

CLAIMS FOR DAMAGES TO PERSON OR PROPERTY

TIME STAMP
OFFICE USE ONLY

**BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
FILED**

2024 APR 17 A 9:54

COUNTY OF LOS ANGELES



INSTRUCTIONS:

1. Read claim thoroughly.
2. Fill out claim as indicated; attach additional information if necessary.
3. Please use one claim form for each claimant.
4. Return this original signed claim and any attachments supporting your claim. This form must be signed.

DELIVER OR U.S. MAIL TO:
EXECUTIVE OFFICER, BOARD OF SUPERVISORS, ATTENTION: CLAIMS
500 WEST TEMPLE STREET, ROOM 383,
KENNETH HAHN HALL OF ADMINISTRATION, LOS ANGELES, CA 90012
(213) 974-1440

<p>1. <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. LAST NAME FIRST NAME M.I. NEFF ERIC</p> <p>2. ADDRESS OF CLAIMANT C/O ATTORNEY 10803 Foothill Blvd. Suite 112</p> <p>CITY STATE ZIP CODE Rancho Cucamonga CA 91730</p> <p>HOME PHONE ALTERNATE PHONE (844) 998-1033</p> <p>3. CLAIMANT'S BIRTHDATE: 4. CLAIMANT'S SOCIAL SECURITY NUMBER</p> <p>5. ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT C/O ATTORNEY 10803 Foothill Blvd. Suite 112</p> <p>STREET CITY STATE ZIP CODE Rancho Cucamonga CA 91730</p> <p>6. DATE AND TIME OF INCIDENT 4/4/2024 8:30 am</p> <p>7. WHERE DID DAMAGE OR INJURY OCCUR? 210 W. Temple Street, 12th Floor</p> <p>STREET CITY STATE ZIP CODE Los Angeles CA 90012</p> <p>8. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED AND LIST DAMAGES (attach copies of receipts or repair estimates): SEE ATTACHED.</p> <p>9. WERE POLICE OR PARAMEDICS CALLED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></p> <p>(IF YES) AGENCY'S NAME _____ REPORT # _____</p> <p>CHECK IF LIMITED CIVIL CASE <input type="checkbox"/></p> <p>TOTAL DAMAGES TO DATE TOTAL ESTIMATED PROSPECTIVE DAMAGES \$ 1,000,000.00 \$ 10,000,000.00</p>	<p>10. WHY DO YOU CLAIM COUNTY IS RESPONSIBLE? SEE ATTACHED.</p> <p>11. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 70%;">NAME</th> <th>DEPARTMENT</th> </tr> <tr> <td>SEE ATTACHED.</td> <td></td> </tr> <tr> <th>NAME</th> <th>DEPARTMENT</th> </tr> <tr> <td>SEE ATTACHED.</td> <td></td> </tr> </table> <p>12. WITNESS(ES) TO DAMAGES OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 70%;">NAME</th> <th>PHONE</th> </tr> <tr> <td>SEE ATTACHED.</td> <td></td> </tr> <tr> <th colspan="2">ADDRESS</th> </tr> <tr> <td colspan="2"></td> </tr> <tr> <th>NAME</th> <th>PHONE</th> </tr> <tr> <td></td> <td></td> </tr> <tr> <th colspan="2">ADDRESS</th> </tr> <tr> <td colspan="2"></td> </tr> </table> <p>13. IF PHYSICIAN(S) WERE VISITED DUE TO INJURY, PROVIDE NAME, ADDRESS, PHONE NUMBER, AND DATE OF FIRST VISIT FOR EACH:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">DATE OF FIRST VISIT</th> <th style="width: 50%;">PHYSICIAN'S NAME</th> <th style="width: 25%;">PHONE</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <th colspan="3">STREET CITY STATE ZIP CODE</th> </tr> <tr> <td colspan="3"></td> </tr> <tr> <th>DATE OF FIRST VISIT</th> <th>PHYSICIAN'S NAME</th> <th>PHONE</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <th colspan="3">STREET CITY STATE ZIP CODE</th> </tr> <tr> <td colspan="3"></td> </tr> </table>	NAME	DEPARTMENT	SEE ATTACHED.		NAME	DEPARTMENT	SEE ATTACHED.		NAME	PHONE	SEE ATTACHED.		ADDRESS				NAME	PHONE			ADDRESS				DATE OF FIRST VISIT	PHYSICIAN'S NAME	PHONE				STREET CITY STATE ZIP CODE						DATE OF FIRST VISIT	PHYSICIAN'S NAME	PHONE				STREET CITY STATE ZIP CODE					
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THIS CLAIM MUST BE SIGNED

