



CLAIM AGAINST THE COUNTY OF MENDOCINO

(Government Code Section 910 et seq.)

Submit claim in person or mail to:
Executive Office - Risk Management
501 Low Gap Road Rm. 1010
Ukiah, CA 95482

☒ New Claim
☐ Amended Claim

Rev. 11/19/18

* = REQUIRED

1.* Claimant's Name and Home Address

Jody Koozer; 148 Gibson St., Apt. 15

Ukiah CA 95482

City State Zip

Home Cell Work

Phone 7074890255

2.* Send Official Notices and Correspondence to

Downtown LA Law Group; 601 N Vermont Ave.

Los Angeles CA 90004

City State Zip

Home Cell Work

Phone 2133893765

3. Claimant Vehicle License Plate #, VIN, Make, Model, Mileage, and Year

N/A

4.* Date of Incident

4/20/22

5. Time of Incident

Approximately 12:30 pm

6.* Address and/or Description of Incident Location

At or near 100 N State St., Ukiah, CA 95482

7.* Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property, and County departments involved. State why you believe the County is responsible for the alleged injury, property damage, or loss.

As Ms. Koozer was walking on School St. near 100 N State St., she tripped on an uneven and/or broken and/or deteriorating portion of the sidewalk and/or walkway causing her to fall and sustain injuries. The County of Mendocino's Department of Transportation failed to properly maintain the sidewalk and/or walkway and failed to warn the general public of a dangerous condition.

Names of Involved County Employees and/or Departments, if known:

Employees: Unknown

Department of Transportation

8.* Description of Claimant's injury, property damage, or loss:

Injuries include but are not limited to: Right knee,

broken Rib and bruised knees.

9.* Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation.

ITEMS

Bodily injury and pain & suffering \$ 100,000,000.00

\$

\$

\$

TOTAL AMOUNT \$ 100,000,000.00

Court Jurisdiction: ☐ Limited (up to \$25,000)

☒ Unlimited (over \$25,000)

10. Witness Names (if any)

Address

Phone

11. Law Enforcement Information

Was local law enforcement contacted?

☐ Yes

☒ No

If yes, Report #

(Attach copy of report if available)

Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."

12.*

Signature of Claimant or Representative

Jazmine Gomez OBO Jody Koozer

Print Name

Date

Legal Asst. @ DTLA Law Group

Relationship to Claimant



Downtown L.A. Law Group, LLP
601 North Vermont Avenue
Los Angeles, California 90004
Phone: (213) 389-3765
Facsimile: (877) 389-2775
www.DowntownLALaw.com

March 29, 2023

ATTENTION: CLAIMS

Address: **Executive Office- Risk Management
501 Low Gap Road Rm. 1010
Ukiah, CA 95482**

RE: **Our Client: Jody Koozer
Date of loss: 4/20/2022**

RE: **§946.6--FORM 1. PETITION FOR ORDER SEEKING RELIEF
FROM CLAIMS STATUTE-- ACTION AGAINST LOCAL PUBLIC
ENTITY**

Dear: **SIR OR MADAM:**

The Downtown L.A. Law Group represents Jody Koozer with respect to personal injuries she sustained while walking on School St. near 100 N State St. on 4/20/22. As part of our practice, our firm began the process of obtaining claim forms from the proper entities to ensure said claim forms were submitted prior to October 20, 2022. A filled claim form for the County of Mendocino was sent out via certified mail on October 7, 2022, see attached. In reviewing the file in preparation of filing a summons and complaint against Defendants, it was discovered the County of Mendocino did not receive said claim form. At this time, we plead with you to accept the presentation of a late claim due to mistake, inadvertence, and excusable neglect by the US Postal Service to deliver and/or forward the filled claim form in a timely manner.

The undersigned hereby applies for leave to present a late claim to the County of Mendocino. This application is being made within a reasonable time, not exceeding one (1) year, after the accrual of the cause of action.

The reason(s) for delay in presenting this claim is outlined in the US Postal Service Tracking result as Exhibit(s) "B", the previously sent claim form as Exhibit "C", the declaration of Igor Fradkin, Esq. as Exhibit "D" and in the declaration of Jazmine Gomez as Exhibit "E", attached hereto. (*See Ex: B, C, D and E*).

