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**RECEIVED**  
JUN 2 1981

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May 29, 1981

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

Honorable City Council  
Council Chamber  
City Hall  
Sacramento, California 95814

JUN 9 1981

RE: APPLICATION OF RON LEMOS FOR LEAVE TO PRESENT A LATE CLAIM

Members in Session:

SUMMARY

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

BACKGROUND

Mr. Lemos has applied for leave to present a late claim. The claim seeks damages for injuries allegedly suffered in an automobile accident which is claimed to have been caused by a defective road condition.

Government Code §911.2 provides that a claim based upon personal injuries shall be presented within 100 days of accrual of the cause of action. Applicant's cause of action accrued on June 3, 1980. The 100-day filing period expired on or about September 11, 1980. The claim and late claim application were presented on May 8, 1981. The reason given for the delay in presenting the claim is that applicant did not realize he had a cause of action against the City until the accident report was reviewed in April, 1981.

ANALYSIS

A person seeking to file a late claim must show both that the application was filed within a reasonable time not to exceed one year after accrual of the cause of action (Government Code §911.6(b)), and that the failure to file a timely claim was due to mistake, inadvertence, surprise, or excusable neglect (Government Code §911.4(b)).