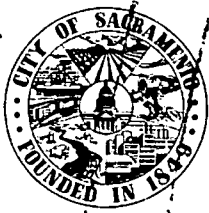


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CITY OF SACRAMENTO

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JAMES P. JACKSON
CITY ATTORNEY
THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY
LELIAND J. SAVAGE
DAVID BENJAMIN
SAM JACKSON
WILLIAM P. CARNAZZO
SABINA ANN GILBERT
STEPHEN B. NOCITA
DEPUTY CITY ATTORNEYS

DEPARTMENT OF LAW
812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

October 24, 1980

Honorable City Council
Council Chamber
City Hall
Sacramento, California 95814

RE: LATE CLAIM APPLICATION OF CORY RAMSON RAINWATER

Members in Session:

SUMMARY

Cory Ramson Rainwater has applied for leave to present a late claim. We are of the opinion that the application falls within those circumstances under which relief must be granted.

BACKGROUND

Cory Ramson Rainwater has applied for leave to present a late claim. The claim seeks damages for the wrongful death of his father, allegedly resulting from the dangerous condition of certain public property.

Government Code §911.2 provides that a claim based upon personal injuries shall be presented within 100 days of the accrual of the cause of action. Applicant's cause of action accrued on October 28, 1979. The 100-day filing period expired on or about February 5, 1980. The application for leave to present a late claim was presented on October 20, 1980, more than eight months late.

In support of the application it is stated that applicant is a minor, born June 3, 1980.

ANALYSIS

A person seeking to file a late claim is entitled to relief if he shows both that (1) he was a minor during all of the 100-day filing period, and (2) the application was presented within a reasonable time not to exceed one year after accrual of the cause of action (Government Code §§911.4(b), 911.6(b)(3)). Any time during which the minor is mentally incapacitated is not counted for purposes of the one year limitation. (Government Code §911.4(b)).

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OFFICE OF THE
CITY CLERK

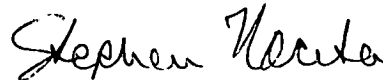
Applicant is entitled to relief under these standards, Williams vs. Mariposa County Unified School District (1978) 82 C.A.3d 843, State vs. Superior Court (1978) 88 C.A.3d 475. A newborn child clearly is unable to provide for his own needs or manage his financial or business affairs. Applicant should be regarded as "mentally incapacitated" within the meaning of Government Code §911.4(b), cf. Probate Code §1460. Applicant may not be penalized for the delay in presenting his claim (from June 3, 1980 to October 20, 1980), which was beyond his control and is attributable solely to his mother and the attorney she consulted. (Williams vs. Mariposa County Unified School District, supra).

RECOMMENDATION

For the foregoing reasons it is recommended that the application of Cary Ramson Rainwater for leave to present a late claim be granted, and the claim itself referred to the City's claim adjuster for evaluation and recommendation.

Very truly yours,

JAMES P. JACKSON
City Attorney



STEPHEN B. NOCITA
Deputy City Attorney

RECOMMENDATION APPROVED:



CITY MANAGER

SBN:GD

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BROOKMAN & HOFFMAN
Attorneys at Law
901 H Street, Suite 200
Sacramento, CA 95814
(916) 441-4314

Attorneys for Claimant

RECEIVED
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CITY OF SACRAMENTO
Oct 20 8 11 AM '80

In the Matter of the
Claim of CORY RAMSON RAINWATER,
a Minor, by and through his
Mother and Natural Guardian,
DELPHINE RAMSON,
against the CITY OF SACRAMENTO.

APPLICATION FOR
LEAVE TO PRESENT
LATE CLAIM
(Gov C § 911.4)

TO THE CITY OF SACRAMENTO:

Application is hereby made for leave to present a late claim under Section 911.4 of the Government Code. The claim is founded on a cause of action for wrongful death, which accrued on October 28, 1979, and for which a claim was not timely presented. For additional circumstances relating to the cause of action, reference is made to the proposed claim attached hereto as Exhibit A and made a part hereof.

The reason for the delay in presenting this claim is that the claimant was a minor, and in fact was unborn, during all of the period when the claim should have been presented as shown by the declaration of ANTHONY R. BROOKMAN attached hereto as Exhibit B and made a part hereof.

