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Law Offices of Kenneth C. Odiwe, PC

2880 Zanker Road, Suite 203, San Jose, CA 95134 (669)315-4431 www.kennethodiwelaw.com

FILED CLERK OF THE SUPERVISORS
BY DEPUTY

ATTACHMENT "A – Negligence"

Claimant objects to your Claim Form because it requires information which constitutes an invasion of the Claimant's privacy. Moreover, the information is not required to be provided by the Claimant 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 claimant, claimants plural, and all plaintiffs and parties in interest represented by the LAW OFFICES OF KENNETH C. ODIWE, PC. Therefore, Claimant submits the following information in support of his/her Claim pursuant to Government Code Section 910:

CLAIMANT NAME: P.F. thru his GAL Michael Fischback

ADDRESS TO WHICH ALL NOTICES ARE TO BE SENT: LAW OFFICES OF KENNETH C. ODIWE, PC, 2880 Zanker Road, Suite 203, San Jose, CA 95134

CLAIMANT TELEPHONE NUMBER: C/O LAW OFFICES OF KENNETH C. ODIWE, PC (669) 315-4431

PLEASE NOTE: COUNSEL REPRESENTS CLAIMANT AND ALL CONTACT SHOULD BE MADE WITH HIS ATTORNEY ONLY.

DATE AND TIME OF INCIDENT: May 1, 2026
LOCATION OF INCIDENT: At or near Buena Vista Rd. and River Run Blvd., Bakersfield, CA 93311

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 the County of Kern: including its agents, employees, officers, and departments.

On May 1, 2026, Claimant, P.F. thru his Guardian Ad Litem, Michael Fischback, was subjected to a prolonged detention by Kern County Sheriff's deputies.

P.F. was driving with two friends in his vehicle when they encountered a group of 8 or so juveniles riding electric dirt bikes and shooting Orbeez guns near the Target parking lot on Stockdale Highway. Having similar interest in electric bikes and Orbeez guns, P.F.'s friends got

BY ORDER OF THE BD/SUPV
Referred To County Counsel
15 Pages

mailed
Copies Furnished Risk Management

Date 10-30-20
Clerk of the Board of Supervisors
By Michelle Tyrone, Deputy

out of the vehicle and had conversations with the other juveniles while P.F. remained in the driver's seat throughout the encounter. His passengers briefly exited the vehicle and interacted with the group. P.F. did see the groups of kids passing Orbeez guns back and forth, and taking turns shooting them, including at P.F.'s vehicle.

After P.F. drove off, he noticed the juveniles on the electric dirtbikes were following, so P.F. questioned his friends. One passenger informed P.F. that he had taken an Orbeez gun because the other juveniles had called him the N-word and he "wanted to teach them a lesson". P.F. immediately and adamantly instructed the passenger to leave the toy on the sidewalk so its owner could recover it.

As they exited the parking lot and crossed Stockdale Highway, just on the other side of Stockdale Highway, one of the two riders following P.F.'s vehicle abruptly entered P.F.'s vehicle's lane of travel--intentionally swerved in front of P.F.—at a greenlight and braked hard P.F. immediately applied his brakes but lightly contacted the rear tire of the dirt bike. The rider remained upright, remounted the bike, and continued pursuing P.F.'s vehicle. Shortly after, P.F. did pull to the side of the road and made his friend set the toy Orbeez gun on the sidewalk and they watched the electric dirtbike rider recover his toy.

Later that evening, Bakersfield Police came to P.F.'s home and asked his parents to request that P.F. return home. P.F. voluntarily came home with his same two friends to the waiting police encounter. He and both passengers were handcuffed and Mirandized. P.F.'s friends were later released and driven home by the police, but P.F. was taken to James G. Bowles Youth Detention Center and booked on felony assault with a deadly weapon (245(a)(1)), felony robbery (212.5(c)), and misdemeanor vandalism (594(B)(1)) charges.

At some time between May 1 and May 5, Bakersfield Police Department officer Nicholas Joven #1649, requested that an investigator obtain video from the Samco for May 1, 2026, at 1930 hours. Even after the police investigator, CSU Tech Mary Pezer #L13 obtained video evidence from the nearby SAMCO gas station, on May 5, 2026, showing that no assault occurred and uploaded the video files and player into Evidence.com, contacted digital forensic examiner M. Street and requested that he make the video files playable in evidence.com, P.F. continued to be held in jail for six (6) additional days, when he was released on May 11, 2026.

