

CLAIM AGAINST THE CITY OF FOLSOM

FOLSOM CITY CLERK'S DEPT
17 JUN '21 AM 9:11

Received:

Claims relating to death or injury to person or to personal property or crops shall be presented to the City of Folsom not later than six months after which the incident or event occurred. Claims relating to any other matter for which a claim is required shall be presented not later than one year after the date of the incident or event giving rise to the claim. (See California Government Code Section 911.2). You are encouraged to consult legal counsel of your choosing for advice on submitting a timely claim. The City of Folsom cannot provide you legal advice.

INSTRUCTIONS

The original claim, together with one copy of all attachments, is to be filed with the Office of the City Clerk. Retain one copy for your records. Please send to this address:

City Clerk
City of Folsom
50 Natoma Street
Folsom, CA 95630

NOTICE: The City Clerk's Office is the ONLY office to which claims may be submitted. Claims are NOT to be sent to the City Attorney, or any other City Department.

Please fill out claim form completely. Missing information may delay the processing of your claim. Please print.

PERSONAL INFORMATION

Name of Claimant Faun O'Neel, Danny O'Neel, Brooklyn Try, Anndrea O'Neel, Dru O'Neel, Avery Try

first middle initial last

Address of Claimant 140 Chimney Bluff Court, Folsom, CA 95630

street city state zip code

Home Phone (916) 337-7343

Business Phone _____

Email _____

DOB _____

Driver's License# _____

Name, telephone number and address to which claimant desires notices to be sent if other than above:

Powell & Associates, 925 W. Hedding Street, San Jose, CA 95126, (408) 553-0201, admin@rrpassociates.com

CLAIM INFORMATION

Occurrence or event from which the claim arises:

Date See Attachment

Time _____

Place (exact and specific location) _____

How and under what circumstances did damage or injury occur? Describe the particular occurrence, event, act, or omission you claim caused the damage or injury. (use additional paper if necessary)

See Attachment

016-21 21-048

If there were no injuries, state "no injuries" _____

Name and addresses of all witnesses _____

See Attachment

Identify the name(s) of the public employee(s) causing the injury or damages, if known.

See Attachment

Describe the indebtedness, obligation, injury, damage or loss, which you claim you have suffered at the time this claim is submitted.

See Attachment

Total amount claimed. Greater than \$10,000 Yes Less than \$10,000 _____. (If the amount claimed is less than \$10,000 on the date of presentation, provide the calculation for the amount claimed.)

(Please attach a copy of any receipts you have resulting from this occurrence.)

Any additional information that might be helpful in considering this claim _____

See Attachment

AUTOMOBILE ACCIDENT

If this claim relates to an automobile accident please answer the following, **AND ATTACH PROOF OF INSURANCE:**

Policy # _____ Insurance Company _____

Agent/Broker _____

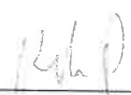
Address _____ Phone # _____

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM:

(Penal code §§72, 550; Insurance code §1871.4)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury under the laws of the State of California that the foregoing is **TRUE** and **CORRECT**.

Signed this 16 day of June, 2021 at San Jose, CA
City / State

Signature 

Robert R. Powell, Esq.
Attorney for Claimants

1 ROBERT R. POWELL, SBN 159747
2 **POWELL & ASSOCIATES**
3 925 W. Hedding Street
4 San Jose, CA 95126
5 T: (408) 553-0201
6 F: (408) 553-0203
7 E: admin@rrpassociates.com

8 Attorneys for Claimants

9 FAUN O'NEEL, et al.

10 Claimant,

11 v.

12 COUNTY OF SACRAMENTO, et al.

13 Respondent.

GOVERNMENT TORT CLAIM

14
15 **FACTUAL ALLEGATIONS**

16 **Police Officers for City of Folsom Interfered with the Claimants' Rights of Familial**
17 **Association When They Unlawfully Entered Claimants' Home And Removed Minor**
18 **Claimants Without a Warrant or Exigent Circumstances**

- 19 1. On December 20, 2020, at approximately 9:00 p.m., three (3) City of Folsom police
20 officers arrived at Claimants' home, located at 140 Chimney Bluff Court, Folsom, CA 95630.
- 21 2. The officers informed Danny O'Neel that a 911 call had been made and that the officers
22 were at the home to carry out a welfare check on the children. The 911 call had been
23 reportedly made by B.T., who asked if grabbing a child by the neck was child abuse.
- 24 3. Danny was not aware of any argument or discipline that had occurred that evening
25 between any of the children and adults in the home, and informed the officers of this.
- 26 4. The officers proceeded to enter the home without Claimants' consent and without
27 presenting a warrant.
28

