



HILLIARD MARTINEZ GONZALES &
TRIAL ATTORNEYS



BEN CRUMP
TRIAL LAWYER FOR JUSTICE

**NOTICE OF CLAIM FOR DAMAGES &
DEMAND FOR PRESERVATION OF EVIDENCE**

June 18, 2020

**Via Facsimile: 832-393-6259 and
Certified Mail Return Receipt Requested:**

City Secretary's Office
City of Houston
Post Office Box 1562
Houston, Texas 77251-1562

City Attorney's Office
Attn: Claims/Subrogation Section
Post Office Box 368
Houston, Texas 77001-0368

Independent Police Oversight Board
1200 Travis, Suite 2001
Houston, Texas 77002-6006

RE: *Melissa Sanchez Notice of Claim for Damages and Request for
Preservation of Evidence.*

To Whom it May Concern,

Please be advised that our law firms represent Melissa Sanchez with regard to the incident which occurred on May 29, 2020, where Ms. Sanchez was trampled by a City of Houston Police Department Officer on horseback while peacefully protesting (hereinafter referred to as the "Incident").

Ms. Sanchez retained our firms to assert a claim against the City of Houston, Houston Police Department, the Houston Police Department official policymaker, and the officers involved in the incident for negligently performing their governmental or propriety functions in connection with the Incident. This letter is notice of my client's claim as required by the Texas Tort Claims Act and Article IX, Section 11 of the City of Houston Charter, and is our attempt to resolve this matter without the need for litigation. The following details regarding the claim, and the demand for evidence preservation appear below.

NOTICE OF CLAIM FOR DAMAGES

Claimant's Information:

As of the date of this letter, Melissa Sanchez currently actually resides at:



Ms. Sanchez actually resided at that address for the six months immediately proceeding the occurrence of such injuries.

When, Where, and How the Incident Occurred:

Ms. Sanchez was peacefully protesting the murder of George Floyd at approximately 7:35 p.m. on May 29, 2020. She was on the public sidewalk outside of 1300 Travis Street in Houston, Harris County, Texas, holding a sign in peaceful protest, posing absolutely no threat whatsoever, when an Officer, Louis Gamez, on horseback unlawfully and unjustifiably trampled her, when Ms. Sanchez's back was turned toward the officer. Gamez and the other officers on scene failed to warn Ms. Sanchez of the unlawful conduct before Gamez trampled Ms. Sanchez with his horse, and Ms. Sanchez posed zero threat to herself, the officers, or the public at the time she was trampled. Gamez, nor any of the officers on the scene, attempted to render aid to Ms. Sanchez or do anything at all to assist in getting her medical care after the Incident occurred.

Videos of the event are generally available online, and these videos are incorporated herein by reference:

https://www.chron.com/news/houston-texas/article/Video-shows-mounted-patrol-officer-trample-15305527.php?utm_medium=referral&utm_campaign=socialflow&utm_source=facebook.com

<https://www.youtube.com/watch?v=ZLXbB4vKsIc>

Even the City of Houston's Mayor, Mayor Sylvester Turner, posted a video of the incident on social media, and apologized for the officer's conduct, acknowledging the wrongfulness of the conduct and the failures of the Houston Police Department and officers involved. The Mayor stated in connection with the Incident:

Our job is to protect them and their rights to do that. And for them to do it safely. It's not our intent to try to injure anyone. And so I certainly want to apologize to her for that, hope that she (is) doing well. We are constantly

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reviewing our procedures to make sure that we protect them while they're doing their things peacefully.

We are taking a look on how we can better deploy our resources to keep that from happening again so you or anyone else can exercise your Constitutional right and we can maintain the peace,"

<https://abc13.com/hpd-uns-over-girl-police-on-horse-tramples-protester-george-floyd/6223240/>.

The incident occurred as a result of the involved officers' negligent conduct, the unlawful policies in place at the Houston Police Department, and/or the failure to have appropriate policies in place, the failure to train and supervise the involved officers, and negligent hiring and retention of the involved officers.

Injuries and Damages Sustained:

As a result of the officers' conduct, Ms. Sanchez sustained injuries to her knee, legs, back, and neck. The full extent of those injuries are still being evaluated by medical providers and Ms. Sanchez is under doctor's care for the injuries sustained as a result of the Incident. Given the recent nature of the Incident, and the need to evaluate Ms. Sanchez's medical progress, the amount of the damages incurred is subject to further discovery and investigation.

Ms. Sanchez has lost wages as a result of this incident, anticipates future lost wages and medical bills, and suffered past pain and mental anguish, and anticipate future pain and mental anguish.

At this time, Ms. Sanchez is willing to settle her claims against the City of Houston, Houston Police Department, Houston Police Department official policymaker, and the involved officers for Five Million Dollars (\$5,000,000).

Names and Addresses of Known Witnesses:

■

[REDACTED]

■

[REDACTED]

■


[REDACTED]

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- 
- (4) Officer Louis Gamez
c/o City of Houston Police Department
Post Office Box 1562
Houston, Texas 77251-1562
- (5) 3 John Doe Officers at the Scene
c/o City of Houston Police Department
Post Office Box 1562
Houston, Texas 77251-1562
- (6) Mayor Sylvester Turner
City of Houston
Post Office Box 1562
Houston, Texas 77251-1562
- (7) Chief Art Acevedo
c/o City of Houston Police Department
Post Office Box 1562
Houston, Texas 77251-1562
- (8) City of Houston Police Department
Post Office Box 1562
Houston, Texas 77251-1562
- (9) Officer C.J. Mangano
c/o City of Houston Police Department
Internal Affairs Division
Post Office Box 1562
Houston, Texas 77251-1562
- (10) City Attorney's Office
Post Office Box 368
Houston, Texas 77001-0368
- (11) Ronald C. Lewis
City of Houston, City Attorney
Post Office Box 368
Houston, Texas 77001-0368
- (12) Independent Police Oversight Board
1200 Travis, Suite 2001
Houston, Texas 77002-6006

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- (13) Memorial Hermann Houston Hospital
Northeast Hospital Emergency Center
18951 Memorial North
Humble, Texas 77338

As evidenced in the videos referenced above, there were a number of individuals at the scene at the time of the Incident. At this time, Ms. Sanchez is not aware of all of their identities, but reserves the right to supplement this Notice as the identities of those individuals become available.