As a result, he was falsely imprisoned by Kern County Probation Department for ten days. Even assuming the officers were working with all of the available information they had, after May 5, 2026, the Kern County Probation Department prolonged his attention by an additional six days, as a result of the negligent police investigation by the Bakersfield Police Department detectives.

It wasn't until June 4, 2026, that Ryan Fujihara #1331 viewed the surveillance video from the Samco. Fujihara noted the inconsistencies between the witnesses' stories and the surveillance video, which made highly put the witnesses' stories in doubt. Notably, it showed that the juvenile

rider who accused P.F. of running him over abruptly veering into P.F.'s vehicles path of travel and that P.F.'s brake lights were illuminated, which show that P.F. applied his brakes at the time the ebike rider was in front of him, not accelerating into the ebike rider.

Ultimately, the District Attorney dropped all charges against P.F. Since returning home, many of P.F.'s friends' parents no longer allowed their children to associate with P.F. P.F.'s relationship with his girlfriend ended upon returning home as she did not know he was incarcerated and thought he had abruptly ceased all communication with her and avoided contact with her during said time frame. P.F. has experienced difficulty sleeping, and he is now fearful and distrustful of law enforcement. Significantly, as all the students and teachers at P.F.'s private high school knew of P.F.'s arrest and detainment, P.F. no longer felt comfortable at that school. P.F. transferred to a public school and began on August 12th at said school.

DESCRIPTION OF CLAIM:

Claimant alleges that the conduct of individual employees, agents, and/or servants of the COUNTY OF KERN constitute State statutory violations, which might include but are not limited to negligence, negligent hiring, negligent supervision, California Civil Code Section 51.7, California Civil Code Section 52.1 and negligent infliction of emotional distress.

Claimant alleges those individual employees, agents and/or servants of the COUNTY OF KERN are responsible for Claimant's 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 COUNTY OF KERN, include but are not limited to, the chief of police, sheriff, or an individual of comparable title, in charge of law enforcement for the COUNTY OF KERN, and DOES 1-100, and/or each of them, individually and/or while acting in concert with one another.

Claimant alleges the appropriate offenses listed below.

Claimant alleges that negligence included, but was not limited to, breach of duty upon failing to exercise due care by placing claimant at risk of serious physical injury.

Claimant alleges 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.

Claimant alleges that negligent supervision included, but was not limited to, breach of duty upon failing to exercise due care by, when they knew, or should have known of the risk, and failed to take appropriate steps to prevent it.

Claimant alleges that intentional infliction of emotional distress included, but was not limited to, outrageous acts or omissions with the intent to causing emotional distress to another individual. The intentional conduct resulted in Claimant's physical injuries.

Claimant alleges that negligent infliction of emotional distress included, but was not limited to, the defendant was negligent, the claimant suffered serious emotional distress, and the defendant's negligence was a substantial factor in causing the distress.

Claimant alleges that false imprisonment included, but was not limited to, acts or omissions causing claimants to be confined or restricted to an area without means of escape while claimants were aware of the confinement.

Claimants allege violation of California Section Civil Code Section 52.1. The conduct alleged herein constitutes a violation of Claimants' civil rights with threats, intimidation, a coercion.

Claimant will allege other causes of action subject to continuing discovery.

DESCRIBE INJURY OR DAMAGE:

Claimant has, 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.

Claimant 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.

Claimant 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:

Yet-to-be-identified Kern County Sheriff's Deputies, and DOES 1-100.

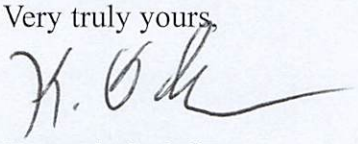
DEMAND FOR PRESERVATION OF EVIDENCE:

Claimant does hereby demand that the COUNTY OF KERN 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.

Very truly yours,



Kenneth C. Odiwe
Attorney

October 27, 2026

Law Offices of Kenneth C. Odiwe, PC

2880 Zanker Road, Suite 203, San Jose, CA 95134 (669)315-4431 www.kennethodiwelaw.com

Clerk of the Board of Supervisors
1115 Truxtun Avenue, 5th Floor
Bakerfield, CA 93301

RE: Request for Endorsed Copy Verifying Administrative Claim Received – Law Offices of Kenneth C. Odiwe, PC

Our client: P.F. thru his GAL Michael Fischback

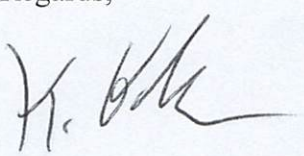
Date of Incident: May 1, 2026

Dear Records Clerk,

This is to inform you that the Law Offices of Kenneth C. Odiwe, PC represents P.F. thru his GAL Michael Fischback.

