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AUG 14 2023

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August 14, 2023

VIA PERSONAL SERVICE AND CERTIFIED MAIL:7020 3160 0000 7497 3571

Attn: City Clerk of the City of Vernon
4305 South Santa Fe Avenue
Vernon, CA 90058

RE: Application for Leave to Present Late Claim (Govt. Code Section 911.4)

To the Board of Supervisors of City of Vernon:

Raul Mojarro hereby applies to the City of Vernon for leave to present a claim against the City of Vernon, pursuant to Govt. Code Section 911.4 of the California Government Code.

The cause of action of Raul Mojarro, as set forth in his proposed claim attached to this application, accrued on August 14, 2022, a period within one year from filing of this application.

The reason for delay in presenting his claim against the City of Vernon is because the City of Maywood, on July 31, 2023, for the first time asserted that the subject area (as defined in the attached claim form) is within the City of Vernon's city limits. The incident occurred within the City of Maywood according to public record data and all claims presented in that regard were timely.

All notices and communications concerning this claim should be sent to the address provided above.

Wherefore, Claimant asks that you grant this application, deem the attached claim to have been presented on your receipt of this application, and act on the claim as required by Govt. Code Section 911.6.

Sincerely,

Levin & Nalbandyan, LLP

Dalita A. Bazarjian, Esq.

BORDIN | SEMMER

TRIAL COUNSEL

July 31, 2023

VIA EMAIL

Harry Nalbandyan
Gerardo Moreno Jr.
LEVIN & NALBANDYAN, LLP
11132 Ventura Boulevard
Los Angeles, CA 91604
Email: harry@LNtriallawyers.com
gmoreno@LNtriallawyers.com

Re: Raul Mojarro v. City of Maywood, et al.
BS Client: City of Maywood
BS File No.: 4532.004
Subject: Meet and Confer re: Dismissal

Dear Counsel:

Our office has been retained to represent the interests of Defendant City of Maywood ("City") in the above-referenced matter. We are in receipt of Plaintiff Raul Mojarro's ("Plaintiff") Complaint. Upon review, it appears that the subject storm drain located at 5005 Slauson Avenue falls within the City of Vernon's city limits and the drain itself is owned by Los Angeles County Flood Control.

As the City's responsive pleading to Plaintiff's Complaint is due on August 17, 2023, please advise whether Plaintiff is willing to accept a declaration regarding the above in exchange for a dismissal. We respectfully request that you confirm whether Plaintiff is agreeable by **Friday August 4, 2023.**

If you have any questions, please do not hesitate to call or write.

Sincerely,
BORDIN SEMMER LLP



Mitchel A. Brim
mbrim@bordinsemmer.com

CLAIM FOR DAMAGES TO PERSON OR PROPERTY

RESERVE FOR FILING STAMP

CLAIM No. _____

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six (6) months after the occurrence. (Gov. Code Sec. 9112)
2. Claims for damages to real property must be filed not later than one (1) year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim before filing.
4. See page 2 for diagram upon which to locate place of accident
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.
7. Claim must be filed with City Clerk. (Gov. Code Sec. 915a)

TO: CITY OF VERNON CITY COUNCIL

Name of Claimant

Raul Mojarro

Age of Claimant (If natural person)

54

Home Address of Claimant

City and State

11132 Ventura Blvd. Los Angeles, CA 91604

Home Telephone Number

(213) 232-4848

Business Address of Claimant

City and State

11132 Ventura Blvd. Los Angeles, CA 91604

Business Telephone Number

(213) 232-4849

Give address to which you desire notices or communications to be sent regarding this claim:

11132 Ventura Blvd. Los Angeles, CA 91604

How did DAMAGE or INJURY occur? Give full particulars.

Please see attachment.

When did DAMAGE or INJURY occur? Give full particulars, date, time of day, etc.:

Please see attachment.

Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on reverse side of this sheet, where approximate, give street names and address and measurements from landmarks:

Please see attachment.

What particular ACT or OMISSION do you claim caused the injury or damage? Give names of City employees, if any, causing the injury or damage, if known:

Please see attachment.

