Honorable Mayor and Members of The Hermosa Beach City Council

Regular Meeting of September 12, 2006

#### RECOMMENDATION TO DENY CLAIM

### **Recommendation:**

It is recommended that City Council deny the following claim and refer it to the City's Liability Claims Administrator:

1. Claimant:

Wright, William & Ellen

Date of Loss:

03-16-06

Date Filed:

08-23-06

Allegation:

Wrongful death

A copy of this claim is on file in the City Clerk's office.

Respectfully Submitted,

Michael A. Earl, Director

Personnel & Risk Management

Stephen R. Burrell

City Manager

1	Gary B. Gelfand, Esq SBN 061245
2	Raymond J. Feinberg, Esq SBN 96454 GELFAND AND GELFAND A LAW CORPORATION
3	161 South Doheny Drive
4	Beverly Hills, California 90211-2509 Telephone: (310) 205-9650 Facsimile: (310) 858-1340  CITY CLERK ONTY OF HERMOSA BEACH 6
5	Attorneys for Claimants
6	WILLIAM WRIGHT AND ELLEN WRIGHT
7	CI AIM EOD DAMA CEC
8	CLAIM FOR DAMAGES
9	
11	WILLIAM WRIGHT, )
12	AND ELLEN WRIGHT,
13	Claimants, ) CLAIM FOR DAMAGES
14	-and- ) PURSUANT TO ) GOVERNMENT CODE 945.4,
15	CITY OF HERMOSA BEACH; ) ET SEQ.  CALIFORNIA DEPARTMENT OF )
16	TRANSPORTATION (CALTRANS) )
17	Respondent. )
18	
19	
20	Please be advised that Claimants, WILLIAM WRIGHT and ELLEN WRIGHT, through their
21	attorneys of record, Gelfand and Gelfand, hereby file a claim for damages pursuant to Government
22	
23	Code 945.4, et seq., for the wrongful death of their son, decedent Ian William Wright on March 16,
24 25	2006. Ian William Wright was struck by an automobile driven by proposed defendant Joy Fajardo
23 26	
20 27	
28	CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE 945.4, ET SEQ.

Urcia in Huntington Beach, California, at the intersection of Pacific Coast Highway and 16th Street.

The basis of this claim is that the CITY OF HERMOSA BEACH AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) failed to timely install traffic and pedestrian controls, including traffic lights, pedestrian signal devices, pedestrian walkways, or utilized other recognized methods and procedures to safely protect pedestrians utilizing this heavily congested intersection. It is further claimed that this governmental entity failed to reasonably or diligently undertake any investigational survey or other traffic flow studies and, further, failed to enact any prior recommendations, studies, surveys or proposed designs formulated or undertaken for the purpose of safely controlling traffic and pedestrian flow. These enumerated acts, errors and omissions proximately resulted in decedent's death as more fully described in the attached Traffic Collision Report provided to supplement this government tort claim. This report further contains the names of individuals who may have witnessed these events, as well as information regarding this fatal accident.

Claimants request that any notices regarding this matter be sent to their attorneys of record, Gelfand and Gelfand, A Law Corporation, 161 South Doheny Drive, Beverly Hills, California 90211-2509; Telephone Number: (310) 205-9650.

DATED: August 18, 2006 GELFAND AND GELFAND A LAW CORPORATION ATTORNEYS FOR CLAIMANTS WILLIAM WRIGHT AND **ELLEN WRIGHT** CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE 945.4, ET SEQ. 

# PROOF OF SERVICE BY MAIL <u>C.C.P.</u> 1013 (a) (3)

#### STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of LOS ANGELES.

I am a citizen of the United States and a resident of the county aforesaid. I am over the age of eighteen years and not a party to the within action; my business address is: 161 S. Doheny Drive, Beverly Hills, CA 90211.

On August 21, 2006, I served the within **CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE 945.4**, **ET SEQ.** . on the parties in this action by placing: [X] true copies of documents in a sealed envelope addressed as follows; [ `] true original documents in a sealed envelope addressed as follows:

#### PLEASE SEE ATTACHED SERVICE LIST

[X] BY MAIL: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Services. I am "readily familiar" with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service on that same day. CERTIFIED MAIL - RETURN RECEIPT REQUESTED

[ ] BY FACSIMILE: I caused such document to be sent via facsimile to the names and facsimile numbers listed in the Mailing list and received confirmed transmission reports indicating that this document was successfully transmitted to such parties.

[X] BY PERSONAL DELIVERY: I delivered such document by hand to the offices of the parties listed in the Mailing list.

[X] (STATE) I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

[ ] I declare that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed on August 21, 2006, at Beverly Hills, California.

LINDA L. MUCKLEROY-HOLT

CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE 945.4, ET SEQ.

## **SERVICE LIST** CITY CLERK'S OFFICE CITY OF HERMOSA BEACH **CITY HALL** 1315 VALLEY DRIVE HERMOSA BEACH, CALIFORNIA 90254 CERTIFIED MAIL RETURN RECEIPT REQUEST AND REGULAR MAIL CALIFORNIA GOVERNMENT CLAIMS BOARD **GOVERNMENT CLAIMS PROGRAM** P. O. BOX 3035 SACRAMENTO, CALIFORNIA 95812-3035 CERTIFIED MAIL RETURN RECEIPT REQUESTED AND REGULAR MAIL CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE 945.4, ET SEQ.