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. If you have any questions, please, contact us immediately.

Regards,



Kenneth C. Odiwe
Law Offices of Kenneth C. Odiwe, PC

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CLAIMANT NAME: P.F. thru his GAL Michael Fischback

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PLEASE NOTE: COUNSEL REPRESENTS CLAIMANT AND ALL CONTACT SHOULD BE MADE WITH HIS ATTORNEY ONLY.

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out of the vehicle and had conversations with the other juveniles while P.F. remained in the driver's seat throughout the encounter. His passengers briefly exited the vehicle and interacted with the group. P.F. did see the groups of kids passing Orbeez guns back and forth, and taking turns shooting them, including at P.F.'s vehicle.

After P.F. drove off, he noticed the juveniles on the electric dirtbikes were following, so P.F. questioned his friends. One passenger informed P.F. that he had taken an Orbeez gun because the other juveniles had called him the N-word and he "wanted to teach them a lesson". P.F. immediately and adamantly instructed the passenger to leave the toy on the sidewalk so its owner could recover it.

As they exited the parking lot and crossed Stockdale Highway, just on the other side of Stockdale Highway, one of the two riders following P.F.'s vehicle abruptly entered P.F.'s vehicle's lane of travel--intentionally swerved in front of P.F.—at a greenlight and braked hard P.F. immediately applied his brakes but lightly contacted the rear tire of the dirt bike. The rider remained upright, remounted the bike, and continued pursuing P.F.'s vehicle. Shortly after, P.F. did pull to the side of the road and made his friend set the toy Orbeez gun on the sidewalk and they watched the electric dirtbike rider recover his toy.

Later that evening, Bakersfield Police came to P.F.'s home and asked his parents to request that P.F. return home. P.F. voluntarily came home with his same two friends to the waiting police encounter. He and both passengers were handcuffed and Mirandized. P.F.'s friends were later released and driven home by the police, but P.F. was taken to James G. Bowles Youth Detention Center and booked on felony assault with a deadly weapon (245(a)(1)), felony robbery (212.5(c)), and misdemeanor vandalism (594(B)(1)) charges.

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NAME OF PUBLIC EMPLOYEE(S) BELIEVED TO HAVE CAUSED INJURY OR DAMAGE:

Yet-to-be-identified Kern County Sheriff's Deputies, and DOES 1-100.

DEMAND FOR PRESERVATION OF EVIDENCE:

Claimant does hereby demand that the COUNTY OF KERN 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.

Very truly yours,

Kenneth C. Odiwe
Attorney

October 27, 2026

PROOF OF SERVICE

(*P.F. thru his GAL, Michael Fischback v. County of Kern*)

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA:

I am a citizen of the United States and employed in the county aforesaid; I am over the age of eighteen years, and not a party to the within action; My business address is 2880 Zanker Road, Suite 203, San Jose, California 95134. On the date below, I served on the named parties and / or counsel of record:

Clerk of the Board of Supervisors 1115 Truxtun Avenue, 5th Floor Bakerfield, CA 93301	Entity on Notice

The following documents in the manner checked below:
TWO COPIES OF ADMINISTRATIVE CLAIM

x **(VIA MAIL – CCP §§ 1013(a), 2015.5)** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection and mailing on that date following ordinary business practices. I am readily familiar with my firm's business practice of collection and processing of correspondence for mailing with the U.S. Postal Service at Oakland, California, with postage thereon fully prepaid, that same day in the ordinary course of business.

☐ **(VIA PERSONAL DELIVERY – CCP §§ 1011, 2015.5)** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and causing each envelope(s) to be hand delivered on that day by _____, in the ordinary course of my firm's business practice.

