

REPORT

To the Honorable Mayor and City Council
From the City Manager

August 27, 2007

SUBJECT

Claim from Attorney Donald Galine on Behalf of Doug Burns

RECOMMENDATION

Reject subject claim.

BACKGROUND

Mr. Doug Burns, through his attorney, has submitted a claim against the City seeking \$5 million for economic and non-economic damages as the result of an alleged assault by members of the Redwood City Police Department. The assault is alleged to have taken place during an arrest that occurred on April 1, 2007. An investigation conducted by the police department found that Mr. Burns, without provocation, first assaulted a peace officer. Thereafter, in order to control the situation, the officers used reasonable and justifiable force to restrain Mr. Burns, and he was thereafter taken into custody. The officers had probable cause to arrest Mr. Burns as he had first assaulted a peace officer.

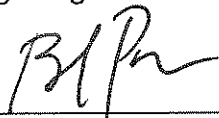
It has been recommended by legal counsel that this claim be denied.

ALTERNATIVES

No action to this claim would result in the claim being rejected by operation of law on the 45th day from the filing of the claim, extending the statute of limitations to file a court action from six months to two years.

FISCAL IMPACT

There is no fiscal impact on rejecting this claim. However, costs, which are undeterminable at this time, may be incurred should Mr. Burns pursue this incident through litigation.



Brian Ponty
Director of Finance and Financial Planning



Edward Everett
City Manager

ATTACHMENTS

Claim filed by Attorney Donald Galine on Behalf of Doug Burns

RELATED DOCUMENTS IN CITY CLERK'S OFFICE

None

CHANTEL FITTING
ATTORNEY AT LAW

LISA KEHE
ATTORNEY AT LAW

LAW OFFICES
DONALD L. GALINE

411 BOREL AVENUE, SUITE 500
SAN MATEO, CA 94402

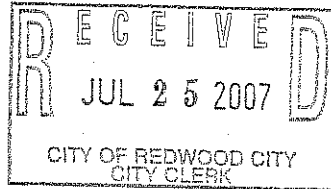
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NANCY MILANO
WORKERS' COMPENSATION
PARALEGAL

Website: www.dongaline.com
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TAX ID# 94-3082253

Specializing in Personal Injury and Workers' Compensation Law Since 1978

July 24, 2007



HAND DELIVERED

City Clerk
City of Redwood City
1017 Middlefield Road
Redwood City, California 94063

Re: Burns v. City of Redwood City

TO WHOM IT MAY CONCERN:

Please find enclosed an original and 2 copies of our Claim. Please stamp and file this Claim, returning the endorsed copies to our server. Should you have any questions, please do not hesitate to contact me.

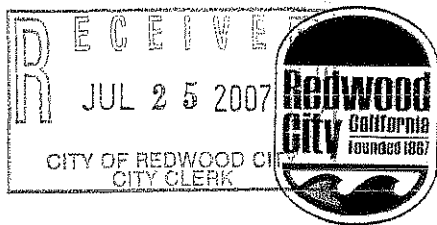
Thank you.

Sincerely,


Mavis R. Gieseker
Paralegal

.mrg
encl

CLAIM FORM
(Please print or type)



City of Redwood City
City Clerk
1017 Middlefield Road
Redwood City, CA 94063
Telephone: 650-780-7000
Fax: 650-261-9102

CLAIM AGAINST (Name of Entity): City of Redwood City

Claimant's Name: DON B BURNS DOB: 9/11/43

Claimant's Address: 1017 EL CAMINO REAL (POB#298) REDWOOD CITY, CA 94063

Claimant's Telephone Number (Home) 650 619-7008 (Work) SAME

Address where notices about claim are to be sent, if different from above: LAW OFFICE OF DON GALINE 411 BOREL AVENUE (SUITE 500) SAN MATEO, CALIF. 94402

Date of incident/accident: 4/1/07

Date injuries, damages, or losses were discovered: 4/1/07

Location of incident or accident: THEATRE LUNY REDWOOD CITY

What did entity or employee do to cause this injury, damage, or loss: VIOLATION OF CIVIL RIGHTS, (OTHERS) BATTERY, OSBOULT - MOX VIOLATIONS, FOLSE EMPLOYMENT, PRISON
(Use back of this form or a separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known): PEREZ, SGT GAVAN, MATEO, SYSLIM, HARRINGTON (OTHERS) INVESTIGATOR, NISG, INSURANCE OF EMPLOYER DIS, MEXICAN

What specific injuries, damages, or losses did claimant receive? ECONOMIC AND NON-ECONOMIC DAMAGES, INJURIES - RIGHT SHOULDER, NECK, BOTH HANDS, RIB CATERS
(Use back of this form or a separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate Court of Jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" (see Government Code 910[f]).
UNLIMITED JURISDICTION \$5,000,000

How was this amount calculated (please itemize): \$2,000,000 - ECONOMIC DAMAGES
\$3,000,000 NON-ECONOMIC DAMAGES
(Use back of this form or a separate sheet if necessary to answer this question in detail.)

Date Signed: 7/24/07 Signature: [Signature]

If signed by a representative:
Representative's Name: DON GALINE Telephone: 345-8484
Address: 411 BOREL AVENUE (SUITE 500) SAN MATEO, CALIF. 94402
Relationship to Claimant: ATTORNEY AT LAW