WHEREFORE, it is respectfully requested that this application be granted and that the attached claim be received and acted upon in accordance with Sections 912.4 - 912.8 of the
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Government Code.

DATED: October 16, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman
Anthony R. Brookman
Attorneys for Claimant, on
Behalf of Claimant

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CITY OF SACRAMENTO
OCT 20 8 11 AM '80

OCT 3 2 1980

1 CLAIM AGAINST THE CITY OF SACRAMENTO

2 (a) Name and address of claimant: CORY RAMSON RAINWATER, a
3 minor, by and through his
4 mother and natural guardian,
5 DELPHINE RAMSON
6 7376 Putnam Way
7 Sacramento, CA 95822

6 (b) Send all notices to: BROOKMAN & HOFFMAN
7 Attorneys at Law
8 901 H Street, Suite 200
9 Sacramento, CA 95814
10 (916) 441-4314

9 (c) Date of occurrence: October 28, 1979

10 Place of occurrence: Fruitridge Road, approximately 510
11 feet west of its intersection with
12 Gilgunn Way, Sacramento, California.

12 (d) Circumstances of occurrence: The minor CORY RAMSON RAIN-
13 WATER, born June 3, 1980, is the natural child of CORY RAINWATER,
14 deceased. On or about October 28, 1979, CORY RAINWATER died of
15 injuries sustained when the vehicle in which he was a passenger
16 struck a utility pole located on the north side of Fruitridge
17 Road, approximately 510 feet west of its intersection with
18 Gilgunn Way, in the City of Sacramento, County of Sacramento.
19 Claimant alleges that the CITY OF SACRAMENTO was careless
20 and negligent in the placement, marking, maintenance, supervision
21 and control of said utility pole; that as a direct and
22 proximate result of said carelessness and negligence CORY
23 RAINWATER was fatally injured.

19 (e) General description of injury, damage, or loss incurred:
20 Wrongful death of the father of the minor claimant.

21 (f) Amount of claim and basis of computation: Loss of support,
22 care, comfort, companionship, and guidance of claimant's
23 father, \$1,000,000.00.

23 DATED: October 2, 1980

24 BROOKMAN & HOFFMAN

25 by *Anthony R. Brookman*

26 Anthony R. Brookman
27 Attorneys for Claimant

28 Receipt of a copy of the within claim is hereby acknowledged
29 this _____ day of _____, 1980.

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DECLARATION OF ANTHONY R. BROOKMAN

I, ANTHONY R. BROOKMAN, declare that I am an attorney at law, duly licensed to practice in the State of California; that our law firm has been retained by DELPHINE RAMSON, mother and natural guardian of CORY RAMSON RAINWATER, to prosecute a claim for the wrongful death of his father, CORY RAINWATER; that the accident in which said father was killed occurred on October 28, 1979; that the claimant was not born until June 3, 1980, at which time he became sole heir of the decedent; that all during the period of time when the claim should have been presented, claimant was unborn; that counsel was not retained by the mother of claimant until after the period of time when the claim should have been presented had expired.

I hereby declare that the foregoing is true and correct under penalty of perjury.

DATED: October 16, 1980.


Anthony R. Brookman

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CITY OF SACRAMENTO
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DOCUMENTS: APPLICATION FOR LEAVE TO PRESENT LATE CLAIM
CLAIM AGAINST THE CITY OF SACRAMENTO (EXHIBIT A)
DECLARATION OF ANTHONY R. BROOKMAN (EXHIBIT B)

(Proof of Service by Mail 1013a, 2015.5 C.C.P.)