What DAMAGE or INJURIES do you claim resulted? Give full extent of injuries or damages claimed:

Please see attachment.

What AMOUNT do you claim of each item of injury or damage as of date of presentation of this claim, giving basis of computation:

Please see attachment.

Give ESTIMATED AMOUNT as far as known you claim on account of each item of prospective injury or damage, giving basis of computation:

Please see attachment.

Were you insured at the time of the incident? If so, provide name of insurance company, policy numbers and amount of insurance payments received:

Not applicable.

Expenditures made on account of accident or Injury: (Date - Item)

(Amount)

Please see attachment.

Name and address of Witnesses, Doctors and Hospitals:

Please see attachment.

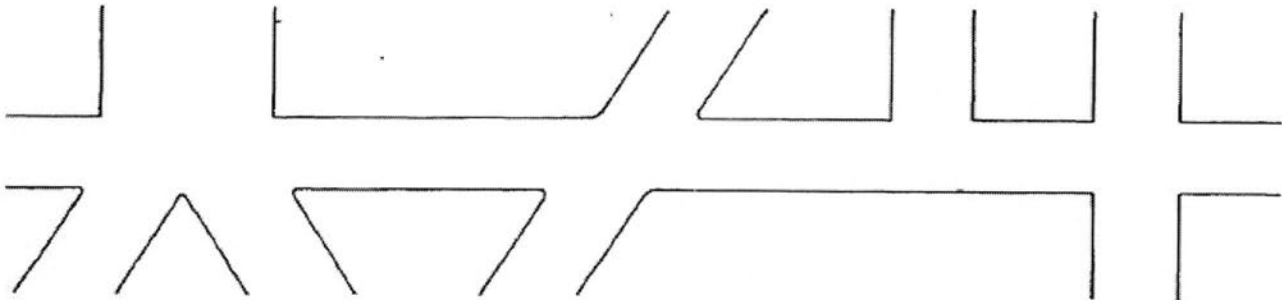
READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West: indicate place of accident by "X" and by showing house numbers or distances to street corners.

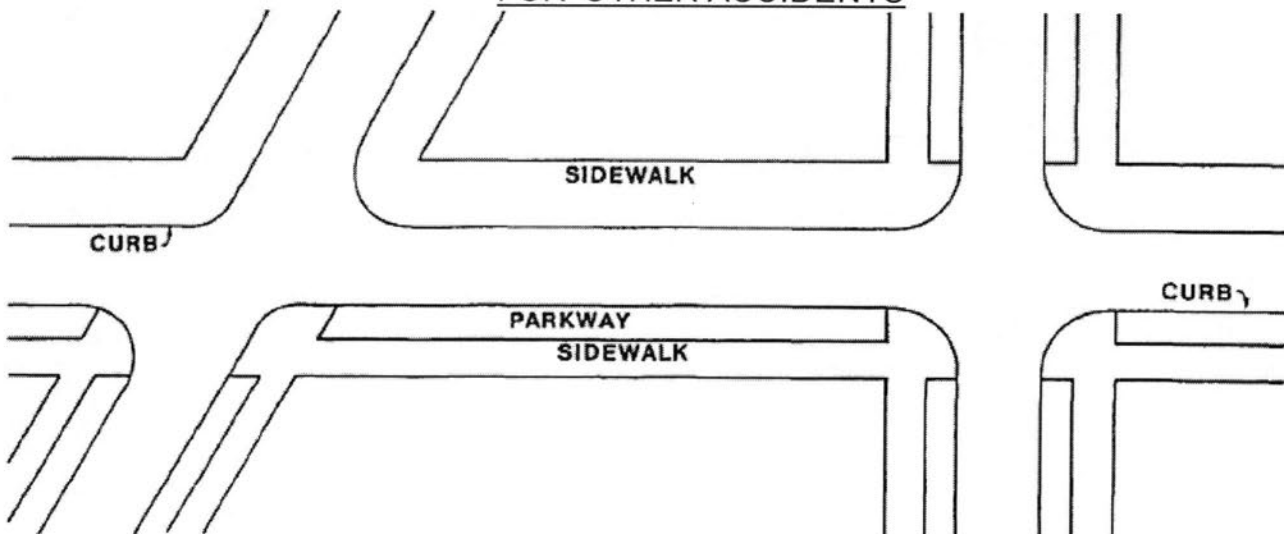
If City Vehicle was Involved, designate by letter "A" location of City vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of accident by "B-1" and the point of Impact by "X."

