



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

[Date of Council Meeting]

**SUBJECT:** Rejection of Claim Submitted by Kevin Lowery  
**PREPARED BY:** Jim Goodwin, City Manager

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### **Recommendation**

Staff recommends rejecting the claim on its merits and directing the City Manager to send a letter advising Mr. Lowery the claim has been rejected.

### **Background/Discussion**

Kevin Lowery submitted a claim to the City of Wheatland on May 5, 2021 related to the death of his son. Following legal review of the claim, rejection of the claim on its merits has been recommended. A draft letter from the City Manager is attached for your review.

Following receipt of the letter, Mr. Lowery has six months to decide to pursue legal action.

### **Alternatives**

Council could choose not to reject the claim.

### **Fiscal Impact**

There is no fiscal impact related to this action.

### **Attachments**

1. Draft Letter from the City Manager rejecting the Claim
2. Copy of Claim submitted



# City of Wheatland

111 C Street Wheatland, California 95692

TELEPHONE (530) 633-2761

FAX (530) 633-9102

June 23, 2021

Kevin Lowery  
5813 Pacific Heights Rd.  
Oroville, CA 95965

RE:	Our Client:	PARSAC
	Client Member:	City of Wheatland
	Claimant:	Kevin Lowery
	Date of Loss:	11/24/2020
	GHC Claim Number:	GHC0034061

## **REJECTION OF CLAIM**

Notice is hereby given that the claim which you presented to the City of Wheatland on or about **May 5, 2021**, has been rejected on its merits effective **June 23, 2021**. Please note that this serves as formal notice to you regarding the statute of limitations guidelines mandated by the Government Code.

## **WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action in a municipal or superior court of the State of California on this claim. See Government Code section 945.6.

This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have different time limitations for filing.

***Please also be advised that, pursuant to Section 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event a lawsuit is filed in the matter and it is determined that the action was not brought in good faith and with reasonable cause. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.***

Should you have any questions or concerns regarding this Notice, please contact our claims administrator at George Hills, Dana Calkins, at (916) 333-0575.

Sincerely,

Jim Goodwin  
City Manager

**PROOF OF SERVICE BY MAIL**

C.C.P. Sections 1013(A) AND 2015.5

I am a citizen of the United States and employed by the City of Wheatland City, State of California. I am over the age of eighteen years and not a party to the within cause or claim. My business address is City of Wheatland, 111 C St, Wheatland, CA 95692.

I am familiar with this agency's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. Mailbox in the City of Wheatland, California before the close of the day's business.

On **Wednesday, June 23, 2021**, I served the *Notice of Rejection* on all parties in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Wheatland, California, addressed as follows:

**Kevin Lowery  
5813 Pacific Heights Rd.  
Oroville, CA 95965**

<b>RE:</b>	<b>Our Client:</b>	<b>PARSAC</b>
	<b>Client Member:</b>	<b>City of Wheatland</b>
	<b>Claimant:</b>	<b>Kevin Lowery</b>
	<b>Date of Loss:</b>	<b>11/24/2020</b>
	<b>GHC Claim Number:</b>	<b>GHC0034061</b>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on , **June 23, 2021**, at **Wheatland**, California.

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Type or Print Name

Signature



### Claim Against City of Wheatland

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A claim must be filed within six months\* after the incident or event occurred. Be sure your claim is against the City of Wheatland and not some other public entity. Attach additional pages as necessary and identify the information by paragraph number. Your completed claim (original) must be mailed or delivered to: Lisa J. Thomason, City Clerk, 111 C Street, Wheatland, CA 95692.

The undersigned hereby submits the following claim against the City of Wheatland in accordance with the provisions of Government Code Section 910.

1. Name of Claimant: Kevin Douglas Lowrey Date of Birth: 04/02/1965  
 Address of Claimant: 5813 Pacific Heights Rd  
 City: Oroville State: CA Zip Code: 95965  
 Home Phone: 530-755-6764 Work Phone: 530-755-6764 Drivers License State/Number: C1334137  
 SSN No.: N/A (For purposes of Medicare reporting)

2. Send Notices Regarding This Claim To: (List name, mailing address and telephone number if not same as name and address listed above.)

3. Date of Incident Causing Claim: 11/24/20 11:30pm thru 11/25/20 3:11AM  
 Place (exact and specific location of incident): 113 Hooper St. Wheatland CA.

4. Circumstances (Specify the occurrence, event, act, or omission you allege caused the injury or damage for which you are submitting this claim.) Supposedly a traffic stop by J. Campos, Z-powers. Entrapment, police misconduct & false imprisonment of Josh Lowrey & then excessive force, gross negligence resulting in shooting & death of my son!