A notarized affidavit, along with documents required pursuant to the Texas Tort Claims Act and Article IX, Section 11 of the City of Houston Charter, are attached hereto.

DEMAND FOR PRESERVATION OF EVIDENCE

This letter requests your immediate action to preserve any and all evidence related to this incident including, but not limited to, photographs, e-mails, videos, notes, audio and/or written communications, text messages, phone recordings, 911 calls, drawings, training manuals, body cam videos, dash cam videos, horse-mounted videos, surveillance footage, personnel records for all involved officers, training records regarding the horse involved in the incident, previous investigations and reports relating to the involved officers, all documents concerning complaints of personal injuries from horse-mounted officers, all documents concerning I.A.D. Issue Record 56168-2020, and witness statements.

Please ensure that such items remain in the same and unchanged condition as the date of the incident, to preserve and prevent the spoliation of evidence for litigation purposes. Please be advised that you are under a legal duty to maintain, preserve, retain, protect and not destroy any evidence related to the incident made the basis of this lawsuit. Please note that your failure to preserve any of this evidence may be used against you at trial, and may result in a spoliation instruction.

Respectfully,

HILLIARD MARTINEZ GONZALES LLP

By: /s/ Marion M. Reilly
Marion M. Reilly
State Bar No. 24079195
marion@hmglawfirm.com

Robert C. Hilliard
State Bar No. 09677700
bobh@hmglawfirm.com

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719 S. Shoreline Boulevard
Corpus Christi, Texas 78401
Telephone No: (361) 882-1612
Facsimile No: (361) 882-3015

-and-

BEN CRUMP LAW, PLLC

Benjamin Crump
122 S. Calhoun Street
Tallahassee, Florida 32301

ATTORNEYS FOR CLAIMANT

***hmgservice@hmglawfirm.com**
Service to this address only.

STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

AFFIDAVIT OF MELISSA SANCHEZ

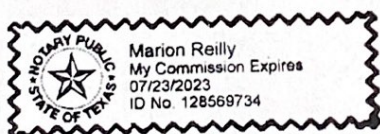
Before me, the undersigned authority, on this day Melissa Sanchez ("Affiant") personally appeared and, after being duly sworn, stated:

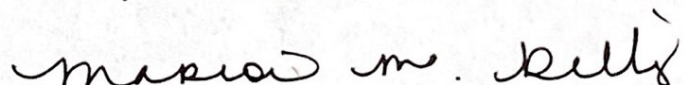
1. My name is Melissa Sanchez. [REDACTED]
[REDACTED]
2. I have personal knowledge of the facts stated in this Affidavit and they are true and correct. I am of sound mind and capable of making this Affidavit.
3. I have reviewed the Notice of Claim for Damages & Demand for Preservation of Evidence, and I have personal knowledge of the facts stated therein and they are true and correct.
4. On May 29, 2020, at approximately 7:35 p.m., I was peacefully protesting on the public sidewalk outside of 1300 Travis Street in Houston, Harris County, Texas. I was not engaging in any violent or destructive behavior, but was simply peacefully holding up a sign when I was suddenly and unexpectedly trampled by Officer Louis Gamez on horseback.
5. I did not pose any threat to myself, the officers, or the public at the time I was trampled. Gamez, nor any of the officers on the scene, attempted to render aid to me, or do anything at all to assist in getting me medical care after the Incident occurred.
6. As a result of the Incident, I suffered injuries to my knee, leg, back and neck. I am in pain to this day. I have lost time and wages at work, and have not yet been able to return to work as I am required in my job to lift heavy objects.
7. Further Affiant Sayeth Not.