NOTE: If diagrams do not fit the situation, attach hereto a proper diagram signed by claimant.

FOR AUTOMOBILE ACCIDENTS



FOR OTHER ACCIDENTS



I declare, under penalty of perjury, that the foregoing, including any attachments, is true and correct.

Typed/Printed Name:

Dalita Bazarjian, Esq.

Signature of Claimant or person filing on his/her behalf, giving relationship to Claimant:

D. Bazarjian

Date:

08/14/23

NOTE: ALL CLAIMANTS MAY BE REQUESTED TO BE EXAMINED AS TO THEIR CLAIM UNDER OATH. PRESENTATION OF A FALSE CLAIM IS A FELONY (CAL. PEN. CODE SEC. 72). CLAIMS MUST BE FILED WITH CITY CLERK (GOV. CODE SEC. 915a). STATE LAW PROVIDES THAT IF YOU ARE NOT NOTIFIED OF ANY ACTION BY THE CITY OF THIS CLAIM WITHIN 45 DAYS OF FILING THEN THE CLAIM IS DEEMED DENIED (SEE GOV. CODE SEC. 911.6 & 912.4)

Attachment to Government Claim Form – City of Vernon (“Public Entity”)

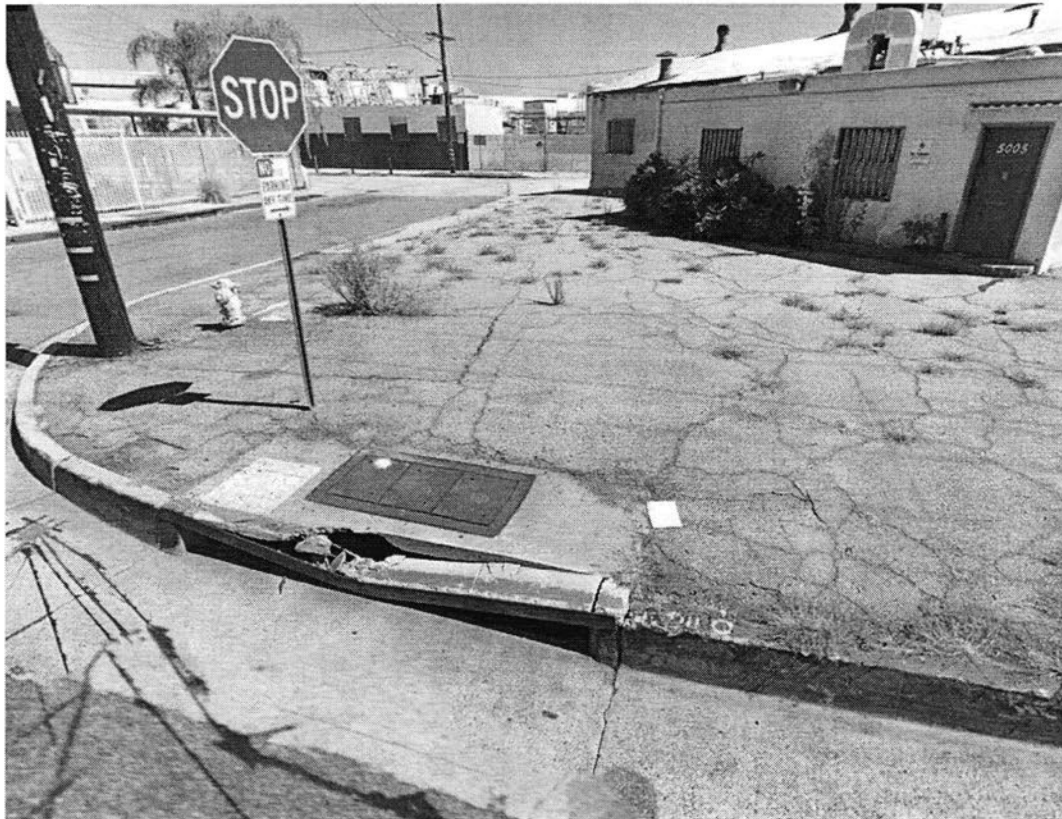
I. How did damage or injury occur?

