



A Tradition of Stewardship
A Commitment to Service

CLAIM AGAINST THE COUNTY OF NAPA NO. _____

RECEIVED US mail

JUL 24 2025 PC

For Clerk's Use Only

NAPA COUNTY
CLERK OF THE BOARD

California Government Code Section 910 describes the information which must be contained in a claim against a government entity. Section 911.2 provides that claims arising from a death, or personal injury, or damage to personal property or growing crops must be presented not later than six (6) months after the occurrence on which the claim is based. This form or any other form containing the same information may be used to present such a claim against the County of Napa. The County reserves the right to reject any claim presented to it.

Page 1 of 2

1. Name and address of Claimant			Telephone Numbers	
First Name	MI	Last Name	Home	
Circle Oaks Homes Assoc.				
Street Address			Business	
235 Montgomery Street, Suite 935				
City	State	Zip Code	Cellular	
San Francisco	CA	94104		
e-mail				
2. Mailing address to which notices from the County are to be directed				
		Street Address		
c/o Maria Kao, Esq.		Briscoe, Prows, Kao, et al., 235 Montgomery Street, Suite 935		
		City State Zip Code		
		San Francisco CA 94104		
3. Incident Information				
Date of Incident:	Time of Incident:	Location of Incident:		
2/4/2015	Evening	SEE ATTACHMENT 1.		
Please note that space is limited. If additional space is needed, please attach the information on a separate sheet of paper.				
4. Description of incident or accident including your reason for believing the County is liable for your damages				
SEE ATTACHMENT 1.				
5. Description of all damages which you believe that you have incurred as a result of the incident				
SEE ATTACHMENT 1.				

6. The name or names of any County employees causing damages that you are claiming

County of Napa.

7. If the amount claimed is \$10,000.00 or less, specify the amount of the claim, including, the estimated amount of any prospective injury, damage or loss insofar as it may be known at this time, together with how it was calculated.

Damages are potentially in excess of \$2 million based on damages, and claims asserted against Association by owner of 307 Circle Oaks Drive, Napa, CA 94558 for damages, which include claims for structural damages, water intrusion, and damages to landscaping and loss of use of 307 Circle Oaks.

If the amount is for more than \$10,000, will this claim be a "limited civil case?"

☐ yes ☒ no

8. If this claim is for indemnity, on what date were you served with the underlying lawsuit?

If a lawsuit has already been filed, please enter the date of the judgment against you: _____

9. State the names and address of any witnesses to this incident

First Name MI Last Name

Thomas Falcon

Street Address

307 Circle Oaks Drive

City

State Zip Code

Napa

CA

94558

10. Law Enforcement Information

Was local law enforcement contacted?

☐ yes ☒ no

If yes, Report # _____

(Attach copy of report if available)

I declare under penalty of perjury that the foregoing is true and correct and, to the best of my knowledge, I have complied with the provisions of the Government Code.



Signature of Claimant (Original Signature Required)

Briscoe Prows Kao Ivester & Bazel LLP

Attorneys for Circle Oaks Homeowners Association

July 22, 2025

Date Signed

ATTACHMENT 1 TO CLAIM AGAINST COUNTY OF NAPA

Section 1 – Claimant

The claimant is Circle Oaks Home Association (“Association”), a California nonprofit mutual benefit corporation.

Section 3 – Location of Incident

A landslide occurred between Ridgecrest Drive and Circle Oaks Drive, North to South, and 40-50 Ridgecrest, East to West, affecting the Association’s open space.

Section 4 – Description of incident

During a period of heavy rainfall and storm activity, stormwater runoff originating from County-managed property, roadways, drainage systems, or rights-of-way was discharged onto the Association’s property and the neighboring property located at 307 Circle Oaks Drive, Napa, CA 94558. The storm water runoff was not adequately diverted away from neighboring properties or managed by Napa County infrastructure. The County also failed to maintain drains or design proper drainage systems to protect properties located downstream of the County-managed property. The discharge of water has caused damage to property, landscaping, and structural components of neighboring properties including Association’s common area.

Napa County is liable due to its gross negligence, from illegally draining their storm water onto private property without permission, and deliberate failure to maintain and reroute stormwater discharge infrastructure, despite repeated warnings and clear notice of ongoing damage. County staff increased flow during active storm conditions by clearing the drain inlet without diversion, exacerbating slope saturation and worsening the catastrophic slide on February 4, 2025. The County’s denial of responsibility is contradicted by its own actions, including continued maintenance of the storm drain system for decades and its failure to comply with California drainage laws and federal NPDES stormwater discharge requirements. This constitutes both a dangerous condition of public property (Gov. Code §835) and actionable inverse condemnation.

The County refused to take sufficient or proper efforts to mitigate the stormwater runoff, despite multiple urgent warnings. Instead, County staff was directed to clear the storm drain inlet, which increased storm water runoff to discharge during the storm event. The County further failed to comply with its stormwater management responsibilities, including proper design and maintenance of drainage systems. Napa County is obligated to manage runoff to prevent pollution and flooding under NPDES permit guidelines and failed to do so.

The County knowingly increased flow through its drainage system during active storm events by directing staff to clear clogged drains while it was raining, causing surging flow and slope saturation. The County's refusal to act violates Government Code §835 (dangerous condition), §815.6 (mandatory duty), and the Clean Water Act. Claimant reserves the right to supplement this list.