



September 18, 2009

**BOARD OF DIRECTORS MEETING**  
**FRIDAY, SEPTEMBER 25, 2009**

5. **CONSENT CALENDAR:**

A. **Attorney's Report**  
**Denial of Claims**

- |    |   |                      |
|----|---|----------------------|
| 1. | Claim of Benjamin L. Kembel   | <b><u>Motion</u></b> |
| 2. | Claim of Remick Lew   | <b><u>Motion</u></b> |
| 3. | Claim of Sheila O'Neill   | <b><u>Motion</u></b> |
| 4. | Subrogation Claim of California State Automobile Association (Insured: Hildegard Dacasin) | <b><u>Motion</u></b> |
| 5. | Claim of Stephanie Schwartz Effros  | <b><u>Motion</u></b> |
| 6. | Claim of Karen Silva-Schisler and Karl Schisler   | <b><u>Motion</u></b> |

Attachments

## Memorandum

**TO:** Board of Directors  
**FROM:** David J. Miller  
**DATE:** September 16, 2009  
**RE:** Board Meeting on September 25, 2009

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### **Claim of Benjamin L. Kembel**

The District received a claim on behalf of Benjamin L. Kembel alleging property damage in an unspecified amount. Claimant alleges that on May 12, 2009, his vehicle collided with a District bus as he was driving northbound on Highway 101 in San Rafael near the Bellam Boulevard on ramp. The claimant alleges that the bus merged onto Highway 101 from the on ramp without slowing down. As a result of the incident, the claimant's vehicle allegedly sustained damage to the right front door and fender. The claim has been forwarded to John Glenn Adjusters.

**Recommend denial of the claim.**

### **Claim of Remick Lew**

The District received a claim on behalf of Remick Lew alleging property damage in the amount of \$6,948.87. Claimant alleges that on June 8, 2009, she was making a left turn on Folsom Street between Fremont and 2nd Streets in San Francisco when a District bus collided with the driver's side and driver's side passenger door of her vehicle. The claimant asserts that as a result of the incident she incurred vehicle repair expenses and rental car fees and missed one day of work. The claim has been forwarded to John Glenn Adjusters.

**Recommend denial of the claim.**

### **Claim of Sheila O'Neill**

The District received a claim on behalf of Sheila O'Neill alleging property damage in the amount of \$445.00. Claimant alleges that in June 2009, she was a passenger on a District bus that collided with the rear of a second District bus while traveling on The Embarcadero near Sansome Street in San Francisco. The claimant asserts that when the collision occurred she was thrown forward into a metal barricade in the interior of the bus. As a result of the incident, claimant allegedly lost her eyeglasses and her dress slacks were torn. The claim has been forwarded to John Glenn Adjusters.

**Recommend denial of the claim.**

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**Subrogation Claim of California State Automobile Association (Insured: Hildegard Dacasin)**

The District received a subrogation claim on behalf of California State Automobile Association (Insured: Hildegard Dacasin) alleging property damage in the amount of \$1,992.08. Claimant alleges that on June 8, 2009, a District bus collided with the insured's vehicle, which was parked and unattended on Folsom Street in San Francisco. As a result of the incident the passenger side fender, door, window and mirror of the insured's vehicle were allegedly damaged. The claim has been forwarded to John Glenn Adjusters.

**Recommend denial of the claim.**

**Claim of Stephanie Schwartz Effros**

The District received a claim on behalf of Stephanie Schwartz Effros alleging property damage in the amount of \$436.32. Claimant alleges that on July 31, 2009, as she was traveling southbound on Van Ness Avenue near Broadway in San Francisco, a District bus struck the passenger side mirror of her vehicle as the bus passed her vehicle in the lane to her right. The claimant asserts that the bus either moved into the lane occupied by her vehicle or did not allow enough room to pass. As a result of the incident, the passenger side mirror of claimant's vehicle was allegedly damaged. The claim has been forwarded to John Glenn Adjusters.

**Recommend denial of the claim.**

**Claim of Karen Silva-Schisler and Karl Schisler**

The District received a claim on behalf of Karen Silva-Schisler and her husband, Karl Schisler, alleging personal injuries and loss of consortium in an amount in excess of \$25,000.00. Claimants allege that on February 25, 2009, Karen Silva-Schisler was a passenger on a District bus that collided with a parked vehicle in or near Marin City, after a motor vehicle struck the rear of the bus. The claimants assert that the bus operator caused the collision with the parked vehicle by turning around to see what had happened after the motor vehicle struck the rear of the bus. As a result of the collision with the parked vehicle, Karen Silva-Schisler was allegedly thrown forward, striking her head and body on the structure of the bus. She allegedly sustained a cervical spine injury, a brain injury, bruising and contusions on her face and knees, and emotional distress. Karen Silva-Schisler further alleges loss of household services, loss of earnings, and loss of earning capacity. Karl Schisler alleges that he has suffered loss of consortium as a result of his wife's injuries. The claim has been forwarded to John Glenn Adjusters.

**Recommend denial of the claim.**

Respectfully submitted,

  
DAVID J. MILLER

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