

January 22, 2025

San Francisco Bay Area Rapid Transit District
Insurance Division
2150 Webster Street
Oakland, CA 94612-3012

Office of the Independent Police Auditor
P.O. Box 12688
Oakland, CA 946604-2688

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

Our Client: Weijia Gao (aka Jasmine Gao)

Date of Incident: November 18, 2024

Attention Government Claims Program:

This to inform you that the Law Offices of John L. Burris represents Weijia Gao (aka Jasmine Gao). Based on my client's previous interaction with you and/or your organization, my client suffered past, present, or future physical and/or financial injury or hardship.

My understanding of the incident is as follows:

The Incident took place November 18, 2024. The time was 9:30 P.M. The location of the incident was the Union City BART Station parking lot. The address was 10 Union Square, Union City, CA 94587. BART Police Department officers used excessive force against Weijia Gao (aka Jasmine Gao).

BART police department officers performed a traffic stop on Ms. Gao. The officers believed Gao's vehicle matched the description of a vehicle making doughnuts. Officers verified the vehicle was not the suspected target. The officers ran Ms. Gao's license and registration. It was expired. The officers attempted to remove Gao from the vehicle. She suffers from mental health issues. The officers became increasingly agitated. Ms. Gao became afraid. She attempted to flee the scene. Officer Poblete fired three shots. One or more bullets hit Gao.

As a result, BART Police Department officers caused physical injuries to Ms. Gao.

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. Please feel free to contact me via telephone or email with any further questions or concerns.

Very truly yours,

James Cook Esq.
The Law Offices of John L. Burris

Enclosure

CALIFORNIA STATE CLAIM FORM

Name: First, Middle, Last Weijia Gao (aka Jasmine Gao)	Race:	Date of Birth: 05/03/1992
Address 2171 Canary Court #B Union City 94587	City, State, Zip	Home Phone: 781-325-5450
Person/Supervisor Receiving Claim: San Francisco Bay Area Rapid Transit District Insurance Division 2150 Webster Street Oakland, CA 94612-3012 Office of the Independent Police Auditor P.O. Box 12688 Oakland, CA 946604-2688	Badge #:	Date:
Location of incident: 10 Union Square, Union City, CA 94587		

Identity of involved personnel: *County of Santa Clara Sheriff's Department*

Badge No.	Name/Vehicle No., etc. <i>Unknown</i>	Sex	Race
<i>Unknown</i>			
Narrative of incident: See Attachment			
Were you injured? No, See Attachment			
Witness names: (First, Middle, Last) <i>Unknown</i>	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. Oakland, CA, January 22, 2025

Claimants' Signature (Claimants' Attorney/Agent): John Burris

ATTACHMENT – CALIFORNIA TORT CLAIM

Claimants object to your Claim Form because it requires information which constitutes an invasion of the Claimants' privacy. Moreover, the information is not required to be provided by the Claimants 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 claimants, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF JOHN BURRIS. Therefore, Claimants submit the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANTS NAMES: Weijia Gao (aka Jasmine Gao)

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: Airport Corporate Centre, 7677 Oakport Street, Suite 1120, Oakland, CA 94621.

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

DATE AND TIME OF INCIDENT: November 18, 2024. Time: 9:30 P.M.

LOCATION OF INCIDENT: 10 Union Square, Union City, CA 94587

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 Office of Risk and Insurance Management.

DESCRIPTION OF INCIDENT:

The Incident took place November 18, 2024. The time was 9:30 P.M. The location of the incident was the Union City BART Station parking lot. The address was 10 Union Square, Union City, CA 94587. BART Police Department officers used excessive force against Weijia Gao (aka Jasmine Gao).

BART police department officers performed a traffic stop on Ms. Gao. The officers believed Gao's vehicle matched the description of a vehicle that making doughnuts. Officers verified the vehicle was not the suspected target. The officers ran Ms. Gao's license and registration. It was expired. The officers attempted to remove Gao from the vehicle. She suffers from mental health issues. The officers became increasingly agitated. Ms. Gao became afraid. She attempted to flee the scene. Officer Poblete fired three shots. One or more bullets hit Gao.

As a result, BART Police Department officers caused physical injuries to Ms. Gao.

DESCRIPTION OF CLAIM:

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

Claimants allege those individual employees, agents and/or servants of AGENCY are responsible for Plaintiffs' 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 AGENCY, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for AGENCY, and 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 excessive force include, but was not limited to, conduct causing Plaintiff to suffer injuries.

Claimants allege that AGENCY employees were deliberately indifferent to claimants' safety by putting Plaintiff at risk of serious physical injury.

Claimants allege that cruel and unusual punishment included, but was not limited to, conduct causing Plaintiff to suffer punishments not authorized by law while detained by AGENCY. Claimants allege that assault included, but was not limited to, conduct causing Plaintiff to reasonably fear a harmful offensive touching upon Plaintiffs' person.

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

Claimants will allege other causes of action 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: See description of the incident, above.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimants do hereby demand that AGENCY 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.

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: See description of the incident, above.

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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: January 22, 2025

Very truly yours,

James Cook, Esq.

James Cook
The Law Offices of John L. Burris
Enclosure

PROOF OF SERVICE

I, Joyce Pearce, declare as follows:

I am over eighteen years old and not a party to this Claim. My business address is Airport Corporate Center, 7677 Oakport Street, Suite 1120 Oakland, CA 94621. I caused the foregoing:

- *Letter Re Representation of Weijia Gao (aka Jasmine Gao)*
- *Letter Re Representation of Weijia Gao (aka Jasmine Gao) – Preservation of Evidence*
- *Letter Re Representation of Weijia Gao (aka Jasmine Gao) – ESI Notice Preservation of Evidence*
- *Letter Re Representation of Weijia Gao (aka Jasmine Gao) – Records Request Pursuant to California Public Records Act*
- *Letter Re Representation of Weijia Gao (aka Jasmine Gao) – Records Request Pursuant to SB1421, The Right To Know Act*
- *Authorization for Release of Confidential Records*
- *Letter Re Request for Endorsed Copy Verifying Administrative Claim Received – Law Offices of John L. Burris*
- *State Claim Form Pursuant to CA Government Code 910*

to be served on the following parties in the following manner:

Mail ☒ Overnight Mail ☐ Personal Service ☐ Email ☐

San Francisco Bay Area Rapid Transit District
Insurance Division
2150 Webster Street
Oakland, CA 94612-3012

Office of the Independent Police Auditor
P.O. Box 12688
Oakland, CA 946604-2688

I declare under penalty of perjury that the foregoing is true and correct and that this declaration of service was executed in Oakland, CA on January 22, 2025.

Signed: /s/ Joyce Pearce