10 are not  
8 known or identified at this time. On information and belief, Claimants allege that each DOE is  
9 in some manner responsible for the wrongs alleged herein, and that each such Defendant advised,  
10 encouraged, participated in, ratified, directed, or conspired to do, the wrongful acts alleged  
11 herein. When the true names and capacities of said Defendants become known, Claimants will  
12 seek relief to amend this claim to show their true identities in place of their fictitious names as  
13 DOES 1 through 10.

14 4. Defendants, and each of them, were the agent, employees and servants of every  
15 other Defendant. Defendants acted in the course and scope of said agency, service and  
16 employment at all relevant times.

17 5. Defendants, and each of them, have engaged in a course of action and pattern and  
18 practice of retaliating, harassing, intimidating, and discriminating against the peace officer union,  
19 its leadership and its outspoken members. Defendants, and specific city council members, have  
20 made retaliatory, harassing, intimidating, and discriminating statements about the Claimants.  
21 They have stated on numerous occasions, in different forums, and to various individuals that they  
22 were going to "break the union" and see to it that each of the leaders of the associations were  
23 brought up on charges and terminated. One council member stated specifically that he was going  
24 to personally make sure that we, meaning the city, are "going to get them." Another council  
25 member has made false accusations that association members are "corrupt" and are "stealing  
26 money." The real basis for the hatred, ill will and spite of the Defendants and council members  
27 stems from the Claimants' protected activities. Claimants have been active in 1) bringing to light  
28 actual corruption, mismanagement and disruption within the Department and the City; 2) filing  
grievances and submitting complaints outlining issues of public concern; 3) challenging unlawful  
discipline and exercising their rights to appeal discipline; and 4) becoming involved in political

1 process by advocating for proper leadership and management from the top to the bottom.  
2 Claimants have engaged in each of these protected activities on multiple occasions, and at times  
3 when it has been necessary, speaking publicly to the press and the before the council during open  
4 sessions.

5 6. In response to these protected activities, Defendants hired KELEPECZ &  
6 TRAUB under the auspices of a personnel complaint. As a means to conceal their true  
7 motivation, they were hired to investigate certain “allegations.” Despite the clear frivolity of  
8 those “allegations,” Defendants have now used this investigation as a fishing expedition to  
9 compel Claimants to appear for an administrative investigations where they were asked wide  
10 ranging questions, well outside of and beyond the scope of what those certain “allegations” were.  
11 In fact, the scope of the questions was so broad that Claimants were not given adequate notice as  
12 to the nature of the investigation, in violation of POBOR. Despite objections by counsel, the  
13 POBOR violations continued as each Claimant was subjected to an unnecessary, intrusive, and  
14 overbroad administrative interview. Claimants were questioned about their protected activities,  
15 as if those protective activities were improper and could legally be used as a basis for discipline,  
16 when they cannot. In addition, the investigations were illegal in that they were unnecessary and  
17 the Claimants were subjected to harassing behavior by the investigator. The clear intent of this  
18 investigation process is to intimidate, harass, discriminate and retaliate against Claimants for  
19 their lawful and protected activities. The defendants further violated the law by illegally  
20 disclosing to the investigators confidential peace officer personnel files and various information  
21 from those files. This information was not produced through any lawful means or process. In  
22 addition, no such information should ever, as a matter of fair, legal and proper investigative  
23 methodology, be used in the fact gathering process of an administrative investigation. The  
24 Defendants deviated from such lawful practices due to their desire to punish and retaliate against  
25 Claimants at any length. At this point, the retaliatory investigation remains ongoing. This claim  
26 will be amended to include the outcome when the time comes.

27 7. As required by law, the Claimants submitted a claim for damages as a result of  
28 those illegal actions by Defendants. The Defendants never acknowledged receipt of that claim  
and never responded to that claim

8. As part of these unlawful actions and on an ongoing basis, Bostic and Warne have  
made defamatory and outrageous allegations against members of the Association and the

1 Association itself. Both have portrayed the Association in a false and misleading light, all for  
2 their own political gain, and so that Bostic may continue to earn the largest base salary of any  
3 employee in the City, and quite possibly the Imperial Valley. (The former Chief made  
4 approximately \$118,000; Bostic is making and/or has asked to make \$225,000). All statements  
5 made by Bostic were ratified, adopted and approved by Warne. These statements include, but  
6 are not limited to, the following:

7 Bostic: (At November 19, 2014 Press Conference)

8 “What happened it’s the former Chief and Investigations unit were so busy trying to save  
9 their jobs and their careers rather than focusing in the investigation.”