I declare that I am over 18 years of age; and not a party to the within entitled action; I am employed at and my business address is: Suite 200, Court Plaza Bldg., 901 H Street, Sacramento, CA 95814. On this date I served the attached document by placing ~~the original~~ *the original* thereof enclosed in a sealed envelope with postage fully prepaid in the United States mail at Sacramento, CA 95814 and received as shown below. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, CA on 10-17-80
Barbara J. Tracy

City Clerk
City of Sacramento
City Hall, Room 203
915 I Street
Sacramento, CA 95814

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OCT 20 8 11 AM '80

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CITY OF SACRAMENTO

OCT 20 8 11 AM '80

1 BROOKMAN & HOFFMAN
2 Attorneys at Law
3 901 H Street, Suite 200
4 Sacramento, CA 95814
5 (916) 441-4314

6 Attorneys for Claimant

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8 In the Matter of the]
9 Claim of CORY RAMSON RAINWATER,]
10 a Minor, by and through his]
11 Mother and Natural Guardian,]
12 DELPHINE RAMSON,]
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APPLICATION FOR
LEAVE TO PRESENT
LATE CLAIM
(Gov C § 911.4)

TO THE CITY OF SACRAMENTO:

Application is hereby made for leave to present a late claim under Section 911.4 of the Government Code. The claim is founded on a cause of action for wrongful death, which accrued on October 28, 1979, and for which a claim was not timely presented. For additional circumstances relating to the cause of action, reference is made to the proposed claim attached hereto as Exhibit A and made a part hereof.

The reason for the delay in presenting this claim is that the claimant was a minor, and in fact was unborn, during all of the period when the claim should have been presented as shown by the declaration of ANTHONY R. BROOKMAN attached hereto as Exhibit B and made a part hereof.

WHEREFORE, it is respectfully requested that this application be granted and that the attached claim be received and acted upon in accordance with Sections 912.4 - 912.8 of the

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Government Code.

DATED: October 16, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant, on
Behalf of Claimant

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO
OCT 20 8 11 AM '80

EX-105
OCT 3 11 41 AM '80

1 CLAIM AGAINST THE CITY OF SACRAMENTO

2 (a) Name and address of claimant: CORY RAMSON RAINWATER, a
3 minor, by and through his
4 mother and natural guardian,
5 DELPHINE RAMSON
6 7376 Putnam Way
7 Sacramento, CA 95822

8 (b) Send all notices to: BROOKMAN & HOFFMAN
9 Attorneys at Law
10 901 H Street, Suite 200
11 Sacramento, CA 95814
12 (916) 441-4314

13 (c) Date of occurrence: October 28, 1979

14 Place of occurrence: Fruitridge Road, approximately 510
15 feet west of its intersection with
16 Gilgunn Way, Sacramento, California.

17 (d) Circumstances of occurrence: The minor CORY RAMSON RAIN-
18 WATER, born June 3, 1980, is the natural child of CORY RAINWATER,
19 deceased. On or about October 28, 1979, CORY RAINWATER died of
20 injuries sustained when the vehicle in which he was a passenger
21 struck a utility pole located on the north side of Fruitridge
22 Road, approximately 510 feet west of its intersection with
23 Gilgunn Way, in the City of Sacramento, County of Sacramento.
24 Claimant alleges that the CITY OF SACRAMENTO was careless
25 and negligent in the placement, marking, maintenance, supervision
26 and control of said utility pole; that as a direct and
27 proximate result of said carelessness and negligence CORY
28 RAINWATER was fatally injured.

29 (e) General description of injury, damage, or loss incurred:
30 Wrongful death of the father of the minor claimant.

31 (f) Amount of claim and basis of computation: Loss of support,
32 care, comfort, companionship, and guidance of claimant's
father, \$1,000,000.00.

DATED: October 2, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant

Receipt of a copy of the within claim is hereby acknowledged
this _____ day of _____, 1980.

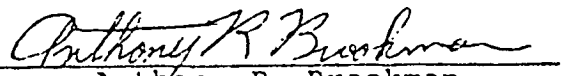


DECLARATION OF ANTHONY R. BROOKMAN

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2
3 I, ANTHONY R. BROOKMAN, declare that I am an attorney
4 at law, duly licensed to practice in the State of California;
5 that our law firm has been retained by DELPHINE RAMSON, mother
6 and natural guardian of CORY RAMSON RAINWATER, to prosecute
7 a claim for the wrongful death of his father, CORY RAINWATER;
8 that the accident in which said father was killed occurred on
9 October 28, 1979; that the claimant was not born until June 3,
10 1980, at which time he became sole heir of the decedent; that
11 all during the period of time when the claim should have been
12 presented, claimant was unborn; that counsel was not retained
13 by the mother of claimant until after the period of time when
14 the claim should have been presented had expired.