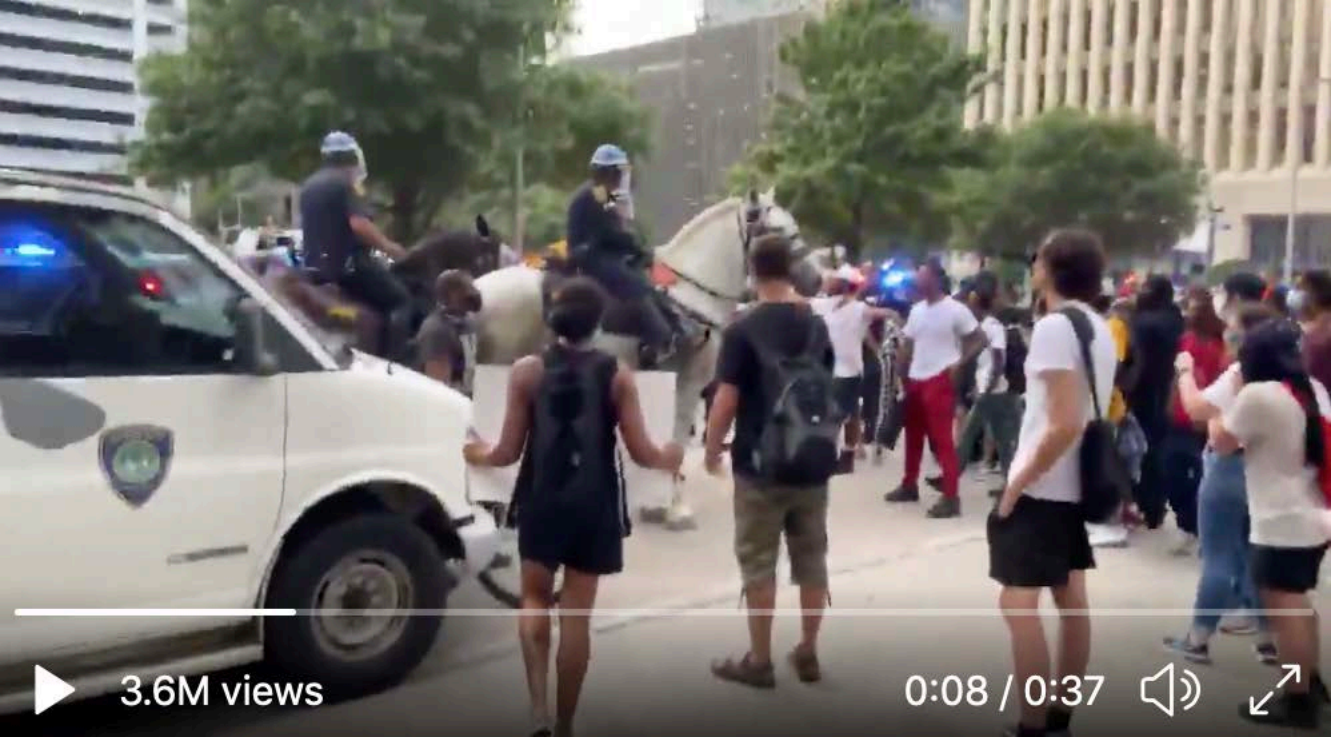


Melissa Sanchez, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME by Melissa Sanchez on the 17 day
of June, 2020, to certify which witness my hand and official seal.