10 “Now my current investigation unit is taking heat from victim, council members, they are  
11 undermining a criminal investigation along with a County Supervisor. I am not going to mention  
12 any names, but I’m here to tell a story about how the council members in conjunction with the  
13 Calexico Police Officer’s Association and members of the association have used city funds and  
14 city resources to run what I called and extortion racket.”

15 “How do I know that? I know that from facts, and I’m not doing this from the thousands  
16 and thousands of you who stopped me every day to tell me their stories of what’s happening to  
17 you by few members of my department.”

18 Response: These statements are patently false, and unsupported by any factual evidence.  
19 The case, in fact, occurred a week after the former chief was fired, and therefore the former chief  
20 had no involvement with this case. This case occurred under Bostic’s watch, and he is  
21 attempting to deflect the blame from his failure to act. In fact, Bostic and Warne have been so  
22 busy trying to secure their contracts with heavy pay salaries, they have abandoned their  
23 obligations to the public and the people of Calexico. The case was handled appropriately, up  
24 until Bostic decided to retaliate and suspended his investigators with no replacements. After  
25 Bostic retaliated and suspended his investigators, no further work on the case was done.  
26 Remarkably, Bostic failed to realize that no one would be working the cases after he took that  
27 action and the cases sat. Again, Bostic’s actions are a clear attempt to deflect his own mistakes  
28 and failures on to others. The Association has never worked with City Council members and  
used city resources to run an extortion racket. These statements are ridiculous and have no  
factual support.

1 Bostic: "Right after [the former chief] was relieved and I was appointed Chief, members  
2 of the former investigation unit of the Calexico Police Department went out and bought  
3 thousands and thousands of dollars of very expensive surveillance equipment and cameras with  
4 tax payer's money." "When I questioned the investigations unit, I asked them how many  
5 criminal investigations they had. The answer was zero." "So if you were victims of crime; they  
6 were not investigating that" he then asked "How many narcotics investigations were you  
7 working on and he said none" "So we have two geese, two zeros." Bostic further stated that  
8 nothing had been done on the kidnapping case by saying "When this crime occurred, the police  
9 department didn't do a darn thing. We can't find any reports, any investigations and all  
10 happened from the time before I got here in November." "We are cleaning this mess from  
11 former Chief and former staff, that political corruption as its best."

12 Bostic continued "This is how the scandal works between the CPOA and Council  
13 Members. They are using all this equipment to go around tracking, voice recording, taking  
14 pictures, trying to get them in compromising positions; Like the Mafioso of New York. That's  
15 how they are operating." "They are taking all this pictures, video evidence, what do you think  
16 they are doing with that? So, you wonder why cities time to time act in a strange way. They are  
17 being extorted." "They are being extorted information and pictures. Unfortunate some of the  
18 officers were up to that and we have the evidence in the hands of the FBI." "These few thugs  
19 who think they can be criminals wearing a badge."

20 Response: The Association has never extorted anyone, and has never gone engaged in  
21 any tracking, voice recording, or taking of pictures for the purpose of extorting. These  
22 allegations are false. No members of the Association, to Claimant's knowledge, purchased any  
23 surveillance equipment after Bostic took office. It is believed that the former chief of police  
24 authorized the purchase of standard surveillance equipment prior to his termination, but that fact  
25 is nothing unusual and is standard operating procedure. Bostic's allegations that investigators  
26 were not working cases is also false. Investigators were actively working hefty case loads, and at  
27 his request, lists of those cases were given to Bostic. For Bostic to say that no cases were being  
28 worked is also false, as he is well aware of the case loads.