15 I hereby declare that the foregoing is true and correct
16 under penalty of perjury.

17 DATED: October 16, 1980.

18 
19 Anthony R. Brookman

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RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
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EXHIBIT B

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DOCUMENTS: APPLICATION FOR LEAVE TO PRESENT LATE CLAIM
CLAIM AGAINST THE CITY OF SACRAMENTO (EXHIBIT A)
DECLARATION OF ANTHONY R. BROOKMAN (EXHIBIT B)

(Proof of Service by Mail 1013a, 2015.5 C.C.P.)

I declare that I am over 18 years of age, and not a party to the within entitled action; I am employed at and my business address is: Suite 200, Court Plaza Bldg., 901 H Street, Sacramento, CA 95814. On this date I served the attached document by placing ~~it~~ *the original* thereof enclosed in a sealed envelope with postage fully prepaid in the United States mail at Sacramento, CA 95814 as indicated as shown below. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, CA on 10-17-80
Barbara J. Stuy

City Clerk
City of Sacramento
City Hall, Room 203
915 I Street
Sacramento, CA 95814

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CITY OF SACRAMENTO
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1 BROOKMAN & HOFFMAN
Attorneys at Law
2 901 H Street, Suite 200
3 Sacramento, CA 95814
(916) 441-4314

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CITY OF SACRAMENTO

OCT 20 8 11 AM '80

4 Attorneys for Claimant
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8 In the Matter of the]
Claim of CORY RAMSON RAINWATER,]
9 a Minor, by and through his]
Mother and Natural Guardian,]
10 DELPHINE RAMSON,]
11 against the CITY OF SACRAMENTO.]

APPLICATION FOR
LFAVE TO PRESENT
LATE CLAIM
(Gov C § 911.4)

12 TO THE CITY OF SACRAMENTO:

13 Application is hereby made for leave to present a late
14 claim under Section 911.4 of the Government Code. The claim is
15 founded on a cause of action for wrongful death, which accrued
16 on October 28, 1979, and for which a claim was not timely
17 presented. For additional circumstances relating to the cause
18 of action, reference is made to the proposed claim attached
19 hereto as Exhibit A and made a part hereof.

20 The reason for the delay in presenting this claim is that
21 the claimant was a minor, and in fact was unborn, during all
22 of the period when the claim should have been presented as shown
23 by the declaration of ANTHONY R. BROOKMAN attached hereto as
24 Exhibit B and made a part hereof.

25 WHEREFORE, it is respectfully requested that this appli-
26 cation be granted and that the attached claim be received and
27 acted upon in accordance with Sections 912.4 - 912.8 of the

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Government Code.

DATED: October 16, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant, on
Behalf of Claimant

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
OCT 20 8 11 AM '80

FILED
OCT 5 1980

1 CLAIM AGAINST THE CITY OF SACRAMENTO

2 (a) Name and address of claimant: CORY RAMSON RAINWATER, a
3 minor, by and through his
4 mother and natural guardian,
5 DELPHINE RAMSON
6 7376 Putnam Way
7 Sacramento, CA 95822

8 (b) Send all notices to: BROOKMAN & HOFFMAN
9 Attorneys at Law
10 901 H Street, Suite 200
11 Sacramento, CA 95814
12 (916) 441-4314

13 (c) Date of occurrence: October 28, 1979

14 Place of occurrence: Fruitridge Road, approximately 510
15 feet west of its intersection with
16 Gilgunn Way, Sacramento, California.

17 (d) Circumstances of occurrence: The minor CORY RAMSON RAIN-
18 WATER, born June 3, 1980, is the natural child of CORY RAINWATER,
19 deceased. On or about October 28, 1979, CORY RAINWATER died of
20 injuries sustained when the vehicle in which he was a passenger
21 struck a utility pole located on the north side of Fruitridge
22 Road, approximately 510 feet west of its intersection with
23 Gilgunn Way, in the City of Sacramento, County of Sacramento.
24 Claimant alleges that the CITY OF SACRAMENTO was careless
25 and negligent in the placement, marking, maintenance, supervision
26 and control of said utility pole; that as a direct and
27 proximate result of said carelessness and negligence CORY
28 RAINWATER was fatally injured.

