



CITY OF SACRAMENTO

14

CITY MANAGER'S OFFICE
RECEIVED
MAR 17 1981

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

March 13, 1981

Honorable City Council
City Hall
Sacramento, California 95814

RE: LEAVE TO PRESENT LATE CLAIM OF BARBARA HAMPTON MAR 24 1981

Members in Session:

SUMMARY

Barbara Hampton 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

Barbara Hampton has applied for leave to present a late claim. The claim seeks damages for injuries allegedly sustained as a result of an automobile accident involving a City vehicle.

Government Code Section 911.2 provides that a claim such as this shall be presented within 100 days of accrual of the cause of action. Applicant's cause of action accrued on April 12, 1980. The 100 day filing period expired on or about July 21, 1981. The claim was presented on February 11, 1981, approximately six months late, followed shortly thereafter by the late claim application.

Applicant stated that a timely claim was not filed because she did not know of the claim filing requirements. It is further stated that a statement of expenses was sent to the office of Brown Brothers Adjusters in Chico, California.

ANALYSIS

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

Honorable City Council
Page Two
March 13, 1981

It is well settled that ignorance of the claim filing requirement and the 100 day filing period is not a sufficient basis to justify the failure to file a timely claim (Roberts vs. State, supra, Tsingaris vs. State, supra).

The statement of expenses filed in Chico does not satisfy the claim filing requirements for filing a claim with the City of Sacramento (Government Code Sections 910, 910.2, 915). In any event, this statement of expenses was filed in January, 1981, nearly six months late, and thus does not affect the result herein.

Accordingly, it does not appear that the failure to file a timely claim was the result of a mistake, inadvertence, surprise or excusable neglect of a reasonable person under the circumstances (Roberts vs. State, supra).

RECOMMENDATION

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

Very truly yours,

JAMES P. JACKSON,
City Attorney

BY: Stephen Nocita
STEPHEN B. NOCITA
Deputy City Attorney

SBN:KMF

RECOMMENDATION APPROVED:

Walter J. Slize
CITY MANAGER

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
February 27, 1981

MAR 2 4 21 PM '81

City of Sacramento
Office of the City Clerk
915 I Street, Room 308
Sacramento, CA 95814

RE: City File # 8010 - 0088

Application for leave to submit a late claim.

On 4-12-80 my husband and I were involved in an accident on Lexington Ave and El Camino in the City of Sacramento. A City Police car and my husbands vehicle collided in the intersection resulting in injuries to my husband and myself and the total loss of his automobile.

My husband and I are separated and he resides in Magalia, CA. He was in contact with Mr. John Galbreath, Brown Brothers Adjusters, Chico, CA. He sent a statement of expenses and records of the bills to that office.

I became aware that these were not paid when Sacramento Radiology and Superior Ambulance sent their bills to collection. I then contacted Mr. Don Anderson of Brown Brothers Adjusters, Sacramento, CA and was informed that the Calif. state law generally requires that most cases against a public entity be presented within 100 days from the date of the incident. I then filed my claim.

I had no knowledge of this law which I'm sure a high percentage of the population of the city of Sacramento doesn't have this knowledge either yet the city was fully aware of the incident that occurred, an accident report was filed (#H2190) by city employees, and made no effort to enlighten me of my right to file such a claim.

Due to these circumstances I am requesting to submit a late claim. Enclosed you will find a copy and hopefully we can settle this as soon as possible.

Thank you

Barbara Hampton

Barbara Hampton
2639 Lexington St.
Sacramento, CA 95815

922-8396 WK
925-1012 HM

REJECTED
BY THE CITY COUNCIL
OFFICE OF THE
CITY CLERK

MAR 2 4 1981

CLAIM AGAINST THE CITY OF SACRAMENTO

CITY OF SACRAMENTO OFFICE
CITY OF SACRAMENTO
FEB 11 1981
CITY OF SACRAMENTO

You are hereby notified that (1) Barbara & Jerry Hampton
Post Office address is (2) 2639 Lexington St, Sacramento, CA 95815
claims damages from the City of Sacramento in the amount, computed as of the date of the
presentation of this claim, of (3) \$ 5,410.50. This claim is based upon: (4)

Personal injury; () Property damage or loss; () Other, specify _____

_____ , which occurred on or about (5) 4/12/80 , in
the vicinity of (6) Lexington Street & El Camino Avenue under the following
circumstances: (7) City Police Vehicle and Jerry Hamptons Vehicle collided
in the intersection. See police report H-2190

The name of the city employee or employees causing the claimant's injury or loss under
the circumstances described is (8) Kieth Michael Jensen

_____ or is unknown to the claimant.

The injuries to the claimant, (if any), as far as known at the date of presentation of
the claim consists of (9) Jerry - 1 inch laceration to forehead. Slight concussion.
Barbara - Left forearm sprained. Badly bruised right knee.

