

TORT CLAIM

Monterey County Water Resources Agency
Monterey Peninsula Water Management District
City of Salinas

1. Name: Thomas E. Moore, D-62389 Int. no.: N/A
2. Address: San Quentin State Prison 100 Main Street, San Quentin, California 94964
3. Date of Incident: October 23, 2013
4. County agencies or employees against whom this claim is filed:
County of Monterey; Salinas Valley Water District; and Doses 1 through 100, inclusive
5. Dollar amount of claim: \$5,000,000.00
6. Explain how you calculated the amount: See Attachment 1
7. Location of the Incident: San Quentin State Prison 100 Main Street San Quentin Calif. 94964
8. Describe the specific damage or injury: See attachment 1
9. Explain the circumstances that led to the damage or injury: See attachment 1
10. Explain why you believe the County is responsible for the damage or injury:
See attachment 1

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

Dated: January 27, 2014

Thomas E. Moore
Thomas E. Moore
Claimant

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MPWMD

ATTACHMENT 1

In July 2004, the Plaintiff became ill while confined at the Salinas Valley State Prison, C Facility, and between July 2004 and August 2004, the drinking water became contaminated and undrinkable due to pollution and hazardous chemicals within the drinking water, and warnings were given by flyers and posters to the Plaintiff by the CDCR, Beard, SVSP, Warden, that the Plaintiff is not to drink the water at the SVSP within the Plaintiff's cellroom and within and throughout the SVSP facilities, although it was too late, and the Plaintiff had already consumed and drank the hazardous and polluted drinking water for many days before the Defendants, and each of them, had posted and handed out the warning flyers and posters to the Plaintiff. The Defendants CDCR, Beard, Warden of SVSP, the County of Monterey, The Salinas Valley Water District, and Does 1 through 100, inclusive, turned the Plaintiff's drinking water off from within the Plaintiff's cellroom and began issuing bottled water to be given out in cup fulls to the Plaintiff. On November 8, 2013, the Plaintiff discovered that he now has prostate cancer, (See exhibits A1-A2), and on October 23, 2013, the Plaintiff discovered from the list of chemicals known to the State to cause cancer (Cal. Code Reg. Title 22 §25306; and CCR §339) within the San Quentin Prison Law Library that contaminated drinking water that has hazardous chemicals within it can cause prostate cancer in men. On October 23, 2013, the Plaintiff discovered that the Defendants, and each of them, exposed the Plaintiff to extremely hazardous and toxic chemicals within their drinking water that has caused the Plaintiff prostate cancer inside the Plaintiff's prostate.

The Plaintiff requests monetary compensation in the amount of \$5,000,000.00 from the Defendants, and each of them, for the hazardous and toxic exposure to harmful chemicals within the drinking water that has caused the Plaintiff to contract prostate cancer, and the harmful effects of prostate cancer. Also, the Plaintiff requests declaratory and injunctive relief of a compassionate release due to the prostate cancer.

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

Dated: 01/28/14

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Thomas E. Moore
Declarant

Marin Medical Laboratories
SURGICAL PATHOLOGY REPORT

GERSHBEIN BART MD
 Account# SFBG3
 1000 S ELISEO DRIVE, SUITE 102
 GREENBRAE, CA 94904

Patient Name: **MOORE, THOMAS, CDCD62389**

ACCESSION#: **12-MS-010528**

Procedure Date: 11/06/2012 Physician(s): BART GERSHBEIN MD
 SAN QUENTIN PRISON

Age: 58y Sex: M DOB: 03/25/1954

Hospital#:

Room#:

Clinical Data: 58 year old male with elevated PSA OF 4.4. (tr)

Gross Description: 8 specimens, including 14 thin cores of soft white-tan tissue.