5. Action (Specify action by the entity or its employees that caused alleged damage or injury.) Police misconduct & entrapment, excessive force & false imprisonment gross negligence of Joshua Lowrey by J. Campos, Z-powers, J. Prince Wheatland P.D. Resulting in shooting & death of claimants son! An Army Veteran

\* "One year for a claim relating to any cause of action for other than death, injury to person or to personal property, or growing crops." Government Code Section 911.2

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6. Names of Employees Causing Alleged Incident: J. CAMPOS, Z. powers, J. prince, C. Ellis  
Wheatland P.D.  
7. Loss Description (Describe injury, property damage or loss, as far as is known at this time. If there were no injuries, state "NO INJURIES".) DEATH OF CLAIMANTS SON! A VETERAN  
Loss of Life! 03 Pontiac Vibe

8. Other Injured Persons (List names and addresses.) N/A

9. Property Owner (List name and address of owner of damaged property.) THE DECEASED, THE  
CLAIMANTS SON. ARMY VETERAN JUSTIN D LOWERY.

10. Damages Claimed: (If total amount exceeds \$10,000, no dollar amount shall be included in the claim. Indicate with an "X" whether jurisdiction over the claim would rest in \_\_\_\_\_ municipal or X superior court.

Amount claimed as of this date: \$ NON-LIMITED  
Estimated amount of future costs: \$ NON-LIMITED  
Total Amount Claimed: \$ NON-LIMITED

11. Witnesses, Hospitals, Doctors, etc. (List names and addresses.) See ALL LAW ENFORCEMENT  
REPORTS OF INCIDENT & VIDEOS Y/S C/P, PICTURES Z. powers (EX Wheatland police  
officer involved in incident) Bi County EMT Bailey Smith & Jaime Sims Y.C. CA 530-6742780  
Bear River Apt #1, 2, 3, 4 & Video Wheatland CA, Sierra Central CU Outside Security Video Wheatland

12. Additional Information (List any additional information that might be helpful in considering your claim.) ALL LAW ENFORCEMENT REPORTS, Bi County p.m.p & notes dispatch to dispatch  
CHURTON Attendant on 11/24/20 Wheatland, Release ER M.D. CA, Mercy San Juan ER SAC  
SAC Colon 25 Report SAC CA (private party Cell p4 Videos I have CAN E-mail them)  
W.F.A Report

WARNING: It is a Criminal Offense to file a false claim.  
(Penal Code Section 72 and Insurance Code Section 556)

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 or perjury that the foregoing is TRUE or CORRECT.

Signed this 5<sup>TH</sup> day of May, 2021 at 1:04 pm Claimant's Signature Justin D Lowery

## Claim against Wheatland Continuation:

<sup>Circumstances or Lack of</sup>  
paragraph #4 See All police Reports & There Inconsistency's  
Contradictions. Specifically J. CAMPOS Report Wheatland pd  
& CHP officer Quigley's Report of what CAMPOS  
Told Him! (of A Supposed Traffic Stop!)  
(There are glaring Omissions in the Report!)  
See WFA Report of what they were told as they  
staged a Blockaway. See All Law Enforcement Reports &  
Bi County Ambulance. IT is obvious J. Campos was following  
Josh Lowery as there is no one place he could of observed  
All things in his Report & the different story he told CHP Quigley.

paragraph #11 Witnesses / Hospitals / EMT / DRs / etc.

EX Wheatland police officer Z. Powers whom was with  
CAMPOS as partner the evening 11/24/20 & subsequently  
left Wheatland pd. See All pictures / Videos DASH CAM  
CHP unit # 43-52 & C43-001.

I personally have (4) Cellphone Videos which show CHP pinning  
Josh Lowery in & other law enforcement W.p.d surrounding &  
trapping him! 2 shots can be heard (1) Large Caliber (1) Small Caliber  
Separate Videos. They can be e-mailed! S.C. CA Has cameras on  
McDevitt & Hwy 65. CHURON ATTENDANT eve 11/24/20