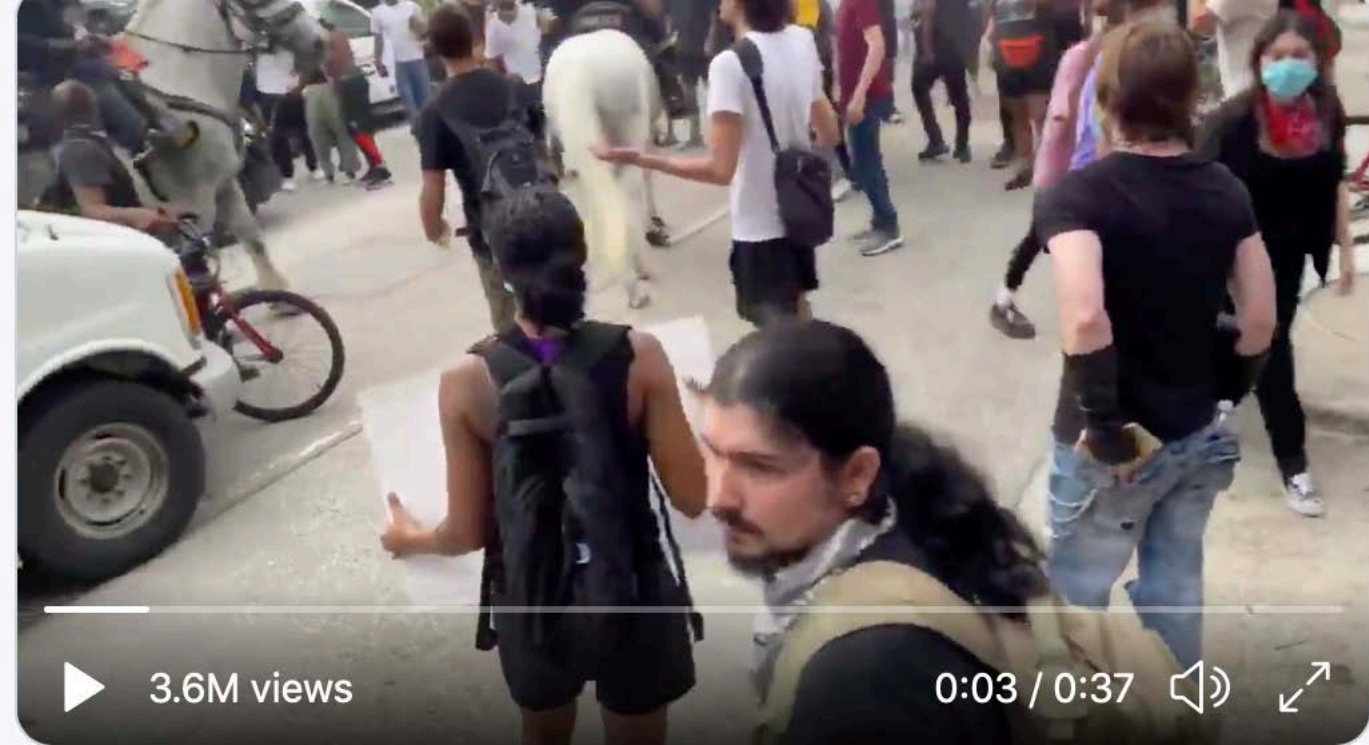

Notary Public, State of Texas



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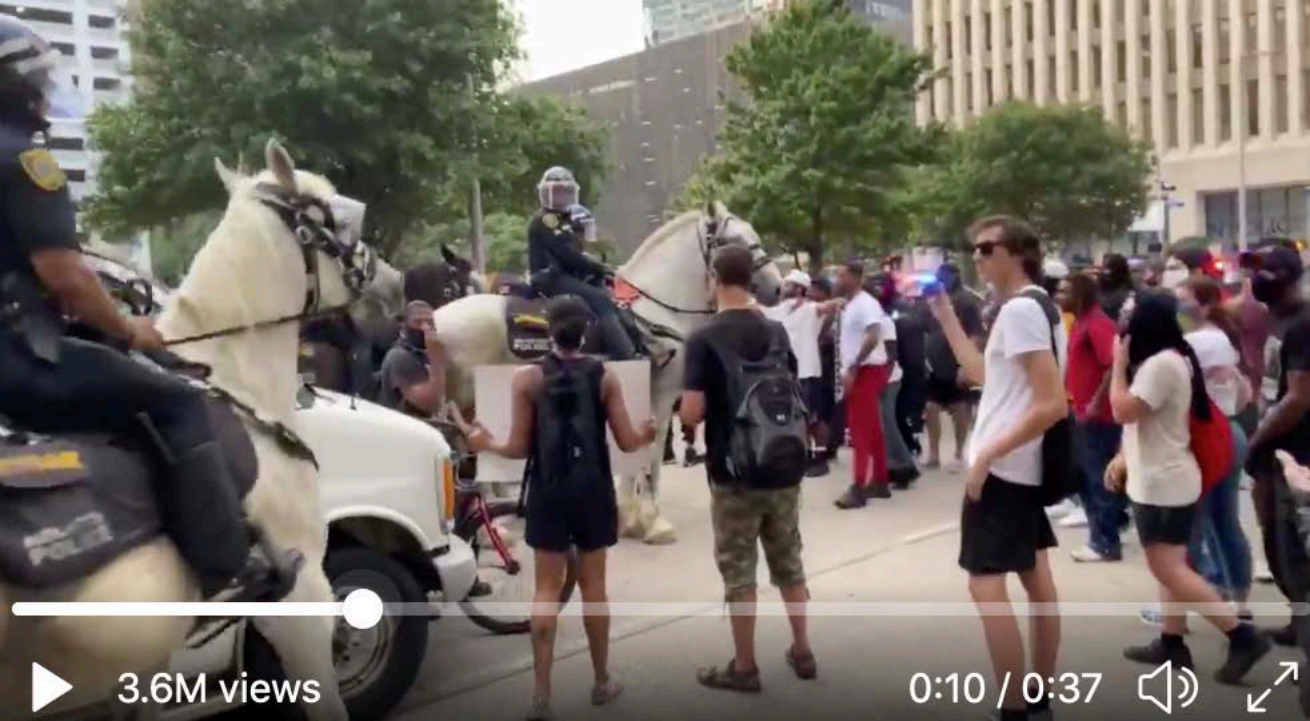




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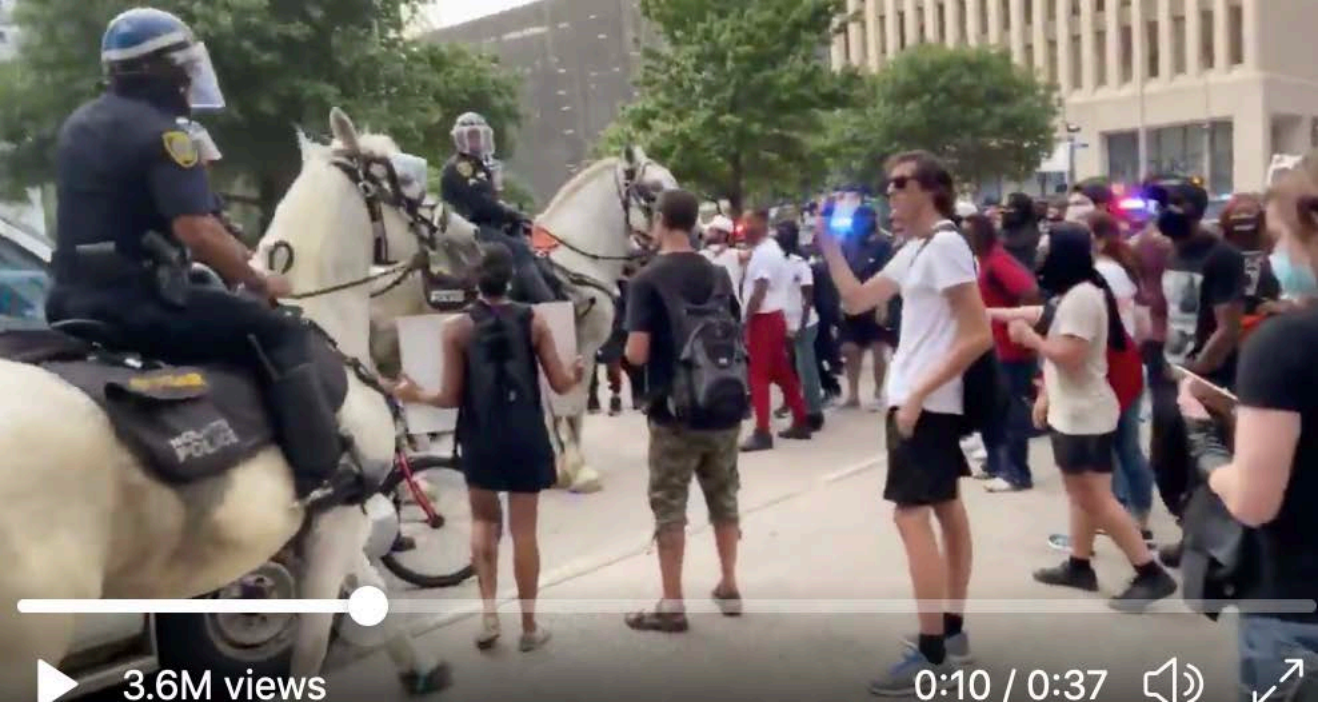




