



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE  
**RECEIVED**  
AUG 11 1980

JAMES P. JACKSON  
CITY ATTORNEY  
THEODORE H. KOBEY, JR.  
ASSISTANT CITY ATTORNEY  
LELIAND J. SAVAGE  
DAVID BENJAMIN  
SAM JACKSON  
WILLIAM P. CARNAZZO  
SABINA ANN GILBERT  
STEPHEN B. NOCITA  
DEPUTY CITY ATTORNEYS

DEPARTMENT OF LAW  
812 TENTH ST. SACRAMENTO, CALIF. 95814  
SUITE 201 TELEPHONE (916) 449-5346

August 8, 1980

Honorable City Council  
Council Chamber  
City Hall  
Sacramento, CA 95814

RE: LATE CLAIM APPLICATION OF GUNNAR W. RONNBACK

Members in Session:

SUMMARY

Gunnar W. Ronnback has applied for leave to present a late claim. We are of the opinion that the application does not fall within those circumstances under which relief must be granted.

BACKGROUND

Mr. Ronnback has applied for leave to present a late claim. The claim seeks damages for personal injuries and property damages allegedly resulting from an automobile accident. He claims that the accident was caused in part by a hazardous road condition.

Government Code Section 911.2 provides that a claim based upon personal injuries or injury to personal property shall be presented within 100 days of the accrual of the cause of action. In this case appellant's cause of action accrued on March 15, 1980, the date of the alleged accident. The 100-day filing period expired on or about June 23, 1980. Applicant presented his claim and application for leave to present a claim on or about July 10, 1980.

Applicant states a claim was mistakenly filed with the County of Sacramento on June 23, 1980, on the erroneous belief that the street in question was a county road. On June 30, 1980, applicant was notified by the county that the situs of the accident was within the City of Sacramento. This application followed.

**REJECTED**  
BY THE CITY COUNCIL  
OFFICE OF THE  
CITY CLERK

AUG 19 1980

ANALYSIS

A person seeking to file a late claim must show that the failure to file a late claim was due to mistake, inadvertence, surprise or excusable neglect (Government Code §911.6(b)(1)). However, in order to obtain relief on any of these grounds it must appear that the applicant acted reasonably under the circumstances (Roberts v. State (1974) 39 Cal.App.3d 844; Tsingaris v. State (1979) 91 Cal.App.3d 312). It appears to us that this standard has not been met in this case.

Applicant has resided in Sacramento since 1960. He has visited the mobilehome park where this incident occurred approximately 50 times over the two years preceding the accident. The location of the accident, near the intersection of Del Paso Blvd. and Northgate Blvd., is well within the City limits and not in close proximity to the city-county boundary line. Confirmation of the situs as within the City limits was readily available from several sources (e.g., official maps; City Police; County Sheriff; State Highway Patrol). Given these facts, an erroneous belief that the accident occurred on a county road does not appear to us to be the result of an excusable mistake of a person acting with reasonable prudence under the circumstances (Roberts v. State, supra; Tsingaris v. State, supra).

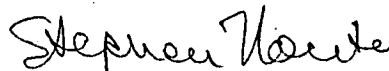
Under controlling case law, applicant failed to undertake a reasonably diligent effort to investigate the incident or its location, and thus is not entitled to the relief sought. (Tammen v. County of San Diego (1967) 66 C.2d 468, Shaddox v. Melcher (1969) 270 Cal.App.2d 598; Black v. County of Los Angeles (1970) 12 Cal.App.3d 670; City of Fresno v. Superior Court (1980) 104 Cal.App.3d 25.

RECOMMENDATION

For the foregoing reasons it is recommended that the application of Gunnar W. Ronnback for leave to present a late claim be denied.

Very truly yours,

JAMES P. JACKSON  
City Attorney



STEPHEN B. NOCITA  
Deputy City Attorney

RECOMMENDATION APPROVED:



CITY MANAGER

Van H. Pinney  
La Faun W. Elder  
Nancy H. Destefanis

LAW OFFICES OF  
VAN H. PINNEY  
507 Polk Street, Suite 330  
San Francisco, California 94102  
415/441-8202

RECEIVED  
JUL 22 1980  
CITY ATTORNEY'S OFFICE  
July 21, 1980

City of Sacramento  
Department of Law  
Stephen B. Nocita, Deputy City Attorney  
812 Tenth Street, Suite 201  
Sacramento, CA 95814

RE: LATE CLAIM APPLICATION OF GUNNAR W. RONNBACK

Dear Mr. Nocita:

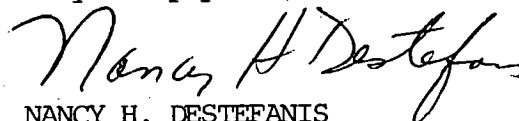
Thank you for your letter of July 11, 1980. The following will reply to your request for information concerning Mr. Ronnback's request to file a late claim with the City of Sacramento.