1 Bostic: "I received a phone call from Richard Warne (Calexico City Manager) and he  
2 offered me the job." "Warne asked me to come clean the department and that I was going to  
3 receive full support." "I had a plan I had implemented in the past." "It'll take a few months to  
4 turn the place around." "He (Warne) told me there were no rules and everyone does whatever  
5 they please."

6 These statements are patently false and without any factual support. Bostic has never  
7 implemented any plan in the past and the Department has always maintained rules and policies.

8 9. There are numerous other defamatory statements that Bostic and Warne have  
9 made publicly at their press conferences, or in press releases. The statements contained herein  
10 are only a small sampling. The defamatory statements have caused the Claimants harm.  
11 Claimants have arrived on scene at emergency calls and have been accused of being corrupt and  
12 extorting people, and these commotion, all caused by the Defendants' actions, have led to officer  
13 safety issues. In doing the things alleged herein, Defendants, and each of them, violated the  
14 rights of Claimants under the First and Fourteenth Amendments to the United States Constitution  
15 to free expression and to petition the government. Specifically, Defendants have taken the  
16 aforementioned actions against Claimants in direct retaliation for, and in response to their  
17 various protected activities, some of which have been described herein.

18 10. Due to the aforementioned violations of law, the Claimants submitted a second  
19 claim for damages in December 2014. Again, like the first claim, the Defendants never  
20 acknowledged receipt of the claim nor responded to the claim.

21 11. The Defendants' retaliatory, vindictive and harassing actions continue. Now, for  
22 the first time, Defendant John T. Quinn has begun to engage in the same type of illegal actions as  
23 the other Defendants. On January 16, 2015, Quinn authored a memorandum to the City Council  
24 defaming the Claimants, portraying them in a false light, and fraudulently misrepresenting facts.  
25 Quinn stated that the Claimants were corrupt. What makes Quinn's memorandum particularly  
26 outlandish, offensive, and fraudulent is that he, himself, was engaged in most of the discussions  
27 with the Calexico Police Officer's Association regarding the terms and conditions of  
28 employment, and he, acting as the City representative, approved, ratified and recommended most  
if not all of the changes that he refers to as being "out of control." Quinn's assertion that it was  
all the prior city manager's fault, and that the prior city manager allowed this to happen is a lie,  
as he was intimately involved in all of those discussions. There are of course additional

activities by Quinn which have not been included in this claim. The acts and omissions of Defendants, and each of them, were done by Defendants under color of state law in their capacity as a municipality chartered under state law, and as policy making authorities to which Defendant City delegated its governing powers in the subject matter areas in which these policies were promulgated or decisions taken or customs and practices followed. The acts and omissions described above were taken by the City's official policy maker as a member charged with such responsibility. It was or should have been plainly obvious to any reasonable policy making official of the City that the acts and omissions of Defendants as alleged herein, taking singly or in conjunction, directly violated and continued to violate Claimant's clearly established constitutional and statutory rights. In doing the things alleged herein, Defendants acted with malicious intent to violate Claimant's rights, or at least in conscious, reckless, and callous disregard of his rights and to the injurious consequences likely to result from a violation of said rights. General and special damages are sought according to proof. Punitive damages are sought against the individual defendant, according to proof. Defendants' statements are libel and slander per se. They have harmed the Claimants both personally and professionally, and Defendants' actions have created uncertainty between law enforcement and the community in which they serve. Defendants have no legitimate or lawful excuse for their actions.

12. Government Code Section 3304 et seq. provides that where it finds that an employer has violated any of the provisions of the Public Safety Officers Procedural Bill of Rights Act (POBOR), a court may render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature including, but not limited to the granting of a temporary restraining order, preliminary or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer. Defendants maliciously violated POBOR with the intent to injure Claimants all in retaliation for his lawful exercise of his statutory and constitutional rights. Defendants are therefore liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation, for reasonable attorney's fees as may be determined by the court, as well as Claimant's actual damages.

13. Claimants claim damages from the Defendants including all damages arising from the aforementioned violations in an amount as of yet undetermined, but as will be determined in Court. Claimants' damages exceed \$25,000, and this matter would be an unlimited filing.

1 Dated: January 30, 2015

ADAMS FERRONE & FERRONE, APC

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Michael A. McGill  
Attorneys for Claimants  
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