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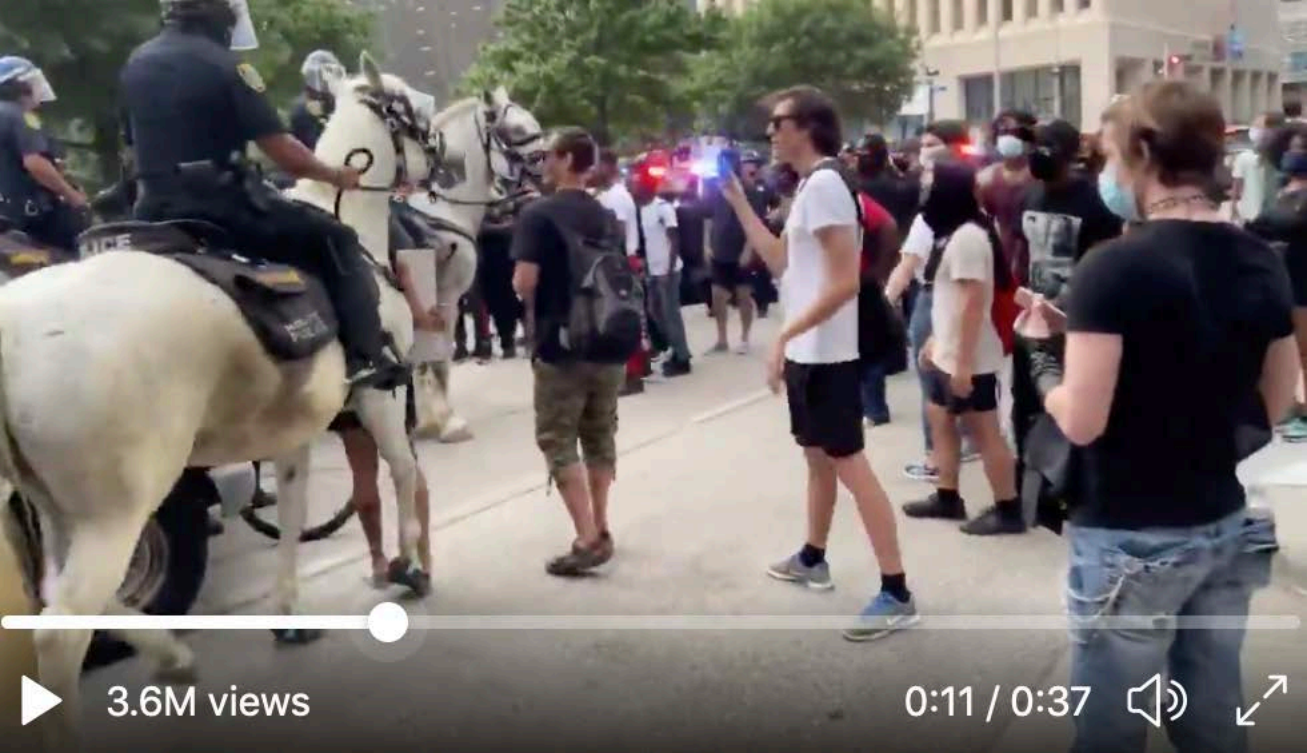
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3.6M views

0:10 / 0:37



3.6M views

0:11 / 0:37





3.6M views

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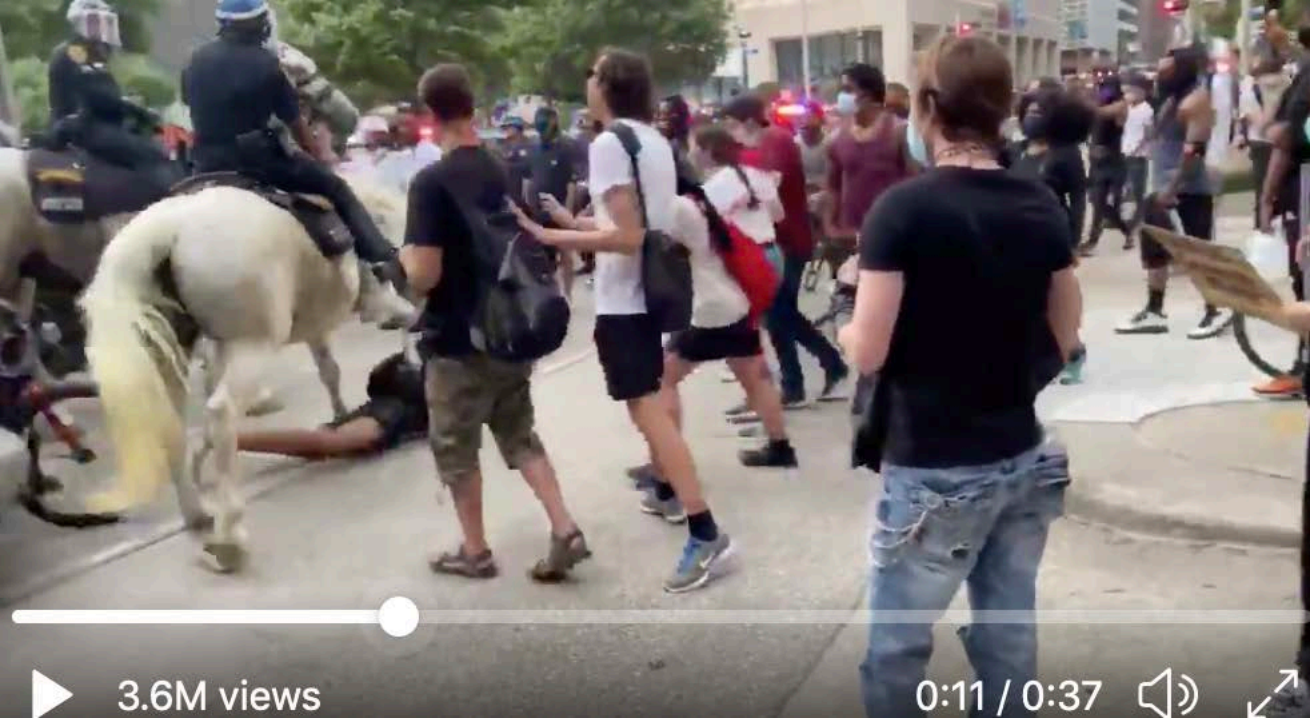