On August 13, 2022, Claimant was riding his bicycle at or near 5005 District Blvd., Maywood, CA 90270, and/or near the intersection of District Blvd. and Slauson Ave., Maywood, CA 90270, (“Subject Area”) when he suddenly encountered a defective, raised, broken, cracked, dangerous, dilapidated, and unreasonable portion of sidewalk that caused him to lose control of his bicycle and sustain serious bodily injuries.

II. When/where did damage or injury occur?

The location of where Claimant suffered injuries and damages on August 13, 2022, was the sidewalk at or near 5005 Slauson/District Blvd., Maywood, CA 90270, and/or near the intersection of District Blvd. and Slauson Ave., Maywood, CA 90270 (hereafter “Subject Area”).

A screenshot of the Subject Area is below:



III. What particular act or omission do you claim caused the injury or damage?

The Public Entity owned/leased/occupied/controlled the Subject Area. The Public Entity was negligent in the use or maintenance of the Subject Area. As a result, Claimant was injured. The Public Entity's negligence was a substantial factor in causing Claimant's injuries.

The Public Entity should have known of the condition on the Subject Area that created the risk of harm. The condition on the Subject Area that created the risk of harm was of such nature and existed long enough that The Public Entity had sufficient time to discover it but failed to use reasonable care to: (1) repair the condition; or (2) protect against the harm from the condition; or (3) adequately warn of the condition. Further, The Public Entity failed to make reasonable inspections of the property to discover the condition on the Subject Area. The condition on the Subject Area existed long enough on the Subject Area that if The Public Entity used reasonable care, it would have discovered the condition on the Subject Area.

Moreover, the Subject Area was in a dangerous condition at the time of the incident, Claimant's injuries were proximately caused by the dangerous condition, the dangerous condition created a reasonably foreseeable risk of the kind of injuries which Claimant suffered. Also, a negligent or wrongful act or omission of an employee of The Public Entity, within the course and scope of their employment, created the dangerous condition on the Subject Area. The Public Entity had actual or constructive notice of the dangerous condition and a sufficient time prior to the date that Claimant was injured to have taken measures to protect against the dangerous condition. The dangerous condition on the Subject Area was a substantial factor in causing Claimant's injuries.

The Public Entity had actual knowledge of the existence of the condition on the Subject Area and knew or should have known of its dangerous character. Also, the condition on the Subject Area existed for such a period of time and was of such an obvious nature that The Public Entity should have discovered the condition and its dangerous character.

Further, before the date of this incident, The Public Entity's employees within the course and scope of their employment altered the Subject Area or undertook an attempt to modify the Subject Area and did so in a negligent fashion creating a dangerous condition on the Subject Area, which is public property.

Finally, the dangerous condition on the Subject Area created a substantial risk of injury to members of the general public, including Claimant, when the Subject Area was used with due care and in a reasonably foreseeable manner by the Claimant.

IV. What damages or injuries do you claim resulted?

Claimant incurred the following, but not limited to, damages:

1. Past medical expenses.
2. Past pain and suffering.
3. Past lost earnings and earning capacity.

4. Past loss of ability to provide household services.
5. Past incidental expenses.
6. Future medical expenses.
7. Future pain and suffering.
8. Future lost earnings and earning capacity.
9. Future loss of ability to provide household services.
10. Future incidental expenses.

V. What amount do you claim for each item of injury or damage?

Claimant's damages are in excess of the requirements to file as an unlimited civil case.

VI. Names and addresses of witnesses, doctors, and hospitals:

[REDACTED]

a. Date of First Visit: August 13, 2022

b. [REDACTED]

2. [REDACTED]

a. Date of First Visit: August 24, 2022

b. [REDACTED]

Claimant is still being treated for his injuries and as such, the entirety of personal injuries are not yet known. Claimant reserves the right to claim additional damage.