



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
October 16, 2013**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim(s)
DATE: October 10, 2013

RECOMMENDATION:

Reject claim(s) against the City by, Thomas Wade, Claim #13-18 and order that the claimant be notified.

BACKGROUND:

Claims should be rejected, the claimant notified of the rejection, and referred to Municipal Pooling Authority and/or the City Attorney. Government Code Section 912.6(4) provides, “If legal liability of the public entity ... is disputed, the City Council may reject the claim...”

The statute of limitations for filing a court action on a claim commences upon notification of rejection of claim.

FISCAL IMPACT:

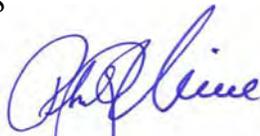
No impact to General Fund.

ACTION:

Motion rejecting the claim(s) against the City and order that the claimant(s) be notified.

Attachment: Claim #13-18

APPROVED BY:


City Manager



Reserve for filing stamp

CLAIM PRESENTED TO THE CITY OF MARTINEZ
* Please read the instructions on the back before completing.

RECEIVED
SEP 09 2013
CITY OF MARTINEZ
CITY CLERKS OFFICE
(13-18)

1. Claimant's Name: (PRINT) THOMAS EARL WADE
 Address: 90 F. STREET APT. 101 MARTINEZ, CA.
 Day Phone: (925) 370-3836 Eve Phone: (925) 370-3836

2. When did the damage or injury occur?
 Month: AUGUST Day: SIX Year: 2013 Time: a.m./p.m. 8:35 Police Report # 13-2253

3. At which location did the damage or injury occur?
251 CHURCH STREET, MARTINEZ, CALIF. 94553

4. a. What happened and why is the City responsible? I WAS ORDERED FROM THE SCENE OF AN INITIAL INVESTIGATION. A FELONY, CRIMINAL PHYSICAL ATTACK; I WAS THE VICTIM. BEFORE DEPARTING THE AREA I WAS A VICTIM OF POLICE BURTALITY FROM SGT. MOORE.
 b. Name and position of responsible City Employee(s), if known:
SGT. MOORE, MARTINEZ POLICE DEPARTMENT

5. What damage or injury occurred? SGT. MOORE IMPROPERLY ORDERED AND THEN DIRECTED A TOWING COMPANY TO TOW AND STORE MY "HONDA CIVIC" AUTOMOBILE. #CA. 5SAV003. IMPORTANT: POLICE BURTALITY, INCLUDED SCRAPING MY KNEES BY DRAGING ME AND PUSHING ME BACKWARDS ONTO MY BACK; INJURY.

6. Claim amount (only if less than \$10,000): \$ 1,215.00 FOR "OUT-OF-POCKET MONEY"
 If the amount exceeds \$10,000, please check (X) the court of appropriate jurisdiction: I SHALL PURSUE AN
 Municipal Court (claims up to \$25,000) Superior Court (claims over \$25,000) ADDITIONAL SETTLEMENT.

7. How did you arrive at the amount claimed? Please attach documentation.
COST OF TOWING AND STORAGE. ADDITIONAL COST FOR "VEHICLE RELEASE ORDER", MARTINEZ CITY CLERK.

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on SEPTEMBER 4th, 2013 at MARTINEZ CA.
Thomas Earl Wade
 Signature of Claimant or Representative's Signature

9. Official Notices and Correspondence
 If represented by an insurance company or an attorney, please provide the information requested below.
 Name and Capacity: (PLEASE PRINT) _____
 Address: _____
 City, State, Zip: _____
 Daytime Telephone: () _____ Evening Telephone: () _____