



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
September 17, 2014**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim
DATE: September 11, 2014

RECOMMENDATION:

Reject claim against the City by Tom Breinig, #14-14, and order that the claimant be notified.

BACKGROUND:

Claims should be rejected, 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 claim against the City and order that the claimant be notified.

Attachment:
Claim #14-14

APPROVED BY: 
Interim City Manager



Reserve for filing stamp

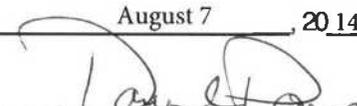
CLAIM PRESENTED TO THE CITY OF MARTINEZ
*** Please read the instructions on the back before completing.**

RECEIVED

AVG 8 2014

CITY OF MARTINEZ
CITY CLERK'S OFFICE

(14-14)

<p>1. Claimant's Name: (PRINT) <u>Tom Breinig</u></p> <p>Address: <u>c/o Brown Poore, LLP 1350 Treat Blvd. Suite 420, Walnut Creek, CA 94597</u></p> <p>Day Phone: (925)943-1166 Eve Phone: ()</p>	
<p>2. When did the damage or injury occur? Continuing violations</p> <p>Month: Day: Year: Time: a.m./p.m. Police Report # _____</p>	
<p>3. At which location did the damage or injury occur? <u>City of Martinez Police Department</u></p>	
<p>4. a. What happened and why is the City responsible? <u>The City and its investigator/agent violated Officer Breinig's right of privacy (both common law and constitutional), placed Officer Breinig in a false light to his co-workers and the public, engaged in defamatory acts towards Officer Breinig, and violated the Public Safety Officer's Procedural Bill of Rights, Government Code Section 3300 et seq.</u></p> <p>b. Name and position of responsible City Employee(s), if known: <u>Gary Peterson, Karen Kramer and other agents of the City who participated in the investigation or encouraged the investigation.</u></p>	
<p>5. What damage or injury occurred? <u>Comensatory damages, emotional distress, mental anguish, injury to reputation, and profession, punitive damages against individuals, attorney's fees and costs, equitable relief, and any other damages that may be awarded by the Court.</u></p>	
<p>6. Claim amount (only if less than \$10,000): <u>N/A</u></p> <p>If the amount exceeds \$10,000, please check (X) the court of appropriate jurisdiction: <input type="checkbox"/> Municipal Court (claims up to \$25,000) <input type="checkbox"/> Superior Court (claims over \$25,000)</p>	
<p>7. How did you arrive at the amount claimed? Please attach documentation. <u>N/A</u></p>	
<p>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 <u>August 7</u>, 20<u>14</u>, at <u>Walnut Creek</u>, CA</p> <p style="text-align: center;"><u></u> Signature of Claimant or Representative's Signature</p>	
<p>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) <u>David Poore, Esq.</u> Address: <u>1350 Treat Blvd., Suite 420</u> City, State, Zip: <u>Walnut Creek, CA 94597</u> Daytime Telephone: (925) <u>943-1166</u> Evening Telephone: () _____</p>	