



February 20, 2009

BOARD OF DIRECTORS MEETING
FRIDAY, FEBRUARY 27, 2009

5. CONSENT CALENDAR:

A. Attorney's Report
Denial of Claims

- | | | |
|-----|----------------------------------------------------------------------------------------------|----------------------|
| 1. | Claim of Tanya Felice Weliky | <u>Motion</u> |
| 2. | Claim of Christopher John Bermudez | <u>Motion</u> |
| 3. | Claim of Jasmine Sophia Weliky-Bermudez | <u>Motion</u> |
| 4. | Application for Leave to Present Late Claim and
Claim of Richard Bilafer dba B & A Towing | <u>Motion</u> |
| 5. | Claim of Gilbert Lopez | <u>Motion</u> |
| 6. | Claim of Maureen Moulton | <u>Motion</u> |
| 7. | Claim of Rimah Naser | <u>Motion</u> |
| 8. | Subrogation Claim of California State Automobile
Association (Insured: Kwing Lok) | <u>Motion</u> |
| 9. | Claim of Susan J. King | <u>Motion</u> |
| 10. | Claim of John Quinn | <u>Motion</u> |
| 11. | Claim of City and County of San Francisco | <u>Motion</u> |
| 12. | Claim of John Rutherford | <u>Motion</u> |
| 13. | Claim of Millicent Rutherford | <u>Motion</u> |

Attachments

Memorandum

TO: Board of Directors
FROM: David J. Miller
DATE: February 19, 2009
RE: Board Meeting on February 27, 2009

Claim of Tanya Felice Weliky

The District received a claim on behalf of Tania Felice Weliky alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on September 12, 2008, while she was a passenger in a vehicle traveling on US 101 near the Greenbrae pedestrian overcrossing, a District bus struck the rear of the vehicle. As a result of the incident the claimant allegedly suffered emotional distress and neck injuries, and incurred loss of consortium damages arising out of injuries sustained by her husband, Christopher John Bermudez, in the same incident. Claimant further alleges that she has incurred medical expenses and is likely to incur future medical expenses and lost wages. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Christopher John Bermudez

The District received a claim on behalf of Christopher John Bermudez alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on September 12, 2008, as he was driving on US 101 northbound near the Greenbrae pedestrian overcrossing, a District bus collided with the rear of his vehicle. As a result of the incident, the claimant allegedly suffered emotional distress and injuries to his neck and back. The claimant further asserts that he incurred medical expenses and is likely to incur future medical expenses and lost wages. Claimant also alleges loss of consortium arising out of injuries sustained by his wife, Tanya Felice Weliky, who was a passenger in his vehicle at the time of the incident. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Jasmine Sophia Weliky-Bermudez

The District received a claim on behalf of Jasmine Sophia Weliky-Bermudez, a minor, alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on September 12, 2008, she was a passenger in a vehicle traveling northbound on US 101 near the Greenbrae pedestrian overcrossing, when a District bus collided with the rear of the vehicle. As a result of the incident the claimant allegedly suffered emotional distress and bodily injuries. The claimant further alleges that she has incurred medical expenses and is likely to incur future medical expenses and lost wages. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Application for Leave to Present Late Claim and Claim of Richard Bilafer dba B & A Towing

On January 20, 2009, the District received an application for leave to present a late claim and proposed claim on behalf of Richard Bilafer dba B & A Towing alleging property damage in the amount of \$2,571.78. The incident giving rise to the application and proposed claim allegedly occurred on May 6, 2008. The last day to present a timely claim was November 6, 2008.

Application

Claimant contends that the delay in presenting the claim is due to the fact that he was unaware that a claim must be presented in order to recover damages. The claimant further asserts that he was in contact with the District via telephone. Because the claimant was informed of the claim procedures in writing, by letter dated October 15, 2008, the application fails to demonstrate excusable neglect and fails to state a sufficient reason for the delay.