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72)

CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN 6 MONTHS AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)

ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)

14. PRINT OR TYPE NAME Tom Yu	DATE 04/17/2024	15. SIGNATURE OF CLAIMANT OR PERSON FILING ON HIS/HER BEHALF GIVING RELATIONSHIP TO CLAIMANT <i>Tom Yu</i>	DATE 04/17/2024
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LAW OFFICES OF TOM YU
A PROFESSIONAL CORPORATION

10803 Foothill Blvd., Ste 112
Rancho Cucamonga, CA 91730

T: 844-9981033
F: 909-801-7004

April 17, 2024

Executive Officer, Board of Supervisors: Attention: CLAIMS
500 West Temple Steet, Room 383- Hall of Administration
Los Angeles, California 90012
213-974-1440

RE: GOVERNMENTAL TORT CLAIM FOR DAMAGES

Dear Sir or Madam:

Please consider this a notice of governmental tort claim and to the extent any such claims are more than six months old, as an application for a late claim pursuant to Government Code section 911.4. If you contend this is not the proper location for a governmental claim, please advise of the proper location. Further, if you contend there are any administrative claims or remedies not pursued by the claimant, please advise us so that we can fulfill any administrative remedies requirements forthwith.

1. NAME AND ADDRESS OF CLAIMANT

MR. ERIC NEFF, Claimant
C/O Tom Yu, Esq.
LAW OFFICES OF TOM YU, APC
10803 Foothill Blvd., Suite 112
Rancho Cucamonga, CA 91730
844-998-1033
tyu@tomyulaw.com

2. DATE, TIME, & PLACE OF INJURY OR DAMAGE

On or about April 4, 2024, to present.

3. GENERAL DESCRIPTION OF DAMAGES, INJURY OR LOSS

Mr. Eric Neff was hired by the Los Angeles County District Attorney's Office ("DA's Office") in 2015. In July 2020, Mr. Neff was transferred to the Public Integrity Division ("PID") as a Grade II Deputy District Attorney ("DDA"). The PID handles cases of political corruption in Los Angeles County, making it one of the most high-profile and prestigious assignments in the DA's office. At the time of the transfer, Mr. Neff was one of if not the only Grade II DDAs to be assigned to PID, and one of, if not the only DDA to be assigned to this unit at such an early stage of his career. While assigned to PID, Mr. Neff was promoted to DDA Grade III.

In PID, the chain of command for Mr. Neff was:

- Bjorn Dodd, Assistant Head Deputy.
- Sean Hassett, Head Deputy.
- Marc Beart, Director.
- James "Jamie" Garrison, Assistant District Attorney.
- Sharon Woo, Chief Deputy District Attorney.

In or about October 2020, Mr. Eugene Yu ("Mr. Yu"), who owned and operated Konnech Inc. ("Konnech"), a Michigan-based company, submitted a sole-source contract for the software services of "PollChief" with the County of Los Angeles ("County" or "Los Angeles County"). According to the contract between Konnech Inc. and the County, "PollChief" was asserted to be a "high-performance election management software that organizes the administration of elections." The contract was for a maximum of \$2,909,500 over five years, which was a significant increase over the previous \$200,000 contract also with Konnech.

Mr. Yu, through Konnech, provided this service to Los Angeles under a contract worth millions of dollars in 2020. As part of this contract, Konnech was entrusted with sensitive and confidential information regarding County election workers, known as Personal Identifying Information (“PII”), and Konnech was subject to strict contractual requirements governing its safeguarding. The requirements were well known by Konnech even before seeking the contract, as they are governed by longstanding federal and local laws and regulations. Konnech, a longtime player in this relatively niche field, had many other such contracts around the country with the same requirements at the time of pursuing the Los Angeles County contract.

Despite its representations, Konnech misled Los Angeles County into believing that Konnech had implemented security procedures to safeguard PII, which formed the basis for the eventual prosecution of Mr. Yu. The essence of Mr. Yu’s crime was that while his company was supposed to provide software that allows election staff to manage election workers, the representations that Mr. Yu made to secure the contract were all false.

In fact, District Attorney George Gascón (“Mr. Gascon” or “DA Gascon”) alleged evidence that showed Konnech used third-party contractors based in China and failed to abide by security procedures to protect such data, all contrary to Konnech’s representations in its agreement with the County.