1 5. All four minor Claimants (B.T., A.O., D.O., A.T.) were forced from their beds and
2 interviewed by the officers, without the parents present. Photographs were taken of at least
3 D.O., minor Claimant for whom allegations of abuse had been made.
4

5 6. The officers left the home at approximately 10:00 p.m. They did not present nor leave
6 any paperwork, contact information, or other resources regarding what might happen next.
7

8 7. At around 3:00 p.m. on December 22, 2020, approximately six (6) City of Folsom
9 police officers arrived at Claimants' home, and informed Faun O'Neel that they were there to
10 remove the children from the home.

11 8. And no point on December 22, 2020, were Faun or Danny O'Neel presented with a
12 warrant or other Emergency Protective Order which appeared to authorize the removal of
13 Minor Claimants or entry to the home.
14

15 9. As the initial discussion occurred outside of the home, Danny O'Neel re-entered the
16 home to retrieve his cell phone. He was followed in by Sergeant Wright, who entered the
17 without Claimants' consent and proceeded to berate and intimidate Mr. O'Neel in his own
18 home.
19

20 10. Officer Melanie Catanio entered the home and interview the children, once again
21 without consent or a parent present.

22 11. During their time at the family home, unfounded accusations were made towards Faun
23 and Danny O'Neel by Folsom PD officers, including that Ms. O'Neel had her children
24 removed from her care in the past due to drug abuse.
25

26 12. The children were then removed from the family home by Folsom PD officers and
27 transported to Folsom Police Department.
28

1 13. Within 20 minutes of the children's arrival at the Department, maternal grandmother
2 Fara Canutt arrived with the intention of having the children placed in her care while the
3 investigation was ongoing.
4

5 14. Folsom Police Department and the individual involved officers refused placement of the
6 children with Ms. Canutt, who was denied access to the children during her time at the
7 Department despite B.T. requesting to see her and go home with her.
8

9 15. Fara Canutt was interviewed by Office Catanio while at the station, who questioned Ms.
10 Canutt about the methods of discipline utilized by Faun against the children, and in particular
11 whether D.O. received additional or harsher punishment than the other children.
12

13 16. Ms. Canutt informed Officer Catanio that she had not witnessed or heard anything out
14 of the ordinary with regard to the discipline of the children, nor had any of the children
15 complained of any alleged abuse or harsh punishment.
16

17 17. After several hours at the police station, children were taken into foster care overnight.
18

19 18. From December 24, 2020, the children were permitted to remain in the family home
20 with maternal grandmother, Ms. Canutt, under the terms of a safety plan drafted by
21 Sacramento County Child Protective Services. Faun and Danny O'Neel moved out of the
22 family home that day but were permitted to spend several hours with the family on Christmas
23 Day and to visit with the children per the terms of the agreement.
24

25 19. Office Catanio's involvement with the family continued, and on December 30, 2020,
26 she was present for the SAFE interviews of A.T. and D.O., following which the children were
27 permitted to remain in the custody of Ms. Canutt.
28

1 20. On January 8, 2021, at approximately 11:00 p.m., Folsom Police Department officers
2 once again arrived at the family home, this time with County of Sacramento social worker
3 Keryn Starkes.

4
5 21. A warrant for the removal of each of the four (4) minor Claimants was provided, and
6 the children were placed into foster care until January 15, 2021. The removal was supposedly
7 authorized on the basis of a violation of the "safety plan," although no violation had occurred.

8 22. On January 15, 2021, the children were placed in the care of paternal grandparents Jerry
9 and Diane Try.

10
11 23. The children were finally returned to the custody, care, and control of their parents
12 following a jurisdiction hearing held on February 1, 2021.

13 24. Faun O'Neel, Danny O'Neel, B.T., A.O., D.O., and A.T., have all been traumatized by
14 these events, and allege damages resulting from this interference with their rights to familial
15 association and personal injury, in excess of Limited Court Jurisdiction in the State of
16 California (in excess of \$25,000).
17
18
19

20 Dated: June 16, 2021


21 ROBERT R. POWELL
22 Attorney for Faun O'Neel, Danny
23 O'Neel, B.T., A.O., D.O., A.T.
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27
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