29 (e) General description of injury, damage, or loss incurred:
30 Wrongful death of the father of the minor claimant.

31 (f) Amount of claim and basis of computation: Loss of support,
32 care, comfort, companionship, and guidance of claimant's
father, \$1,000,000.00.

DATED: October 2, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant

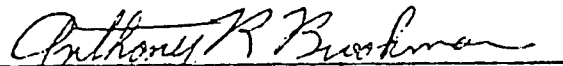
Receipt of a copy of the within claim is hereby acknowledged
this _____ day of _____, 1980.

DECLARATION OF ANTHONY R. BROOKMAN

I, ANTHONY R. BROOKMAN, declare that I am an attorney at law, duly licensed to practice in the State of California; that our law firm has been retained by DELPHINE RAMSON, mother and natural guardian of CORY RAMSON RAINWATER, to prosecute a claim for the wrongful death of his father, CORY RAINWATER; that the accident in which said father was killed occurred on October 28, 1979; that the claimant was not born until June 3, 1980, at which time he became sole heir of the decedent; that all during the period of time when the claim should have been presented, claimant was unborn; that counsel was not retained by the mother of claimant until after the period of time when the claim should have been presented had expired.

I hereby declare that the foregoing is true and correct under penalty of perjury.

DATED: October 16, 1980.


Anthony R. Brookman

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EXHIBIT B

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DOCUMENTS: APPLICATION FOR LEAVE TO PRESENT LATE CLAIM
CLAIM AGAINST THE CITY OF SACRAMENTO (EXHIBIT A)
DECLARATION OF ANTHONY R. BROOKMAN (EXHIBIT B)

(Proof of Service by Mail 1013a, 2015.5 C.C.P.)

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Executed at Sacramento, CA on 10-17-80

Anthony R. Brookman

City Clerk
City of Sacramento
City Hall, Room 203
915 I Street
Sacramento, CA 95814

RECEIVED
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CITY OF SACRAMENTO
OCT 20 8 11 AM '80

1 BROOKMAN & HOFFMAN
2 Attorneys at Law
3 901 H Street, Suite 200
4 Sacramento, CA 95814
5 (916) 441-4314

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

OCT 20 8 11 AM '80

6 Attorneys for Claimant

7
8 In the Matter of the)
9 Claim of CORY RAMSON RAINWATER,)
10 a Minor, by and through his)
11 Mother and Natural Guardian,)
12 DELPHINE RAMSON,)
13 against the CITY OF SACRAMENTO.)

APPLICATION FOR
LEAVE TO PRESENT
LATE CLAIM
(Gov C § 911.4)

14 TO THE CITY OF SACRAMENTO:

15 Application is hereby made for leave to present a late
16 claim under Section 911.4 of the Government Code. The claim is
17 founded on a cause of action for wrongful death, which accrued
18 on October 28, 1979, and for which a claim was not timely
19 presented. For additional circumstances relating to the cause
20 of action, reference is made to the proposed claim attached
21 hereto as Exhibit A and made a part hereof.

22 The reason for the delay in presenting this claim is that
23 the claimant was a minor, and in fact was unborn, during all
24 of the period when the claim should have been presented as shown
25 by the declaration of ANTHONY R. BROOKMAN attached hereto as
26 Exhibit B and made a part hereof.

27 WHEREFORE, it is respectfully requested that this appli-
28 cation be granted and that the attached claim be received and
acted upon in accordance with Sections 912.4 - 912.8 of the

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Government Code.

DATED: October 16, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant, on
Behalf of Claimant

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CLAIM AGAINST THE CITY OF SACRAMENTO

(a) Name and address of claimant: CORY RAMSON RAINWATER, a minor, by and through his mother and natural guardian, DELPHINE RAMSON
7376 Putnam Way
Sacramento, CA 95822

(b) Send all notices to: BROOKMAN & HOFFMAN
Attorneys at Law
901 H Street, Suite 200
Sacramento, CA 95814
(916) 441-4314

(c) Date of occurrence: October 28, 1979

Place of occurrence: Fruitridge Road, approximately 510 feet west of its intersection with Gilgunn Way, Sacramento, California.

