

DATE SUBMITTED 07/05/2024
 SUBMITTED BY Kristen Smith
 DATE ACTION REQUIRED 07/17/2024

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION:
 1. Authorization to reject claim CW File Number CJP-3051898 as recommended by Carl Warren & Company.
 DEPARTMENT INVOLVED: Human Resources

BACKGROUND/SUMMARY:
 Recommendation from Carl Warren & Company to reject claim CW File Number CJP-3051898 submitted by Tanya Cruz on behalf of _____ a minor on June 28, 2024.

FISCAL IMPACT: NOT TO EXCEED
 There is no fiscal impact associated with this action.

FINANCE INITIALS VMS

STAFF RECOMMENDATION:
 Staff recommends approval to reject claim.

DEPT. INITIALS KWS

MANAGER'S RECOMMENDATION: Approve Staff Recommendation

CITY MANAGER'S INITIALS DKM

MOTION:

 SECONDED:
 AYES:
 NAYES:
 ABSENT:

APPROVED () REJECTED ()
 DISAPPROVED () DEFERRED ()
 REFERRED TO:



CLAIM FOR DAMAGE OR INJURY AGAINST THE CITY OF IMPERIAL, CALIFORNIA

Claims for death, injury to person, or to personal property must be filed not later than six months after the occurrence. (Gov. Code, Sec. 911.2)

Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code, Sec. 911.2)

TO: City of Imperial
420 So. Imperial Ave.
Imperial, CA 92251

Tanya Cruz OBO X	a minor	1400 N Imperial Ave	92243		minor
Name of Claimant		Address	Zip	Phone	Age

Megan Koster, Esq.; Wilshire Law Firm - 3055 Wilshire Blvd., 12th Floor Los Angeles, CA 90010
Address to which Claimant wishes notices sent

WHEN did damage or injury occur? 2/23/2024

WHERE did damage or injury occur? at or near 5th Street and H Street in the City of Imperial, CA 92251

HOW and under what circumstances did damage or injury occur? Please see Attachment A.

WHAT particular action by the City, or its employees, caused the alleged damage or injury? (Include Names of Employees, if known)

Claimant alleges and believes that the City of Imperial maintains & supervises the physical condition of the subject area which played a substantial role in causing the incident. Please see Attachment A.

WHAT sum do you claim? Include the estimated amount of any prospective loss, insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed: (Attach estimates or bills, if possible)

Bodily Injury

\$ in excess of \$1mil		
Property Damage		
\$ in excess of \$1mil		
Other	Total Amount Claimed	\$ In excess of \$1,000,000.00
\$ in excess of \$1,000,000.00		

NAMES and addresses of witnesses, Doctors and Hospitals:

Witnesses - TBD
El Centro Regional Medical Center - 1415 Ross Avenue El Centro, CA 92243 - (760) 339-7100

Megan Koster MEGAN KOSTER, ESQ. / WILSHIRE LAW FIRM 06/28/24
Signature of Claimant Date

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137

ATTACHMENT A

1
2 Claimant TANYA CRUZ obc hereafter "Claimant") hereby
3 presents the following information in support of her claim(s) against the City of Imperial
4 (hereafter "City"), in satisfaction of the requirements under Government Code section
5 910, and as supplement to the City's claim form.

6 **General Description of the Damage, Loss, or Indebtedness Incurred**

7 On or around February 23, 2024, a dangerous condition on public property
8 caused serious injury and damage to Claimant when she was traveling in a vehicle
9 driven by her mother Tanya Cruz upon a public, City-maintained roadway. As Ms. Cruz
10 used due care and drove her vehicle upon 5th Street., they encountered a dangerous
11 condition in the roadway, which caused them to crash into an oncoming vehicle,
12 seriously injuring Claimant. These events occurred in or around the vicinity of 5th Street
13 and H Street in the City of Imperial, County of Imperial, State of California 92251.

14 Claimant's injuries include, but are not limited to, the following: head pain, as well as
15 noneconomic damages including pain and suffering.

16 If Claimant files a lawsuit related to this matter, she will file it as an unlimited civil
17 case and allege monetary damages in an amount greater than the jurisdictional
18 minimum. Medical records and completed treatment are pending.

19 **Government Entity's or Employees' Liability**

20 This governmental entity is responsible for Claimant's injuries because, based
21 upon information and belief, said entity owned, leased, occupied, and/or controlled the
22 property where the accident occurred on February 23, 2024, and was negligent in the
23 use or maintenance of such property. The entity failed to use reasonable care to keep
24 the property in a reasonably safe condition and/or failed to use reasonable care to
25 discover any unsafe conditions and to repair, replace, or give adequate warning of
26 anything that could be reasonably expected to harm others, including confusing and
27 misleading lanes of traffic and/or changes in the direction of traffic that endangered the
28 safe movement of traffic and which was not, and would not have been, reasonably

1 apparent to or anticipated by a person using due care, including Plaintiff; inadequate
2 signage, warnings, or other traffic safety devices in a construction zone; creation of a
3 concealed trap; and/or other defects that may be established through discovery.

4 Even if this entity did not own or lease the property, it controlled the property and
5 was therefore responsible for maintaining, in reasonably safe condition, all areas that it
6 controlled, including confusing and misleading lanes of traffic and/or changes in the
7 direction of traffic that endangered the safe movement of traffic and which was not , and
8 would not have been, reasonably apparent to or anticipated by a person using due care,
9 including Plaintiff; inadequate signage, warnings, or other traffic safety devices in a
10 construction zone; creation of a concealed trap; and/or other defects that may be
11 established through discovery. The condition of the property created an unreasonable
12 risk of harm that the entity knew, or through the exercise of reasonable care, should
13 have known about but failed to repair, protect against, or give adequate warning of the
14 condition to Claimant.

15 This entity had a duty to maintain, inspect, manage, design, repair, and/or control
16 the property where Claimant's injury occurred at the time of the Incident and breached
17 its duty to Claimant by negligently maintaining, inspecting, managing, designing,
18 repairing, and/or controlling the property, including confusing and misleading lanes of
19 traffic and/or changes in the direction of traffic that endangered the safe movement of
20 traffic and which was not , and would not have been, reasonably apparent to or
21 anticipated by a person using due care, including Plaintiff; inadequate signage,
22 warnings, or other traffic safety devices in a construction zone; creation of a concealed
23 trap; and/or other defects that may be established through discovery.

24 The negligent and/or wrongful conduct of the entity's employee(s) acting within
25 the scope of his/her/their employment created the unsafe condition on the property.

26 The entity had actual and/or constructive notice of the unsafe condition as
27 described herein prior to the date of the Incident yet did nothing to repair, remedy,
28 correct, provide safeguards against, or provide warning of the unsafe condition, which

1 caused Claimant's incident and injuries. As a result of the negligent and/or wrongful
2 conduct of the entity's employee(s) acting within the scope of his/her/their employment
3 including, but not limited to, failure to provide any warning of the subject unsafe
4 condition, Claimant was harmed.

5 The entity's negligence or wrongful conduct was a substantial factor in causing
6 harm to Claimant.

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Dated: June 28, 2024

WILSHIRE LAW FIRM, PLC

By: Megan Koster
Megan Koster, Esq.
Attorney for Claimant

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137