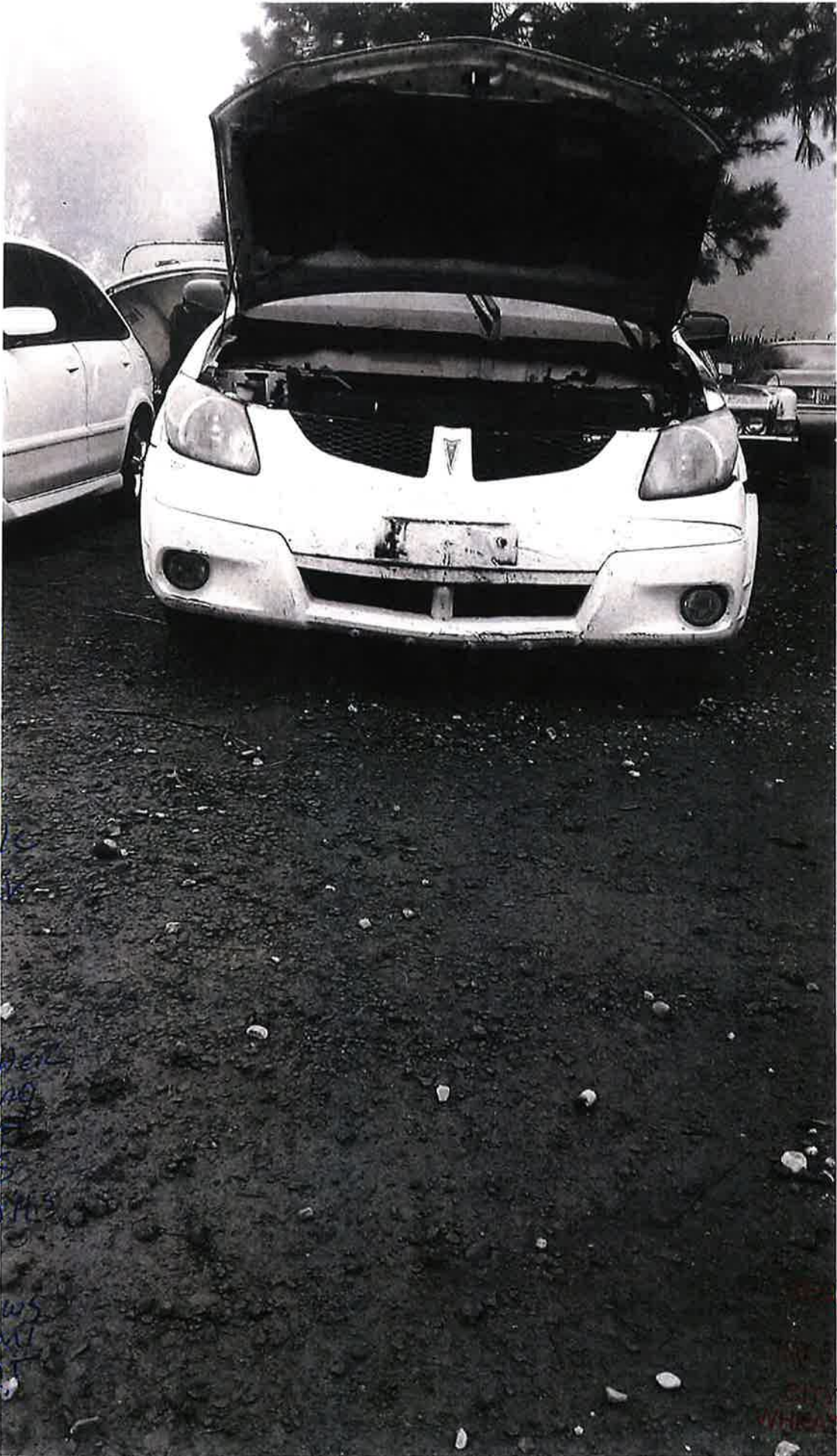
EMT paramedic JAIME SIMS A-47 EMT BASIC BAILEY SMITH A-90  
V/C BCA 1700 poole Blvd V/C CA 530-674-2780

Bear River APTS 113 Hooper St Wheatland CA Has cameras parking lot 530-633-6741  
units #1, 2, 3, 4. Wheatland TACO Bell employees eve 11/24/20

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NOTE  
 This was  
 TAKEN @  
 Tow yard  
 AFTER  
 3+ HRS  
 Being  
 SMASHED  
 INTO A pole  
 & Cops Swear  
 Does  
 IT LOOK  
 LIKE THE  
 Front Bumper  
 IS DRAGGING  
 ON PAVEMENT  
 ASCANPOS  
 STATES IN HIS  
 Report!!  
 AS HE follows  
 STAIRS HIM  
 ENTRAPMENT  
 MISCONDUCT



Doesn't  
 Look Like  
 Front  
 Bumper  
 IS DRAGGING  
 ON  
 PAVEMENT  
 TO US!  
 !!

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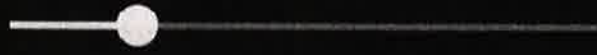
12:30 55%

12:30 AM  
→  
accusing  
Campos  
started @  
11:40 PM  
BoGA closed  
Give Medical  
Inti II  
3:00 AM  
FAISE  
IMPRISONMENT  
OVER 3 HRS!  
ENTRAPMENT  
Miscanduct!



