



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
August 8, 2013**

**TO:** Mayor and City Council  
**FROM:** Mercy G. Cabral, Deputy City Clerk  
**SUBJECT:** Rejection of Claim(s)  
**DATE:** August 5, 2013

**RECOMMENDATION:**

Reject claim(s) against the City by Penelope Williams, #13-05; 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:**

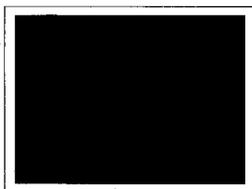
Motion rejecting the claim(s) against the City and order that the claimant(s) be notified.

Attachment: Claim #13-05

**APPROVED BY:**

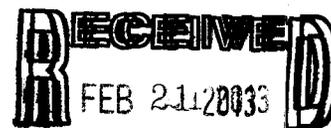
  
City Manager

THOMAS M. O'CONNOR  
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CITY OF MARTINEZ  
CITY CLERK'S OFFICE

**TORT CLAIM AGAINST GOVERNMENT AGENCY  
CITY OF MARTINEZ**

City of Martinez  
City Clerk  
525 Henrietta St  
Martinez, California 94553

**Claimant:** Penelope Williams  
c/o Thomas M. O'Connor  
O'Connor, Runckel & O'Malley, LLP  
1277 Treat Blvd., Suite 810  
Walnut Creek, CA 94597  
(925) 939-5600

**Date of Occurrence:** September 22, 2012

**Location:** Sidewalk in front of 613 Hidden Lakes Drive, Martinez, CA

**Nature of Injury:** Claimant Penelope Williams' injuries were a fractured right neck of the femur, resulting in a right hemiarthroplasty surgical procedure (replacement of the ball portion of the hip joint)

**Circumstances:** On or about September 22, 2012 claimant, Penelope Williams left the residence located at 613 Hidden Lakes Drive in Martinez, California. Ms. Williams was walking on the sidewalk adjacent to said property when she suddenly tripped and fell on a raised portion of the sidewalk. Respondent, City of Martinez negligently maintained and/or failed to maintain said sidewalk as to cause same to become a tripping hazard for pedestrians. As a result of the City of Martinez' negligence, claimant Penelope Williams tripped and fell and sustained injuries as identified herein.

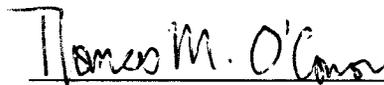
Tort Claim Against Government Agency  
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**Damages:** Claimant sustained severe and permanent personal injuries, incurred medical expenses, will incur future medical expenses and has sustained a course of pain and suffering.

**Demand:** \$500,000.

Please send official notices to the undersigned.

Dated: February 19, 2013



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Thomas M. O'Connor  
Attorney for Claimant, Penelope Williams