Mr. Ronnback first contacted me May 28, 1980. On June 22, 1980, Mr. Ronnback advised me for the first time that the road in question might be owned by the County of Sacramento. Mr. Ronnback's belief that the road in question was located in the County of Sacramento was based on an inquiry he made to another person who thought the road was located in the county. The claim in question was submitted to the County of Sacramento on June 23, 1980. On June 30, 1980, I received a letter from the County Counsel denying the claim and advising that the road was located in the City of Sacramento.

Mr. Ronnback has resided in Sacramento since 1960. The claimant has never resided in the Riverdale Mobile Home Park, but has visited the Park approximately fifty times prior to March 15, 1980, over a period of about two years.

Thank you for your courtesy in this matter. I look forward to hearing from you soon.

Very truly yours,



NANCY H. DESTEFANIS

NHD/sr



# CITY OF SACRAMENTO

JAMES P. JACKSON  
CITY ATTORNEY

THEODORE H. KOBAY, JR.  
ASSISTANT CITY ATTORNEY

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STEPHEN B. NOCITA  
DEPUTY CITY ATTORNEYS

## DEPARTMENT OF LAW

812 TENTH ST.  
SUITE 201

SACRAMENTO, CALIF. 95814  
TELEPHONE (916) 449-5346

July 11, 1980

Ms. Nancy H. Destefanis  
Attorney at Law  
507 Polk Street, Suite 330  
San Francisco, California 94102

RE: LATE CLAIM APPLICATION - GUNNAR W. RONNBACK

Dear Ms. Destefanis:

This is in regard to the application for permission to file a late claim which you filed on behalf of Gunnar Ronnback. Certain information relevant to the application was not provided, and I am writing with the hope that you can clarify the situation.

When did Mr. Ronnback first consult an attorney regarding this matter, and when was the claim first submitted to the County of Sacramento? What factors lead Mr. Ronnback to assume that the location of the alleged incident was in the County of Sacramento rather than the City of Sacramento? How long has Mr. Ronnback lived in Sacramento? Has he ever resided in the Riverdale Mobile Home Park, on Northgate Boulevard, where the incident giving rise to the claim allegedly occurred? If not, over what period of time and on how many occasions did he visit that location prior to March 15, 1980?

It is difficult to make a determination of whether Mr. Ronnback's failure to file a timely claim was due to mistake, inadvertence, surprise or excusable neglect without the information called for by the foregoing questions. Your assistance in obtaining such information would be greatly appreciated. I await your response.

Very truly yours,

STEPHEN B. NOCITA  
Deputy City Attorney

SBN:GD

LATE CLAIM

DATE RECEIVED	CLAIMANT'S NAME	DATE OF INCIDENT	RECEIVED BY MAIL	PERSON	ACK. LTR. SENT RE: [unclear] 4-27-80	CLAIM DENIED	DATE
4-16-80	Sacto. Ambulance Services, Inc.	2-14-80	X				
<del>4-16-80</del>	<del>Dorlene Holton - Ref to file late claim 297083</del>	<del>7-28-77</del>		X			
<del>5-7-80</del>	<del>Guadalupe Ortega Garga 191959</del>	<del>4-28-77</del>		X			
5-13-80	Francisco V. Luna	1-20-80		X			6-4-80
5-22-80	Herbert Brown	12-21-79	X				6-10-80
5-28-80	Robert P. Barraza, Lupe Barraza, and Nancy Barraza SEE CLAIMS	10-26-79 75-79		X			(6-1)
6-6-80	Maureen, Lisa, & Kirk Marche SEE CLAIMS	2-9-80	X				(7-1)
6-12-80	Elaine M. Kelley	6-13-79	X		6-19-80		7-1-80
6-25-80	Timmi Bell	1-10-80	Y				
7-7-80	Richard La Grutta	7-21 to 7-10-79	X				
7-10-80	<u>Gunnar W. Ronnback</u>	3-15-80		X			

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CITY ATTORNEY'S OFFICE



# CITY OF SACRAMENTO

## OFFICE OF THE CITY CLERK

815 I STREET  
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5426

LORRAINE MAGANA  
CITY CLERK

August 20, 1980

Ms. Nancy H. Destefanis  
Attorney at Law  
507 Polk Street, Suite 330  
San Francisco, CA 94102

RE: APPLICATION TO FILE A LATE CLAIM (ON BEHALF OF GUNNAR W. RONNBACK)  
DATE OF ALLEDGED INCIDENT: March 15, 1980


Dear Ms. Destefanis:

Your are hereby notified that your application for leave to present a late claim on behalf of Mr. Gunnar W. Ronnback was denied by the Sacramento City Council on August 19, 1980.

The application was reviewed and duly considered. The reasons given for the failure to file a claim within the time period provided by the California Government Code were determined to be insufficient, and did not meet the requirements of the Code for relief from the claim filing requirements.