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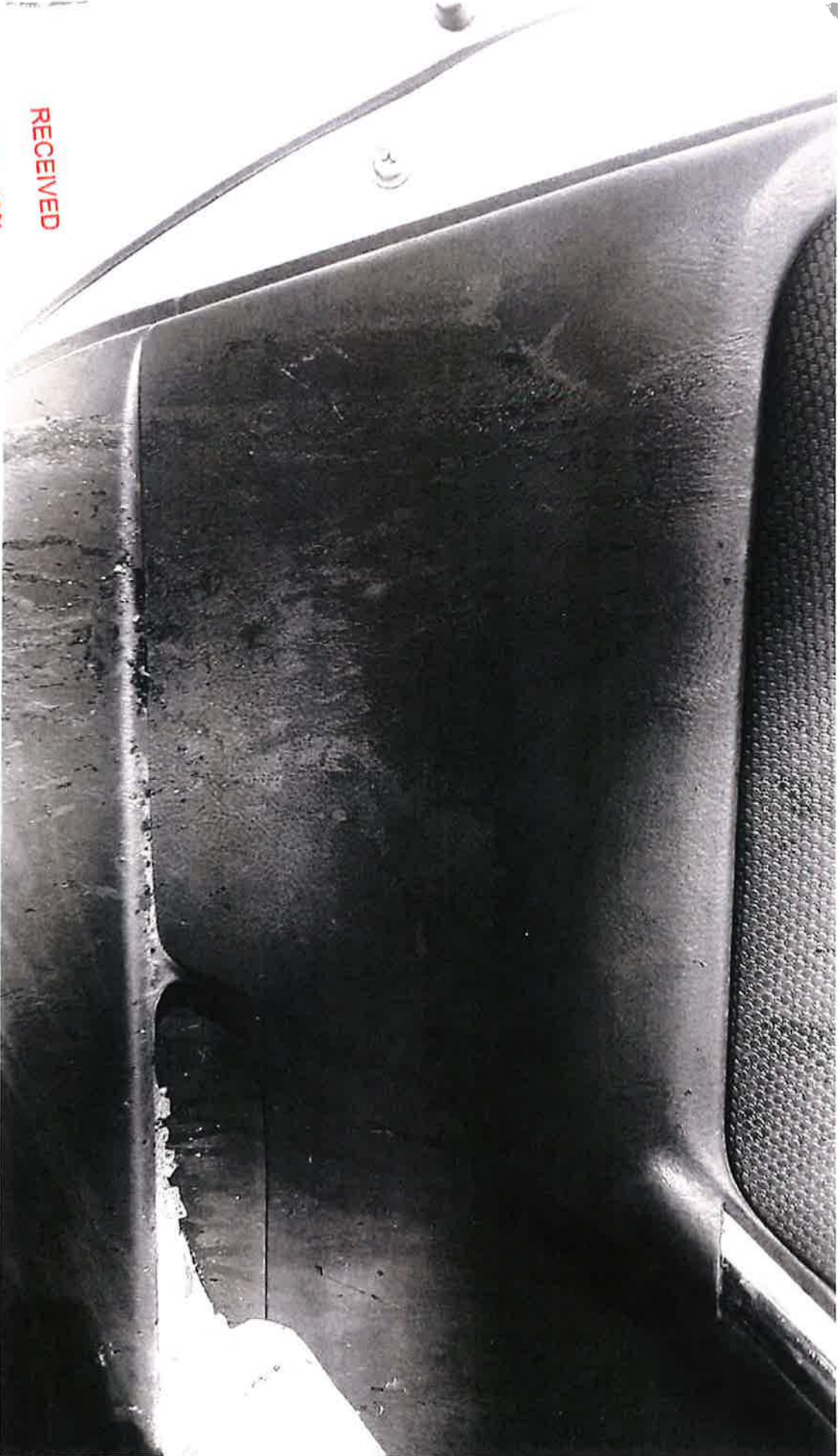
0:05



0:27



DRIVERS Side Door Left Door. NOTE Blood Splatter Blood all over it. JSHT was Right Handed!  
NOTE There were no powder traces or marks on either of His Hands, See R GA Report See Rideout Hospital Report.  
I personally Saw Him @ Ride out Hours later on 11/25/20 I Held His Hand & Examined Them.



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South Bound Hwy 65 past McDevitt in front of Apt. Note Retaining Wall Along sidewalk



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In front of 113 Hooper parking lot) Black Mark is the Front Tire & Rim Indent, Note the Angle  
The car was in. Looks like it was leaving that apartment.



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