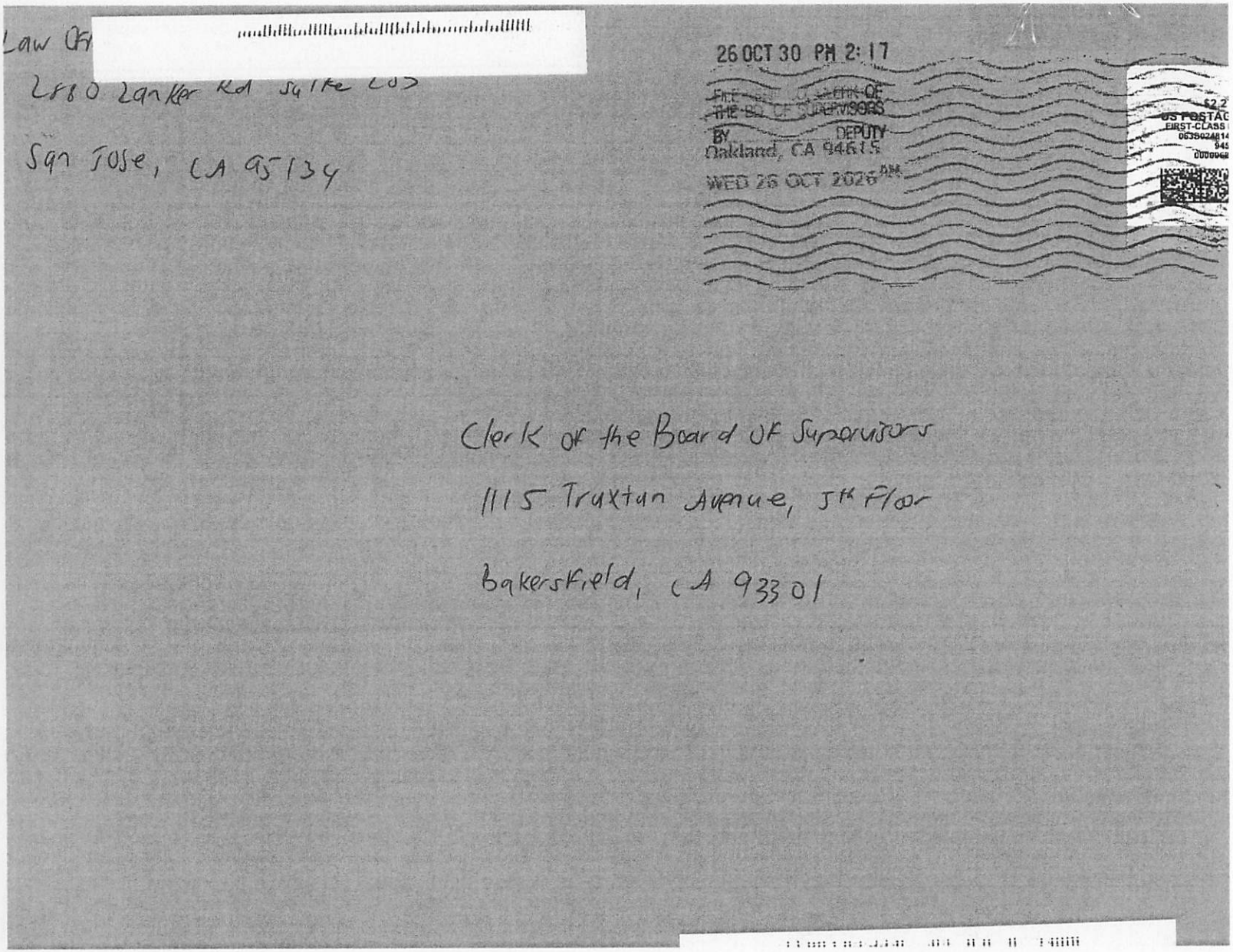
☐ **(VIA E-MAIL OR ELECTRONIC TRANSMISSION – CCP §§ 1013(e), 2015.5, CRC 2008)** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document to be sent to the persons at the e-mail address(es) or the facsimile number listed above. I am readily familiar with my firm's business practice of collection and processing of correspondence via facsimile transmission(s) and any such correspondence would be transmitted in the ordinary course of business. The facsimile transmission(s) was reported as complete and without error, and a copy of the transmission report is attached.

☐ **(VIA OVERNIGHT MAIL/ COURIER – CCP §§ 1013(c), 2015.5)** By placing a true copy thereof enclosed in a sealed envelope(s), addressed as above, and placing each for collection by overnight mail service or overnight courier service. I am familiar with my firm's business practice of collection and processing of correspondence for overnight

mail or overnight courier service, and my correspondence placed for collection for overnight delivery would, in the ordinary course of business, be delivered to an authorized courier or driver authorized by the overnight mail carrier to receive documents, with delivery fees paid or provided for, that same day, for delivery on the following business day.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on October 28, 2026 in San Jose, California.

/s/
Attorney-Kenneth Odiwe


Law Of
2480 Zanker Rd Suite 205
San Jose, CA 95134
26 OCT 30 PM 2:17
FILE
THE BD OF SUPERVISORS
BY DEPUTY
Oakland, CA 946
WED 26 OCT 2026
$2.2
US POSTAG
FIRST-CLASS
Clerk of the Board of Supervisors
1115 Truxtun Avenue, 5th Floor
Bakersfield, CA 93301