In or about June 2020, Mr. Neff and his investigator, Senior District Attorney Investigator Andrew Stevens (“Mr. Stevens”) received information that Konnech’s “PollChief” phone application, which organizes poll worker logistics, has its data sources “resolve” to a Chinese IP address. This violates even the most basic standards of cybersecurity for any U.S. commercial enterprise, let alone something as sensitive to national security as poll worker information. Based on the forensic “photograph” of Konnech’s web servers that placed the servers in China, Mr. Neff began gathering evidence against Mr. Yu for the crimes committed.

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April 17, 2024
Governmental Tort Claim
Mr. Eric Neff

On or about October 4, 2022, District Attorney Investigators (“DAIs”) executed a search warrant at Mr. Yu’s company headquarters in Michigan, and Mr. Yu was arrested. His computer servers were confiscated, copies of which are still required to remain in the DAI’s custody. DAIs recovered several explosive pieces of evidence in the form of electronic communications as well as one cooperating witness – an employee with knowledge of the company’s facially inadequate practices and procedures. It was immediately clear that Konnech’s deception of LA County with regard to its practices with poll worker information was even worse than initially feared. Konnech was sending sensitive PII data to Chinese-owned and operated third-party contractors through Chinese-owned and operated messaging applications.

After a couple of days of extradition-related litigation in Michigan court, Mr. Yu was ordered to appear in Los Angeles Superior Court by October 14, 2022. District Attorney Gascón gave a press conference, proudly touting the achievement.

On October 6, 2022, former President Trump retweeted a post from the Washington Examiner concerning the matter, wrongly connecting it to voting fraud, and lauding District Attorney Gascón. President Trump exclaimed, “Go, George, Go!” From this point onward, despite the evidence of the criminal case against Mr. Yu, DA Gascon and President Trump are connected which is devastating to DA Gascon’s political career.

Between October 6, 2022, to October 12, 2022, Mr. Neff’s entire chain of command from the DA’s Office – no less than four management-level prosecutors thoroughly reviewed the investigation and evidence against Mr. Yu. Ultimately, this case was reviewed by the highest ranking non-elected prosecutor in the office, Chief Deputy District Attorney Sharon Woo – who approved the filing of a criminal complaint against Mr. Yu.

On October 13, 2022, the DA’s Office filed a felony complaint against Mr. Yu.

On or about October 17, 2022, DA Gascon was overwhelmingly concerned that since he had inadvertently gained Mr. Trump's (and the far-right wing, election deniers) support, the outlook of such support by prosecuting Mr. Yu would impact his stance and popularity politically. As such, Mr. Gascon, through his subordinate chain-of-command (Ms. Tiffany Blacknell, Ms. Sharon Woo, and Mr. Joseph Iniguez), ordered Mr. Neff to be second chair and tasked DDA III Luke Sisak ("Mr. Sisak") from Cyber Crimes to supervise Mr. Neff in the prosecution of Mr. Yu.

After Mr. Sisak was assigned to supervise Mr. Neff in this prosecution, Mr. Sisak became the first level of supervision in the chain of command before Mr. Bjorn Dodd. Following Mr. Sisak becoming Mr. Neff's supervisor on the prosecution of Mr. Yu, Mr. Sisak appeared in court and was informed that Mr. Yu's defense counsel calendared a demurrer hearing date for November 10, 2022.

Thereafter, Mr. Sisak instructed Mr. Neff to draft an opposition to the demurrer, which Mr. Sisak would review for filing. The draft – which pointed out the many facial legal and factual problems with Mr. Yu's demurrer motion and forcefully argued for its denial – was filed by the DA's office almost exactly as Mr. Neff drafted it.

On November 10, 2022, prior to the demurrer hearing in court, Mr. Sisak met with Mr. Neff and informed him that management from the DA's Office had ordered the case to be dismissed. Neff verbally complained to Mr. Sisak that there was no legal basis for the dismissal and that no one informed him of the dismissal prior to that morning. More importantly, Mr. Neff objected to the dismissal because he had reasonable cause to believe that his participation in the dismissal was against the law. It was a politically based dismissal not in furtherance of justice.