(d) Circumstances of occurrence: The minor CORY RAMSON RAINWATER, born June 3, 1980, is the natural child of CORY RAINWATER, deceased. On or about October 28, 1979, CORY RAINWATER died of injuries sustained when the vehicle in which he was a passenger struck a utility pole located on the north side of Fruitridge Road, approximately 510 feet west of its intersection with Gilgunn Way, in the City of Sacramento, County of Sacramento. Claimant alleges that the CITY OF SACRAMENTO was careless and negligent in the placement, marking, maintenance, supervision and control of said utility pole; that as a direct and proximate result of said carelessness and negligence CORY RAINWATER was fatally injured.

(e) General description of injury, damage, or loss incurred: Wrongful death of the father of the minor claimant.

(f) Amount of claim and basis of computation: Loss of support, care, comfort, companionship, and guidance of claimant's father, \$1,000,000.00.

DATED: October 2, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant

Receipt of a copy of the within claim is hereby acknowledged
this _____ day of _____, 1980.

DECLARATION OF ANTHONY R. BROOKMAN

I, ANTHONY R. BROOKMAN, declare that I am an attorney at law, duly licensed to practice in the State of California; that our law firm has been retained by DELPHINE RAMSON, mother and natural guardian of CORY RAMSON RAINWATER, to prosecute a claim for the wrongful death of his father, CORY RAINWATER; that the accident in which said father was killed occurred on October 28, 1979; that the claimant was not born until June 3, 1980, at which time he became sole heir of the decedent; that all during the period of time when the claim should have been presented, claimant was unborn; that counsel was not retained by the mother of claimant until after the period of time when the claim should have been presented had expired.

I hereby declare that the foregoing is true and correct under penalty of perjury.

DATED: October 16, 1980.


Anthony R. Brookman

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DOCUMENTS: APPLICATION FOR LEAVE TO PRESENT LATE CLAIM
CLAIM AGAINST THE CITY OF SACRAMENTO (EXHIBIT A)
DECLARATION OF ANTHONY R. BROOKMAN (EXHIBIT B)

(Proof of Service by Mail 1013a, 2015.5 C.C.P.)

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Executed at Sacramento, CA on 10-17-80
Barbara J. Tracy

City Clerk
City of Sacramento
City Hall, Room 203
915 I Street
Sacramento, CA 95814

RECEIVED
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CITY OF SACRAMENTO
OCT 20 8 11 AM '80

1 BROOKMAN & HOFFMAN
2 Attorneys at Law
3 901 H Street, Suite 200
4 Sacramento, CA 95814
5 (916) 441-4314

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

OCT 20 8 11 AM '80

6 Attorneys for Claimant

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8 In the Matter of the }
9 Claim of CORY RAMSON RAINWATER, }
10 a Minor, by and through his }
11 Mother and Natural Guardian, }
12 DELPHINE RAMSON, }
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APPLICATION FOR
LEAVE TO PRESENT
LATE CLAIM
(Gov C § 911.4)

11 against the CITY OF SACRAMENTO.

12 TO THE CITY OF SACRAMENTO:

13 Application is hereby made for leave to present a late
14 claim under Section 911.4 of the Government Code. The claim is
15 founded on a cause of action for wrongful death, which accrued
16 on October 28, 1979, and for which a claim was not timely
17 presented. For additional circumstances relating to the cause
18 of action, reference is made to the proposed claim attached
19 hereto as Exhibit A and made a part hereof.

20 The reason for the delay in presenting this claim is that
21 the claimant was a minor, and in fact was unborn, during all
22 of the period when the claim should have been presented as shown
23 by the declaration of ANTHONY R. BROOKMAN attached hereto as
24 Exhibit B and made a part hereof.

25 WHEREFORE, it is respectfully requested that this appli-
26 cation be granted and that the attached claim be received and
27 acted upon in accordance with Sections 912.4 - 912.8 of the

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Government Code.