Claim

Claimant alleges that on May 6, 2008, as his tow truck was parked on Lombard Street near Fillmore Street in San Francisco, a District bus struck the left front mirror and door of his truck, breaking off the left side mirror and damaging the left door mirror mounting. The claimant further asserts that he incurred charges in the amount of \$1,275.00 for rental of a truck as a result of the incident. The application and proposed claim have been forwarded to John Glenn Adjusters. **Recommend denial of the application. No action need be taken on the proposed claim.**

Claim of Gilbert Lopez

The District received a claim on behalf of Gilbert Lopez alleging personal injuries and property damage in the amount of \$1,062.00. Claimant alleges that on September 1, 2008, a delineator tube struck his vehicle while he was driving on the Golden Gate Bridge, causing the windshield to shatter. The claimant alleges that particles of glass from the windshield fell into his eyes, causing his vision to be blurred, so he parked his vehicle at Vista Point and had his vehicle towed from that location. Claimant further alleges that he incurred emergency room charges and a towing fee as a result of the incident. The claim has been forwarded to John Glenn Adjusters. **Recommend denial of the claim.**

Claim of Maureen Moulton

The District received a claim on behalf of Maureen Moulton alleging property damage in the amount of \$1,217.82. Claimant alleges that on September 16, 2008, a District bus struck the back bumper of her vehicle while her vehicle was parked in a parking lot in Fairfax. As a result of the incident, the claimant's vehicle allegedly sustained damage to the rear bumper. The claim has been forwarded to John Glenn Adjusters. **Recommend denial of the claim.**

Subrogation Claim of Farmers Insurance Group (Insured: Rimah Naser)

The District received a subrogation claim on behalf of Farmers Insurance Group (Insured: Rimah Naser) alleging property damage in the amount of \$4,377.86. Claimant alleges that on December 18, 2008, a District bus struck the driver's side of the insured's vehicle as the bus made a right turn from the left turn lane in the vicinity of 9th and Folsom Streets in San Francisco. As a result of the incident the insured's vehicle allegedly sustained left front end damage and the insured's child carseat was damaged. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Subrogation Claim of California State Automobile Association (Insured: Kwing Lok)

The District received a subrogation claim on behalf of California State Automobile Association (Insured: Kwing Lok) alleging property damage in the amount of 1,644.61. Claimant alleges that on December 31, 2008, a District bus struck the left front door of the insured's vehicle, while the vehicle was parked on Mission Street in San Francisco. The insured was allegedly closing his door at the time of the incident. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Susan J. King

The District received a claim on behalf of Susan J. King, alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on August 15, 2008, she sustained a fractured right foot at the San Rafael Transit Center, due to the negligent operation of a District bus. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of John R. Quinn

The District received a claim on behalf of John R. Quinn alleging property damage in the amount of \$2,238.38. Claimant alleges that on January 9, 2009, while he was stopped in traffic at a red light on Washington Street in Petaluma, a District bus struck the left rear of his vehicle as the bus moved from behind his vehicle to make a right turn. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of City and County of San Francisco

The District received a claim on behalf of City and County of San Francisco alleging property damage in the amount of \$121.78. Claimant alleges that on August 4, 2008, a passing District bus struck the mirror of the claimant's vehicle, as the vehicle was stopped in the vicinity of Mission and 7th Streets in San Francisco. As a result of the incident, the mirror of claimant's vehicle was allegedly damaged. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of John Rutherford

The District received a claim on behalf of John Rutherford alleging personal injuries in an amount in excess of \$25,000.00. Claimant alleges that on December 13, 2008, a District bus struck him while he was a pedestrian crossing Van Ness Avenue at Sacramento Street in San Francisco, in a crosswalk. As a result of the incident, the claimant allegedly suffered a subdural hematoma, multiple fractured ribs, a fractured pelvis and sacrum, and multiple cuts and bruises. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Claim of Millicent Rutherford

The District received a claim on behalf of Millicent Rutherford alleging loss of consortium in an amount in excess of \$25,000.00. Claimant alleges that on December 13, 2008, a District bus struck her husband, John Rutherford, while he was crossing Van Ness Avenue in San Francisco in a crosswalk. Claimant alleges loss of consortium as a result of the incident. The claimant asserts that because she had a stroke and has other medical issues, her husband had been her caretaker until the incident. Claimant further alleges that she has incurred the cost of hiring in-home care. The claim has been forwarded to John Glenn Adjusters.

Recommend denial of the claim.

Respectfully submitted,


DAVID J. MILLER

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