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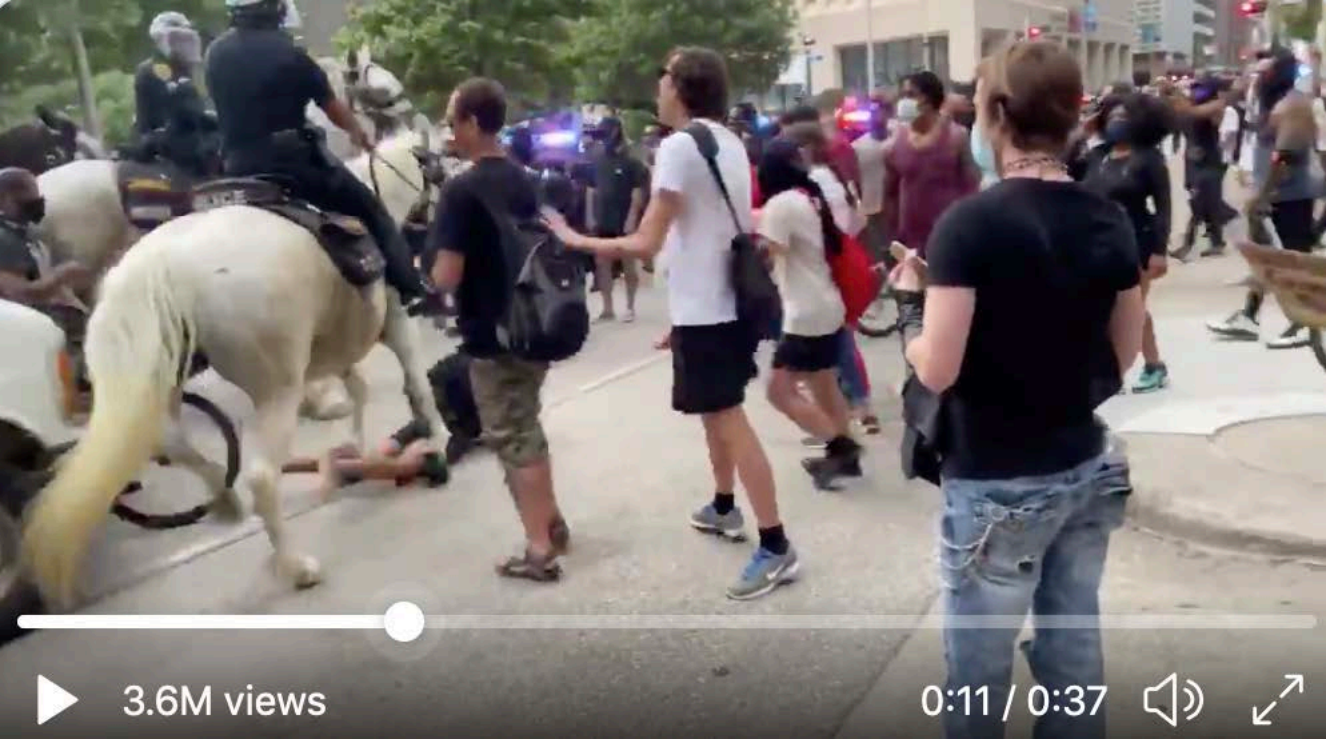




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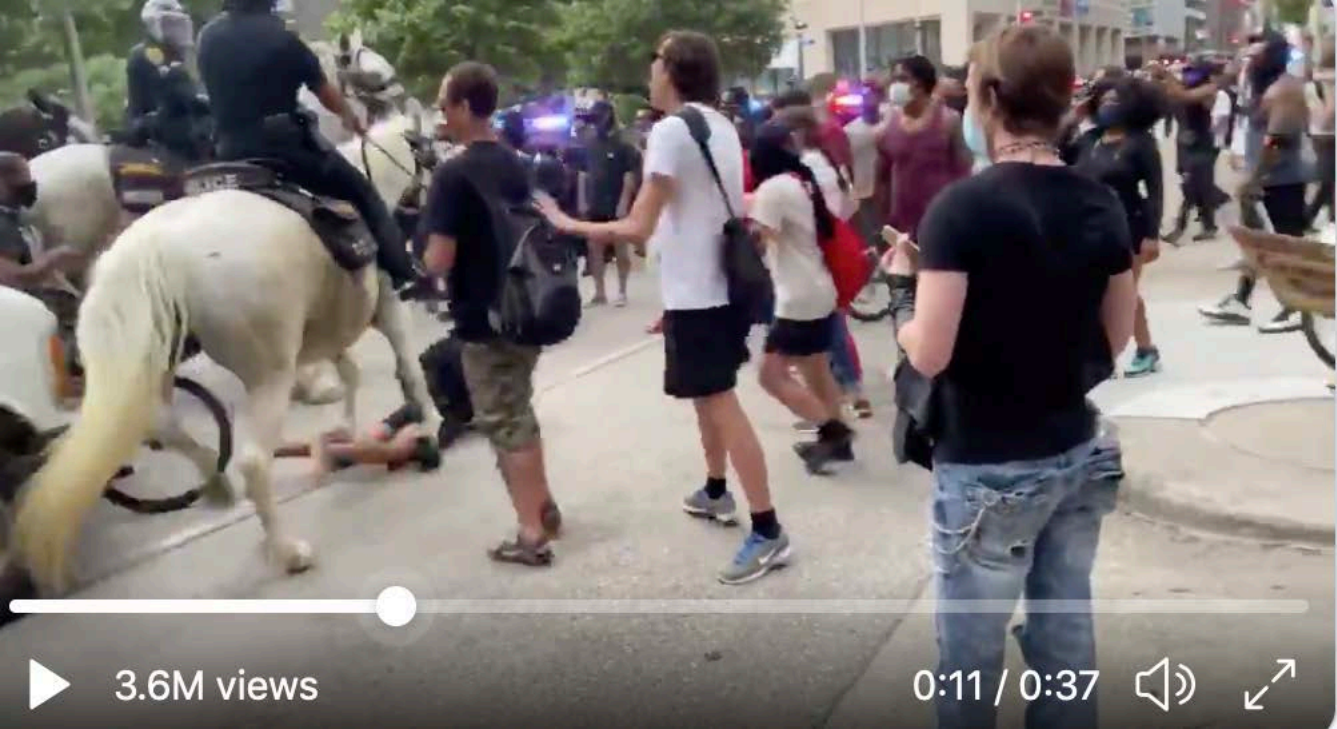