In objecting and complaining about the unlawful dismissal, Mr. Neff had reasonable cause to believe that:

1. The unlawful dismissal would run afoul of Penal Code section 1386, which provides that once a prosecution has been initiated, “neither the Attorney General nor the district attorney can discontinue or abandon a prosecution for a public offense” without permission of the Court.
2. In addition, while the scope of prosecutorial discretion is broad, a DDA must perform certain ministerial and mandatory duties in exercising its discretion. Under Government Code section 26500, “The district attorney is the public prosecutor, except as otherwise provided by law. The public prosecutor shall attend the courts, and within his or her discretion shall initiate and conduct on behalf of the people all prosecutions for public offenses.”
3. The motivating reasons for the dismissal of Mr. Yu's prosecution were for Mr. Gascon’s political gain. This made the dismissal self-serving and not in furtherance of justice, as required by Penal Code section 1385(a). There would be a fraud upon the court (violation of California Prof. Rule of Conduct, rule 3.3 and rule 3.8) for the representation and misrepresentation of the real reasons behind the dismissal because it was politically motivated and the reasons for such dismissal must be reflected in the court’s minute orders. Clearly, any kind of representation would be a misrepresentation of the real reason why this case is being dismissed.

Mr. Neff believed that Mr. Sisak was a person with the authority to investigate, discover, or correct the legal violations. Ultimately, Mr. Gascon (through his subordinate chain of command), ordered Assistant Head Deputy Bjorn Dodd to appear in court to dismiss this case.

On or about November 14, 2022, after the holiday weekend, Mr. Neff reduced the complaints in writing to Mr. Sisak, Sean Hasset, and Marc Beaart. Mr. Neff complained that the dismissal was politically motivated and objected to Mr. Gascon's decision to dismiss this case because a prosecutor cannot use political gains as a basis for dismissing a prosecution of a criminal matter. The dismissal, under California law, must be in furtherance of justice.

On November 16, 2022, Mr. Neff was placed on administrative leave pending an internal investigation. As a result of the investigation, there was no evidence that Mr. Neff committed any misconduct. On or about March 20, 2024, Mr. Neff was informed that the investigation was completed and that no disciplinary actions would be taken against him.

On April 4, 2024, Mr. Neff was reinstated back to work. However, in retaliation to the complaints he made concerning the unlawful dismissal of Mr. Yu's prosecution, DA Gascon removed Mr. Neff from his position prosecuting political corruption to a much less desirable assignment of Welfare Fraud Unit, an assignment commonly known in the DA's Office to punish prosecutors where DDAs are not favored by management. The removal of Mr. Neff from PID to the Welfare Fraud Unit constituted retaliation for his protected activities described above.

The removal of Mr. Neff from PID to the Welfare Fraud Unit was an adverse employment action because it was detrimental to Mr. Neff's career, changed the terms and conditions of Mr. Neff's employment with the DA's Office, and materially impaired Mr. Neff's job performance, prospects for advancement to DDA Grade IV, or other promotions.

If Mr. Neff had not adamantly complained about the unlawful dismissal of Mr. Yu's prosecution, DA Gascon would not have taken the adverse employment action against him. The removal of Mr. Neff from PID because he engaged in the protected activities as described above was a tacit demotion to a less prestigious and desirable position within the DA's Office.

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Governmental Tort Claim
Mr. Eric Neff

Mr. Neff alleges that the wrongful conduct set forth in this claim has caused him to suffer economic damages, lost wages, and benefits, as well as emotional distress, including loss of sleep, loss of self-esteem and confidence, and reputational harm.

If the County contends there are any administrative claims or remedies not pursued by Mr. Neff, please advise forthwith so we can fulfill the administrative remedies now.

4. NAMES OF PUBLIC EMPLOYEES CAUSING INJURY

GEORGE GASCON
TIFFINY BLACKNELL
SHARON WOO
JOSEPH INIQUEZ

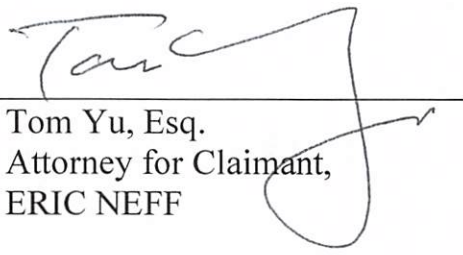
5. AMOUNT CLAIMED

Pursuant to Government Code section 910(f), the amount of compensatory and other damages claims exceeds \$10,000 and will lie within the unlimited jurisdiction of the superior court. Mr. Neff also claims and seeks to recover herein, the statutory and other penalties, damages, attorney's fees, expert fees, and costs as provided by law.

DATED: 04-17-2024

LAW OFFICES OF TOM YU, APC

By: _____


Tom Yu, Esq.
Attorney for Claimant,
ERIC NEFF