Accordingly, I must inform you that your application is rejected.

Very truly yours,

  
LORRAINE MAGANA  
City Clerk

LM/mm

cc: City Attorney  
Finance Administration (2)

Agenda Item No. 23

### WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.5 (Claims Presentation Requirement). See Government Code Section 946.6. Such a petition must be filed with the court within six (6) months of the date your application for leave to present a late claim was denied. You may seek the advise of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

1 NANCY H. DESTEFANIS  
2 Attorney at Law  
3 507 Polk Street, Suite 330  
4 San Francisco, CA 94102  
5 Telephone: (415) 441-8202  
6 Attorney for Claimant

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
JUL 10 10 11 AM '80

7  
8 In the matter of the Application for Permission To File Late Claim of  
9 GUNNAR W. RONNBACK, Claimant

10 vs.

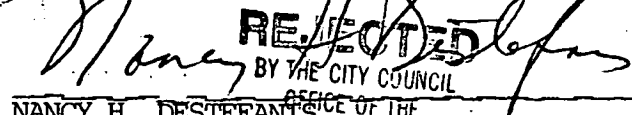
11 CITY OF SACRAMENTO

12 1. GUNNAR W. RONNBACK hereby applies to the CITY COUNCIL  
13 for leave to present a claim against said CITY OF SACRAMENTO, pursuant to  
14 Section 911.4 of the California Government Code.

15 2. The cause of action of GUNNAR W. RONNBACK as set forth in his  
16 proposed claim attached hereto, accrued on March 15, 1980, a period within  
17 one year from the filing of this application.

18 3. GUNNAR W. RONNBACK'S reason for the delay in presenting his  
19 claim against the CITY OF SACRAMENTO is as follows: Claimant mistakenly  
20 believed Northgate Blvd. to be in the County of Sacramento and filed his  
21 claim with the Clerk of the Board of Supervisors of the County of Sacramento.  
22 Claimant only learned of his error on June 30, 1980, upon receipt of a  
23 letter from the County Counsel of the County of Sacramento.

24 Dated: July 9, 1980

25   
26 REJECTED  
BY THE CITY COUNCIL  
OFFICE OF THE  
CITY CLERK  
NANCY H. DESTEFANIS  
Attorney for Claimant

27  
28 AUG 19 1980

1 NANCY H. DESTEFANIS  
Attorney at Law  
2 507 Polk Street, Suite 330  
San Francisco, CA 94102  
3 Telephone: (415) 441-8202  
Attorney for Claimant  
4

5  
6  
7  
8 City Clerk, City Council, ) Claim of GUNNAR W. RONNBACK  
City of Sacramento, ) vs.  
9 Sacramento, California, ) City of Sacramento

10 GUNNAR W. RONNBACK hereby makes claim against the CITY OF  
11 SACRAMENTO, pursuant to the provisions of the Government Code of the State  
12 of California.

13 a. Name and Post Office address of the claimant.

14 Gunnar W. Ronnback, 1920 Auburn Blvd., Sacramento, CA 95815

15 b. Address to which claimant desires notices to be sent.

16 Nancy H. Destefanis, Attorney at Law,  
507 Polk Street, San Francisco, California, 94102.

17 c. Date, place and circumstances of the occurrence giving rise  
18 to the claim.

19 On or about March 15, 1980, at or about 9:00 p.m. on a road  
20 in the Riverdale Mobile Home Park, on Northgate Blvd.,  
21 Sacramento, in the City of Sacramento, the City of Sacramento  
22 so negligently maintained said road as to allow obstructions  
23 to exist therein. As a result, claimant's automobile struck  
24 said obstructions and caused the damages set forth herein.

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d. General description of the indebtedness, obligation, injury, damage or loss incurred so far as known at the time of presentation of this claim.

Damages to claimant's automobile and loss of use thereof.


e. Names and addresses of public employees causing the injury, damage, or loss.

Unknown.

f. Amount claimed at the date of presentation of claim.

Special damages estimated at: \$2,000.00.

Dated: July 9, 1980

  
NANCY H. DESTEFANIS  
Attorney for claimant, GUNNAR RONNBACK





# CITY OF SACRAMENTO

RECEIVED  
CITY CLERKS' OFFICE  
CITY OF SACRAMENTO

Aug 26 4 13 PM '80

LORRAINE MAGANA  
CITY CLERK

## OFFICE OF THE CITY CLERK

915 I STREET  
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5426

August 20, 1980

Ms. Nancy H. Destefanis  
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507 Polk Street, Suite 330  
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Accordingly, I must inform you that your application is rejected.

Very truly yours,

*Lorraine Magana*  
LORRAINE MAGANA  
City Clerk

LM/mm

cc: City Attorney  
Finance Administration (2)

Agenda Item No. 23

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