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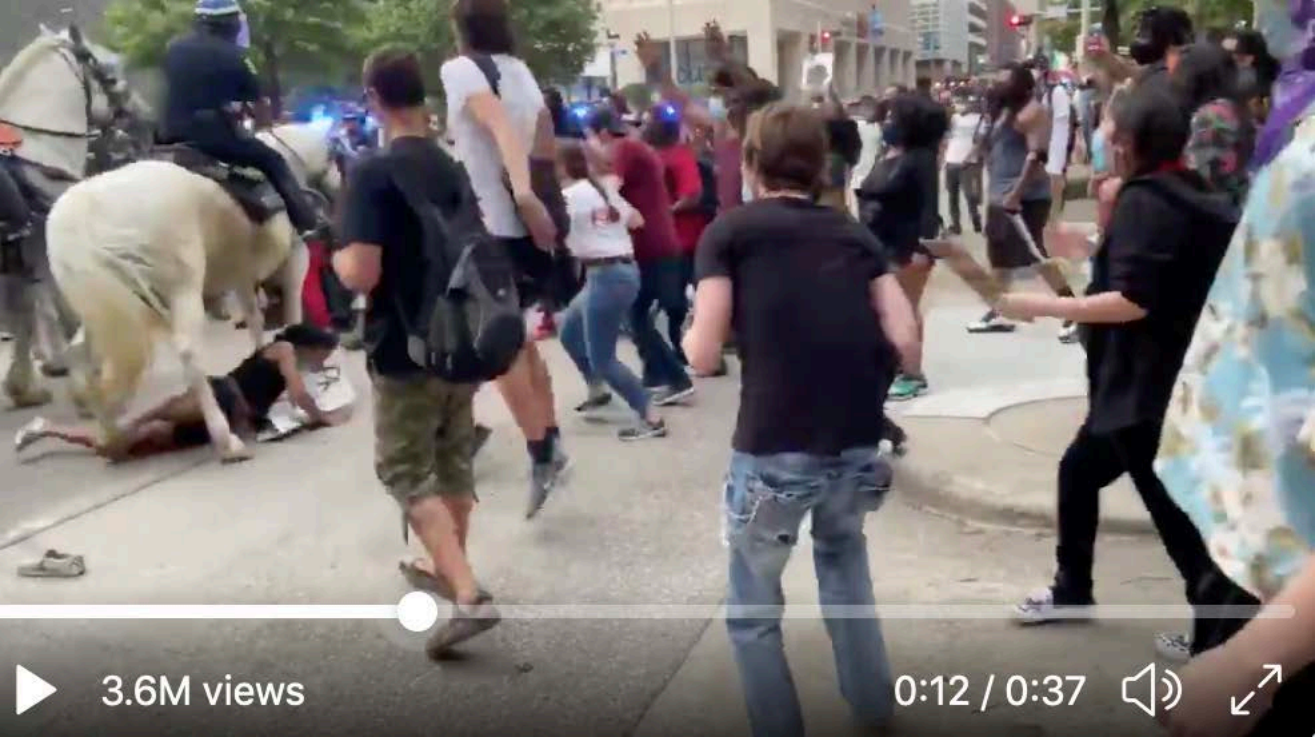




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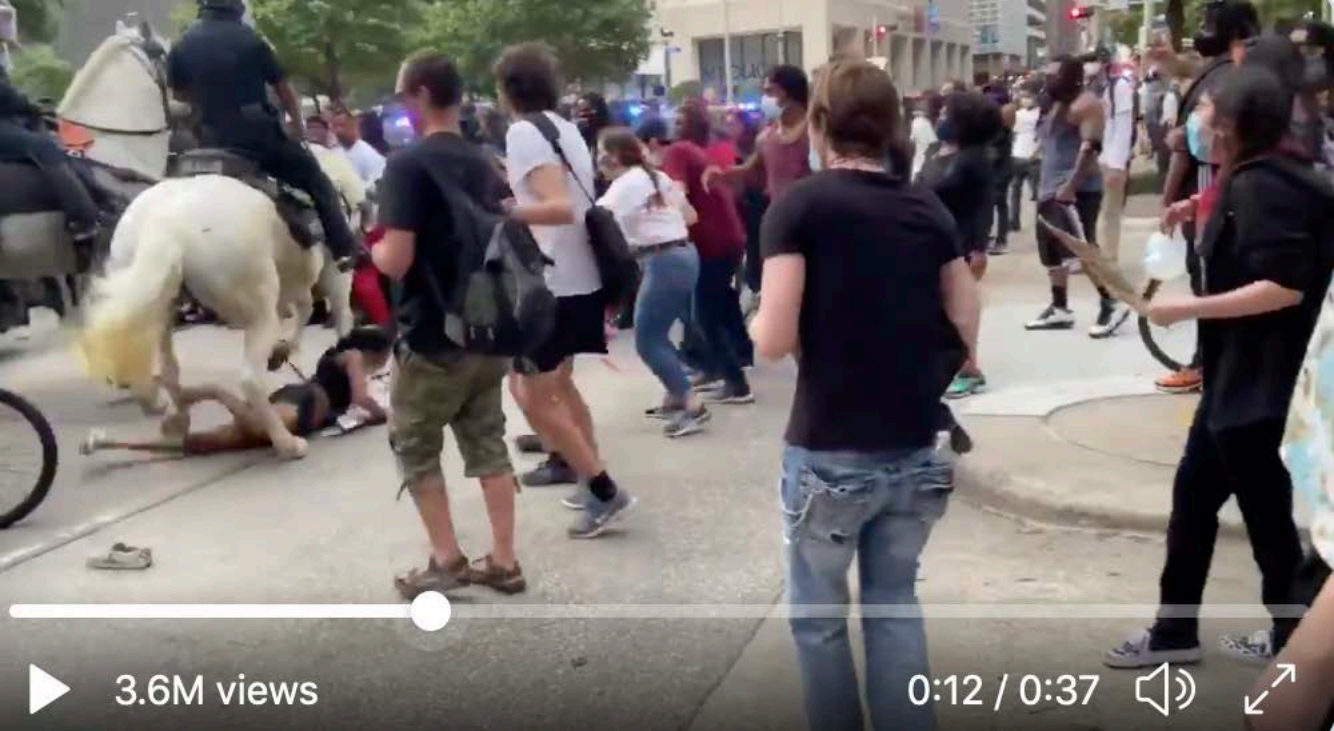