- A-"right apex", 1 tan core measuring 1.6 cm. in length.
 - B-"right mid", 2 tan cores measuring 1.4 cm. each in length.
 - C-"right base", 2 tan cores measuring 1.3 cm. each in length.
 - D-"right anterior", 1 tan core measuring 1.2 cm. in length.
 - E-"left apex", 2 tan cores measuring 1.2 and 1.4 cm. in length.
 - F-"left mid", 2 tan cores measuring 1.8 and 1.9 cm. in length.
 - G-"left base", 2 tan cores measuring 1.6 and 1.8 cm. in length.
 - H-"left anterior", 2 tan cores measuring 0.5 and 0.8 cm. in length.
- (IC1,YS;pdm)

Diagnosis: **MICROSCOPIC DIAGNOSIS:**

1. PROSTATE, RIGHT APEX, CORE BIOPSY:
BENIGN PROSTATE GLANDS WITH ATROPHY AND INFLAMMATION.
2. PROSTATE, RIGHT MID, CORE BIOPSY:
BENIGN PROSTATE GLANDS WITH ATROPHY AND INFLAMMATION.
3. PROSTATE, RIGHT BASE, CORE BIOPSY:
BENIGN PROSTATE GLANDS WITH ATROPHY AND INFLAMMATION.
4. PROSTATE, RIGHT ANTERIOR, CORE BIOPSY:
BENIGN PROSTATE GLANDS WITH ATROPHY AND INFLAMMATION.
5. PROSTATE, LEFT APEX, CORE BIOPSY:
BENIGN PROSTATE GLANDS WITH ATROPHY AND INFLAMMATION.
6. PROSTATE, LEFT MID, CORE BIOPSY:
PROSTATE ADENOCARCINOMA, GLEASON GRADE 3+3 = 6,
MEASURING 13 MM OUT OF TOTAL 30 MM.
7. PROSTATE, LEFT BASE, CORE BIOPSY:
PROSTATE ADENOCARCINOMA, GLEASON GRADE 3+3 = 6,
MEASURING 2 MM OUT OF TOTAL 30 MM.

(Continued on page 2)

Electronically Signed By: Dr. Cha 11/08/2012 2:23 PM

Pathologists:

Imolc Cha, M.D.

Christopher Jacques, M.D.

Fred Kretzschmar, M.D.

K. Che Prasad, M.D.

Paul Wasserstein, M.D.

All surgical pathology tissue specimens processed by Marin Medical Laboratories
 1615 Hill Road, Suite C, Novato, CA 94947 415-925-7170. Paul W. Wasserstein, M.D., Medical Director

Case reviewed and diagnosis rendered at: 250 Bon Air Rd, Greenbrae, CA 94904 415-925-7170. Paul W. Wasserstein, M.D., Medical Director

SURGICAL PATHOLOGY REPORT
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Marin Medical Laboratories
SURGICAL PATHOLOGY REPORT

GERSHBEIN, BART, MD
Account# STBG3
1000 S ELISEO DRIVE SUITE 102
GREENBRAE CA 94904

Patient Name: **MOORE, THOMAS, CDCD62389**

ACCESSION #: **12-MS-010528**

Procedure Date: 11/06/2012 Physician(s): **BART GERSHBEIN, MD**

Age: 58y Sex: M DOB: 03/25/1954

SAN QUENTIN PRISON,

Hospital #: Room #:

(DIAGNOSIS continued)

**3. PROSTATE, LEFT ANTERIOR, CORE BIOPSY:
BENIGN PROSTATE GLANDS WITH ATROPHY AND INFLAMMATION. // 1 (IC1,IC1)**

Comment: Dr. Kretzschmar has reviewed this case and concurs. (IC1,IC1)

Electronically Signed By: Dr. Cha 11/08/2012 2:23 PM

Pathologists:

Imok Cha, M.D. Christopher Jacques, M.D. Fred Kretzschmar, M.D. K. Che Prasad, M.D. Paul Wasserstein, M.D.

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ORIGINAL

**DECLARATION OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY**
(C.C.P. §§ 1013(A), 2015.5)

I, Glenn McCurdy, the undersigned, declare:

I am over the age of 18 years, and a party to this matter. I am a resident of SAN QUENTIN STATE PRISON, in the County of Marin, State of California. My Prison address is:

CDCR#: _____, CELL#: _____
SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94974

On, Jan. 28, 2014, I served the attached:

1) Tort Claim

on the parties, at the addresses listed below, by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff) with postage fully prepaid, in a deposit box provided by San Quentin State Prison, for mailing in the United States Mail as per the regulations governing out-going Legal Mail.

(1) Monterey County Water Resource Agency
897 Blanco Circle
Salinas, Calif. 93940

(2) Monterey Peninsula Water Management District
5 Maines Court
Monterey, CA 93940

(3) City of Lodi
P.O. Box 156
Lodi, CA 93260

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

Executed on 01/28/14, at San Quentin, State California.

Glenn McCurdy
Declarant