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July 16, 2011

City of Lemoore
119 Fox Street
Lemoore CA 93245

RECEIVED
JUL 19 2011
CITY CLERK'S OFFICE

Re: Second Amendment to Claim of Virginia Barrios
Date of Incident: December 16, 2010

To whom it may concern:

Please be advised that my firm has been retained to represent the interests of Mrs. Virginia Barrios. Please accept this correspondence as a claim against the City of Lemoore for damages and injuries which occurred during an incident on December 16, 2010 involving my client, Virginia Barrios and a Lemoore Police Officer. The incident occurred at Mrs. Barrios' residence located at 608 E. Deodar Lane in the City of Lemoore, California.

CLAIMANT INFORMATION

Claimant Name: Virginia Barrios
Claimant's Date of Birth: [REDACTED]
Claimant's Address: [REDACTED] Lemoore, CA 93245

CLAIM DESCRIPTION

On December 16, 2010, Claimant Virginia Barrios (hereafter "Claimant"), who was 36-weeks pregnant at the time of the incident, contacted the Lemoore Police Department due to domestic issues with her husband, Jimmy Barrios. As a result of her contact with Lemoore Police Officer Ryan Reynolds, Claimant suffered serious injury as a result of Excessive Use of Force and Excessive Force and Safety of a Prisoner. Since the incident took place, she has had to endure retaliation and intimidation from the Lemoore Police Department by way of threats through Child Protective Services.

On the date of the incident, the Claimant and her husband were involved in a verbal argument with her husband. The argument became heated and the Claimant contacted the Lemoore Police Department due to her husband's refusal to leave the residence.

Officer Reynolds responded to the Claimant's residence. Upon Officer Reynolds' arrival at the Claimant's residence it is alleged that Officer Reynolds observed the Claimant and her husband grabbing a hold of each other's clothing and the Claimant was on top of her husband. In an instant, Officer Reynolds with his Taser aimed at Claimant, demanded that Claimant get off of her husband. Claimant's husband alerted Officer Reynolds that the Claimant was pregnant. Officer Reynolds ignored the Claimant's husband's warning and within seconds Officer Reynolds thrust Claimant to the ground. Once on the ground and while Claimant was crying out in pain, Mr. Barrios continued to plead with Officer Reynolds to calm down and to be careful because his wife was pregnant. Ignoring both Claimant's cries and Mr. Barrios' plea's, Officer Reynolds ordered Claimant to lie on her stomach. The Claimant pleaded with Officer Reynolds to take into consideration that she was in the late stages of her pregnancy. However, Officer Reynolds continued to demand that Claimant lay on her stomach. Claimant complied and lay on her very protruding stomach fearing further reprisals from Officer Reynolds. At no point did Claimant challenge Officer Reynolds to fight, threaten, or resist him.

While the Claimant was on the ground and on her stomach, Officer Reynolds got on his knees behind her, put his arms on Claimant's back and while grabbing her arms to put handcuff's on her, applied pressure, pushing her down into the ground. Once he had one handcuff on, the Claimant, because of her size and the full brunt of the weight on her belly, had difficulty pulling her other hand behind her. Officer Reynolds then made the Claimant sit and told her that he would need two sets of handcuffs to get her hands behind her back. Both Mr. Barrios and the Claimant pleaded with Officer Reynolds that if he had to handcuff her to please handcuff her in the front because of the late stage of her pregnancy. Again, Officer Reynolds refused.

After both sets of handcuffs were placed on the Claimant, Officer Reynolds told her to stand up. The Claimant attempted to explain to Officer Reynolds that because of her size and weight she could not just stand up and it was at that time Officer Reynolds pulled her up by her arms, causing her to cry out in more pain.

After being taken into custody, Claimant was placed in the back of a patrol car. Claimant suffered pain and discomfort due to the handcuffs being behind her back and because of her size. While en route to the jail, the Officer's speeding forced her to fly around the back seat, hitting the cage and doors, causing more pain. After the incident took place, Officer Reynolds informed the Claimant that he was unaware that she was pregnant.

On December 20, 2010, four days after the incident took place, Claimant was visited by a Child protective Services worker that informed her that on that morning, a Lemoore Police officer reported suspected child abuse on behalf of Claimant because of the number of calls to the Lemoore Police Department. Claimant was informed that included in the report to CPS was a list of all the calls whereby Claimant had called the police because of domestic verbal arguments. Claimant questioned the CPS worker why, if there was concerns about the welfare of her children, it took Lemoore Police Department four days to report it to CPS. Claimant was informed by the CPS worker that the complaint itself was odd. Claimant, a 36-week pregnant woman, was informed by the CPS worker that she was forced to inform Claimant that if Claimant contacted Lemoore Police Department one more time for anything domestically related, that her children will be removed from her home.

As a result of the excessive and completely unreasonable use of force, Claimant has repeatedly been treated for pain in her pelvis, arms, shoulders, and wrist. Since the incident, she has lived with constant pain in her back and has had to receive injections and medications for pain. I am informed that because of the excessive amount of pain that Claimant is now suffering as a result of the actions of Officer Reynolds. The resulting injury to Mrs. Barrios was that she hemorrhaged immediately after the birth of her child. Clearly, the residual problems with childbirth directly correlated to the excessive force utilized by Officer Williams, almost resulting in Mrs. Barrios' death. Claimant, several months after the injury, still suffers from severe back and pelvic pain daily. Claimant's medical records are to follow.

CLAIMED DAMAGES

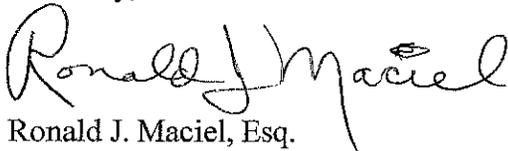
Mrs. Barrios has suffered, inter alia, General and Special Damages, Pain and Suffering, and mental distress.

Any action relative to this claim would be filed in the Superior Court of California in and for the County of Kings.

Officer Reynolds used completely unreasonable and detrimentally excessive force when coming into contact with Claimant, a woman in her 36th week of pregnancy. As a result of this dangerously outrageous contact with Officer Ryan Reynolds, claimant suffered and continues to suffer serious injury. Additionally, his unreasonable conduct continued in the manner in which Claimant was transported to jail and then she had to emotionally endure retaliation and intimidation from the Lemoore police Department by way of threats through Child Protective Services.

Any notices relating to this claim should be sent addressed to me at the address listed on this letterhead.

Sincerely,


Ronald J. Maciel, Esq.

RJM:tlp