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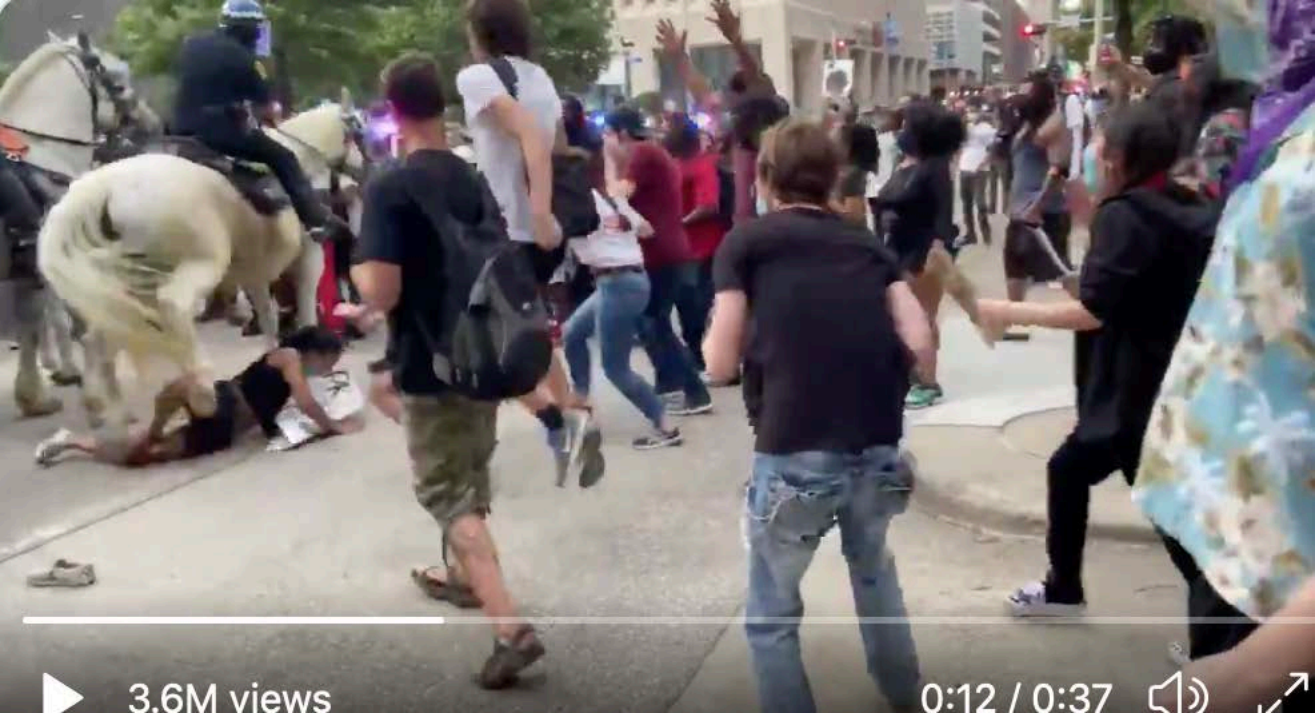




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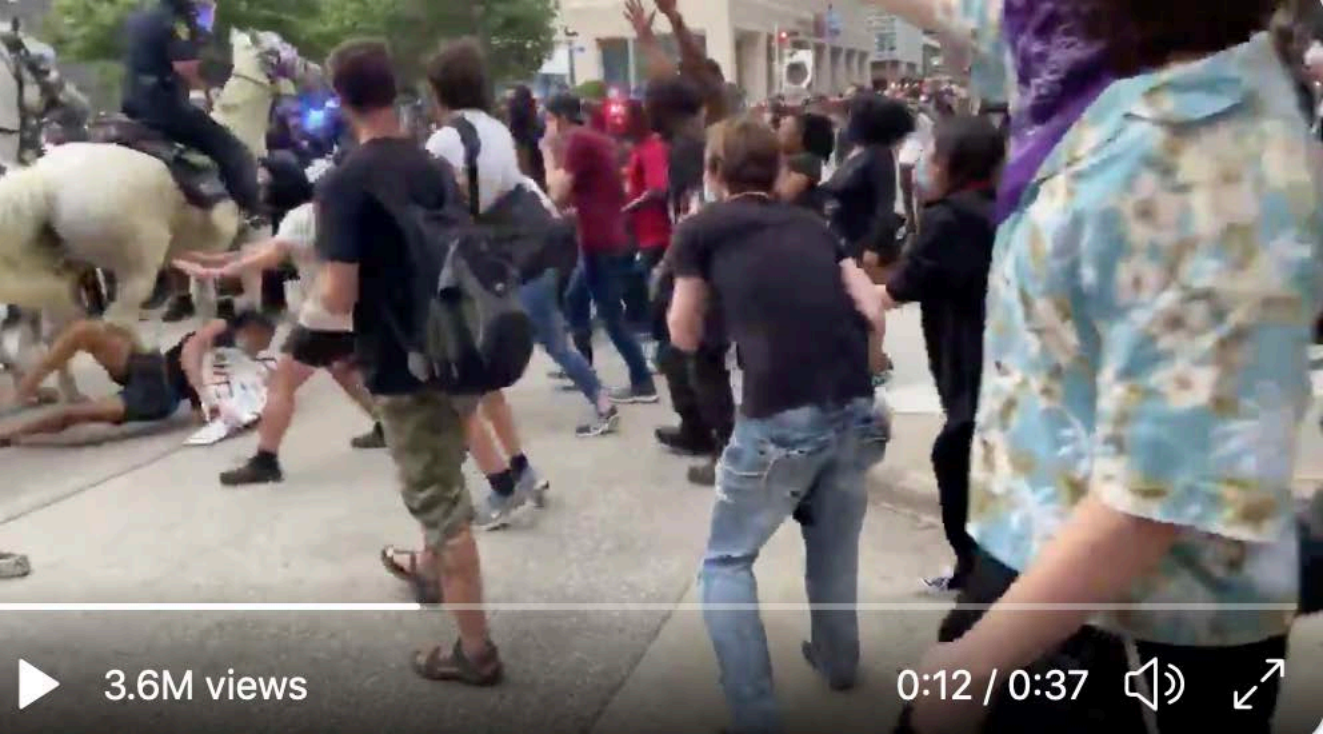




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