The amount of damages claimed as of the date of this claim is computed as follows:

Damages incurred to date: (Itemized)

(10) See attached sheet. \$ 5,410.50

RECORDED
BY THE CITY CLERK
OFFICE OF THE
CITY CLERK

RECEIVED
CITY OF SACRAMENTO
FEB 21 11 01 AM '81

Estimated prospective damages as far as known:

(11) _____ \$ _____

MAR 24 1981 \$ _____

(12) Total amount claimed as of date of presentation of claim: \$ 5,410.50

All notices and communications with regard to this claim should be sent to claimant at:

(13) 2639 Lexington Street, Sacramento, CA 95815

DATED: (14) 2-9-81, 19 _____

(15) SIGNED: Barbara Hampton
Claimant or Attorney for Claimant

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF SACRAMENTO
 FEB 11 2 03 PM '81

SPECIAL DAMAGES

<u>Date</u>	<u>Description</u>	<u>Amount</u>
4-12-80	Superior Ambulance Barbara	15.00
	Jerry	57.00
4-12-80	Sutter General Hospital Barbara	145.50
	Jerry	224.50
4-12-80	Sacramento Radiology Barbara	24.50
	Jerry	27.50
4-12-80	Prescriptions - Sutter General	11.50
4-13-80	Entry to lot to get papers & personal Property from car	15.00
4-15-80 m	Obtain Accident Report	3.50
4-14-80	8hours Sick Leave - Barbara	45.68
4-18-80	Dr. Marshall Brewer - Remove Stitches from Jerry	20.00
5-12-80	Budget Rent a Car (4-13 -5-12 = 1day + 4 weeks)	614.80
5-31-80	Budget Rent a Car (5-13 - 5-31 = 5 days + 2 weeks)	416.64
7-8-80	Budget Rent a car (6-1 - 7-8 = 3 days + 5 weeks)	798.38
	Total Special Damages	\$2,419.50
	GENERAL DAMAGES TO JERRY & BARBARA HAMPTON	\$3,000.00
	Total Claim	\$5,419.50

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO
February 27, 1981

MAR 2 4 21 PM '81

City of Sacramento
Office of the City Clerk
915 I Street, Room 308
Sacramento, CA 95814

RE: City File # 8010 - 0088

Application for leave to submit a late claim.

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My husband and I are seperated and he resides in Magalia, CA. He was in contact with Mr. John Galbreath, Brown Brothers Adjusters, Chico, CA. He sent a statement of expenses and records of the bills to that office.

I became aware that these were not paid when Sacramento Radiology and Superior Ambulance sent their bills to collection. I then contacted Mr. Don Anderson of Brown Brobbers Adjusters, Sacramento, CA and was informed that the Calif. state law generally requires that most cases against a public entity be presented within 100 days from the date of the incident. I then filed my claim.

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Due to these circumstances I am requesting to submit a late claim. Enclosed you will find a copy and hopefully we can settle this as soon as possible.

Thank you

Barbara Hampton

Barbara Hampton
2639 Lexington St.
Sacramento, CA 95815

922-8396 MK
925-1012 HM

REJECTED
BY THE CITY CLERK
OFFICE OF THE
CITY CLERK

MAR 2 4 1981

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CITY CLERK'S OFFICE
CITY OF SACRAMENTO
FEB 11 2 03 PM '81

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Barbara - Left forearm sprained. Badly bruised right knee.

The amount of damages claimed as of the date of this claim is computed as follows: (10) _____

Damages incurred to date: (Itemized)

(10) See attached sheet. _____ \$ _____

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BY CITY COUNCIL
OFFICE OF THE
CITY CLERK

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CITY OF SACRAMENTO
MAR 2 4 21 PM '81

Estimated prospective damages as far as known:

(11) _____ MAR 24 1981 _____ \$ _____

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Claimant or Attorney for Claimant

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 CITY OF SACRAMENTO
 FEB 11 2 03 PM '81

SPECIAL DAMAGES

<u>Date</u>	<u>Description</u>	<u>Amount</u>
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4-12-80	Sutter General Hospital Barbara Jerry	145.50 224.50
4-12-80	Sacramento Radiology Barbara Jerry	24.50 27.50
4-12-80	Prescriptions - Sutter General	11.50
4-13-80	Entry to lot to get papers & personal Property from car	15.00
4-15-80 m	Obtain Accident Report	3.50
4-14-80	8hours Sick Leave - Barbara	45.68
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CITY OF SACRAMENTO
February 27, 1981

MAR 2 4 21 PM '81

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915 I Street, Room 308
Sacramento, CA 95814

RE: City File # 8010 - 0086

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On 4-12-80 my husband and I were involved in an accident on Lexington Ave and El Camino in the City of Sacramento. A City Police car and my husband's vehicle collided in the intersection resulting in injuries to my husband and myself and the total loss of his automobile.

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CITY OF SACRAMENTO OFFICE
CITY OF SACRAMENTO
FEB 11 2 03 PM '81

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CITY OF SACRAMENTO OFFICE
FEB 11 2 21 PM '81

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(15) SIGNED: Barbara Hampton
Claimant or Attorney for Claimant

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GENERAL DAMAGES TO JERRY & BARBARA HAMPTON \$3,000.00

Total Claim \$5,419.50



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

SACRAMENTO, CALIFORNIA 95814

CITY HALL ROOM 203

TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

March 25, 1981

Miss Barbara Hampton
2639 Lexington Street
Sacramento, CA 95815

RE: APPLICATION TO FILE A LATE CLAIM
DATE OF ALLEGED INCIDENT: April 12, 1980

Dear Miss Hampton:

You are hereby notified that your application for leave to present a late claim was denied by the Sacramento City Council on March 24, 1981.

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:sj

cc: City Attorney
Finance Administration (2)

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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. 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 advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

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