



A Tradition of Stewardship  
A Commitment to Service

# CLAIM AGAINST THE COUNTY OF NAPA NO. \_\_\_\_\_

For Clerk's Use Only

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.

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |                                         |                             |                          |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------------------|-----------------------------|--------------------------|--|
| <b>1. Name and address of Claimant SEE ATTACHED FOR ADDITIONAL CLAIMANTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                   |                                         |                             | <b>Telephone Numbers</b> |  |
| First Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | MI                | Last Name                               |                             | Home                     |  |
| Thomas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   | Falcon                                  |                             |                          |  |
| Street Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |                                         |                             | Business                 |  |
| 307 Circle Oaks Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                   |                                         |                             |                          |  |
| City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | State             | Zip Code                                |                             | Cellular                 |  |
| Napa                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | CA                | 94558                                   |                             |                          |  |
| e-mail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |                                         |                             |                          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |                                         |                             |                          |  |
| <b>2. Mailing address to which notices from the County are to be directed</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |                                         |                             |                          |  |
| Street Address                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |                                         | City State Zip Code         |                          |  |
| c/o Katharine Falace                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                   |                                         | Buchalter, 1230 Pine Street |                          |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                   |                                         | St. Helena CA 94574         |                          |  |
| <b>3. Incident Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |                                         |                             |                          |  |
| Date of Incident:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Time of Incident: | Location of Incident:                   |                             |                          |  |
| 2/4/2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Evening           | See Attachment for Location of Incident |                             |                          |  |
| Please note that space is limited. If additional space is needed, please attach the information on a separate sheet of paper.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |                                         |                             |                          |  |
| <b>4. Description of incident or accident including your reason for believing the County is liable for your damages</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |                                         |                             |                          |  |
| Circumstances: During a period of heavy rainfall and storm activity, water and storm runoff originating from County-managed property, roadways, drainage systems, or rights-of-way discharged onto Mr. Falcon's property, causing severe erosion of the hillside, damage to the structural integrity of the residence, and destruction of landscaping and retaining features. The runoff was not adequately diverted or managed by Napa County infrastructure, and the County failed to maintain or design proper drainage facilities to protect downstream properties. Continued on Attachment. |                   |                                         |                             |                          |  |
| <b>5. Description of all damages which you believe that you have incurred as a result of the incident</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                   |                                         |                             |                          |  |
| The damage includes, but is not limited to:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                   |                                         |                             |                          |  |
| (1) Severe erosion of the hillside adjacent to the residence; (2) Undermining of structural foundations and retaining walls; (3) Water intrusion and related damage to the residence; (4) Destruction of landscape features and loss of vegetation; (5) Soil instability and increased risk of future slope failure; (6) Loss of use and value of \$1.8 million custom home; Continued on Attachment                                                                                                                                                                                             |                   |                                         |                             |                          |  |

**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.**

Estimated current property and personal damages exceed \$2,000,000, including structural losses, personal injury, and loss of value, with continuing daily financial harm. This claim is not a limited civil case.

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:

N/A

**9. State the names and address of any witnesses to this incident - Continued on Attachment.**

First Name MI Last Name

Steven Lederer

Street Address

Director of Public Works, 1195 Third Street

City State Zip Code

Napa CA 94559

**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)

Date Signed

## **ATTACHMENT TO CLAIM AGAINST THE COUNTY OF NAPA**

### **ATTACHMENT – SECTION 1 – Claimants**

Circle Oaks V, LLC (Thomas Falcon, Managing Member)

Michael Carlson  
307 Circle Oaks Drive  
Napa, CA 94558

### **ATTACHMENT - SECTION 3 – Location of Incident**

**2/4/2025 Evening-** major rain event caused a landslide between Ridgecrest Drive and Circle Oaks Drive, North to South, and 40-50 Ridgecrest, East to West, affecting the Home Owners Association's open space and the area behind 307 Circle Oaks.

### **ATTACHMENT – SECTION 4 – Description of incident or accident including your reason for believing the County is liable for your damages**

**Continued:**

#### **Basis for Liability**

Napa County is liable due to its gross negligence, from illegally draining their storm water onto private property without permission, omissions, 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 immediate mitigation efforts, despite multiple urgent warnings, and instead directed County staff to clear the storm drain inlet thereby increasing water discharge while it was raining. 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.

Instead, the County knowingly increased flow through the system during active storms 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. Discovery is ongoing and Claimant reserves the right to supplement this list.

**ATTACHMENT – SECTION 5 – Description of all damages which you believe that you have incurred as a result of the incident.**

**Continued:**

- 7) \$200K–\$300K in prior damages from earlier (October 2021) event caused by same system.
- 8) Monthly \$6,000+ carrying costs and inability to sell or occupy the home.
- 9) Personal injury (left knee) from unmarked road hazard caused by negligent patching.

Damages include the loss of use of a \$1.8 million custom home rendered unsalable by County-caused landslide; between \$200,000–\$300,000 in earlier damages from a similar October 2021 flood event tied to the same storm system; more than \$6,000 in monthly financial losses; personal injury to the claimant's knee caused by a dangerous, unmarked crevasse in the road negligently covered with unsecured plastic sheeting.

The County is currently requiring the claimant to submit a new grading application simply to repair slope instability caused by the County's own negligence—despite the repair being entirely within the claimant's property boundary. This includes forcing the claimant to submit engineering plans, pay permit and inspection fees, and provide certified reports confirming the slope has been stabilized in accordance with a licensed engineer's recommendations. Meanwhile, the County has not subjected its own repairs to Ridgecrest Drive, the right-of-way, or the new retaining wall and drainage improvements to the same level of scrutiny or oversight.

**ATTACHMENT – SECTION 9 – Witnesses to the incident**

**Continued:**

Patrick Ryan, Assistant Director  
Planning, Building & Environmental Services  
1195 Third Street  
Napa, CA 94559

HOA Board Members who observed drainage overflow and site deterioration.

Pridmore Construction – has bid reroute solution, slide mitigation on our subject property and observed conditions.

KC Engineering Geologist has also observed the slide and is the original geologist of record so understands the soil profiles and has recommended a repair for slide that is on our property.

Neighbors at 40 and 50 Ridgecrest Drive – also affected by water discharge.

Discovery is ongoing and Claimant reserves the right to supplement this list.

