DATED: October 16, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant, on
Behalf of Claimant

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(916) 441-4314

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CLAIM AGAINST THE CITY OF SACRAMENTO

(a) Name and address of claimant: CORY RAMSON RAINWATER, a
minor, by and through his
mother and natural guardian,
DELPHINE RAMSON
7376 Putnam Way
Sacramento, CA 95822

(b) Send all notices to: BROOKMAN & HOFFMAN
Attorneys at Law
901 H Street, Suite 200
Sacramento, CA 95814
(916) 441-4314

(c) Date of occurrence: October 28, 1979

Place of occurrence: Fruitridge Road, approximately 510
feet west of its intersection with
Gilgunn Way, Sacramento, California.

(d) Circumstances of occurrence: The minor CORY RAMSON RAIN-
WATER, born June 3, 1980, is the natural child of CORY RAINWATER,
deceased. On or about October 28, 1979, CORY RAINWATER died of
injuries sustained when the vehicle in which he was a passenger
struck a utility pole located on the north side of Fruitridge
Road, approximately 510 feet west of its intersection with
Gilgunn Way, in the City of Sacramento, County of Sacramento.
Claimant alleges that the CITY OF SACRAMENTO was careless
and negligent in the placement, marking, maintenance, supervision
and control of said utility pole; that as a direct and
proximate result of said carelessness and negligence CORY
RAINWATER was fatally injured.

(e) General description of injury, damage, or loss incurred:
Wrongful death of the father of the minor claimant.

(f) Amount of claim and basis of computation: Loss of support,
care, comfort, companionship, and guidance of claimant's
father, \$1,000,000.00.

DATED: October 2, 1980

BROOKMAN & HOFFMAN

by Anthony R. Brookman

Anthony R. Brookman
Attorneys for Claimant

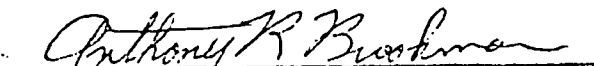
Receipt of a copy of the within claim is hereby acknowledged
this _____ day of _____, 1980.

DECLARATION OF ANTHONY R. BROOKMAN

I, ANTHONY R. BROOKMAN, declare that I am an attorney at law, duly licensed to practice in the State of California; that our law firm has been retained by DELPHINE RAMSON, mother and natural guardian of CORY RAMSON RAINWATER, to prosecute a claim for the wrongful death of his father, CORY RAINWATER; that the accident in which said father was killed occurred on October 28, 1979; that the claimant was not born until June 3, 1980, at which time he became sole heir of the decedent; that all during the period of time when the claim should have been presented, claimant was unborn; that counsel was not retained by the mother of claimant until after the period of time when the claim should have been presented had expired.

I hereby declare that the foregoing is true and correct under penalty of perjury.

DATED: October 16, 1980.


Anthony R. Brookman

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DOCUMENTS: APPLICATION FOR LEAVE TO PRESENT LATE CLAIM
CLAIM AGAINST THE CITY OF SACRAMENTO (EXHIBIT A)
DECLARATION OF ANTHONY R. BROOKMAN (EXHIBIT B)

(Proof of Service by Mail 1013a, 2015.5 C.C.P.)

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CITY OF SACRAMENTO
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CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 308

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

November 13, 1980

Brookman and Hoffman
Attorneys at Law
901 "H" Street, Suite 200
Sacramento, CA 95814

RE: APPLICATION TO FILE A LATE CLAIM ON BEHALF OF CORY RAMSON
RAINWATER; DATE OF ALLEGED INCIDENT: OCTOBER 28, 1979

Dear Mr. Brookman:

Notice is hereby given that the following application for leave to present a late claim was allowed on November 12, 1980. Upon allowance of the late filing the City Council thereupon referred said claim to the City's Claims Adjuster, Brown Brothers Adjusters, 1451 River Park Drive, Suite 251, Sacramento, CA 95818, telephone (916) 920-4392, for review and recommendation. You will be advised of the claim's disposition within 45 days.

Claim submitted by you on behalf of Cory Ramson Rainwater, in the amount of \$1,000,000.00 for alleged wrongful death of the father of the minor claimant, and allegedly occurring on October 28, 1980.

Sincerely,


Lorraine Magana
City Clerk

LM/mm/18

cc: Finance Administration (2)
City Attorney