Cal. Govt. Code 9114.911.6(b)(1)

An application for a late claim must be filed within a reasonable time not to exceed one year after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The public entity must grant this application if the failure to present a timely claim was due to (1) mistake, inadvertence, surprise, or excusable neglect and the public entity was not prejudiced, § 911.6(b)(1)

Cal. Govt. Code 911.6(a) 911.6(c)

The public entity *must* grant or deny the application within 45 days, although this time may be extended by agreement § 911.6(a). Failure to act within this time period constitutes a denial of the application. § 911.6(c).

Pursuant to *Government Code section 946.6*, Jody Koozer, (petitioner) petitions as follows:

1. Petitioner is and at all times was a resident of County of Mendocino is a local public entity, as defined by *Government Code section 900.4*, in the State of California.
2. Petitioner's claim is founded upon a cause of action for personal injuries that accrued on April 20, 2022. A description of the occurrence that led to these injuries is contained in the claim that is attached as Exhibit "A" and incorporated by reference.
3. Petitioner's claim was not filed during the statutory period specified by *Government Code section 911.2* against Office of the County of Mendocino because of an inadvertent mistake by the US Postal Service, attached as Exhibits "B", "C", "D" and "E".

PETITION ERROR ALLOWS FOR LATE CALIFORNIA TORT CLAIM

If the board is at all struggling with the idea of granting Jody Koozer's petition for relief from the claims statute (action against local public entities) we ask you to review the relevant case law and holdings with respect to these issues which are incorporated in, *Renteria v. Juvenile Justice, Department of Corrections and Rehabilitation*, 135 Cal. App. 4th 903; 37 Cal. Rptr. 3d 777 (CA 3rd Dist. 2006).

Furthermore, please carefully review the US Postal Service Tracking result, the previously sent claim form, and the declarations of Igor Fradkin, Esq. and Jazmine Gomez, attached hereto as Exhibit(s): "B", "C", "D" and "E" that outline, in detail, the reasons why Jody Koozer application for relief shall be granted.

COURT HOLDING:

A relevant court holding with respect to presentation of a late claim is provided for your review below. We believe the facts in this holding parallel the facts of this case. For these reasons, relief should be granted.

Very truly yours,
Downtown L.A. Law Group

A handwritten signature in black ink, appearing to read 'Igor Fradkin', written over a horizontal line.

Igor Fradkin, Esq.

EXHIBIT “A”



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N/A

4.* Date of Incident

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5. Time of Incident

Approximately 12:30 pm

6.* Address and/or Description of Incident Location

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7.* Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property, and County departments involved. State why you believe the County is responsible for the alleged injury, property damage, or loss.

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Employees: Unknown

Department of Transportation

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Injuries include but are not limited to: Right knee, broken rib, and bruised knees.

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ITEMS

Bodily injury and pain & suffering	\$ 100,000,000.00
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	\$
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	\$
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	\$
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TOTAL AMOUNT	\$ 100,000,000.00
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Court Jurisdiction: ☐ Limited (up to \$25,000)

☒ Unlimited (over \$25,000)

10. Witness Names (if any)

Address

Phone

11. Law Enforcement Information

Was local law enforcement contacted?

☐ Yes ☒ No

If yes, Report #

(Attach copy of report if available)

Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."

12.*

Signature of Claimant or Representative

Jazmine Gomez OBO Jody Koozer

Print Name

Date

Legal Asst. @ DTLA Law Group

Relationship to Claimant



EXHIBIT “B”

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)**9407111898765817950598**[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

In Transit, Arriving Late

October 26, 2022

Departed USPS Regional Origin Facility

LOS ANGELES CA DISTRIBUTION CENTER

October 22, 2022, 8:30 pm

Arrived at USPS Regional Origin Facility

LOS ANGELES CA DISTRIBUTION CENTER

October 22, 2022, 7:52 am

Arrived at USPS Facility

SACRAMENTO, CA 95813

October 20, 2022, 2:30 pm

Return to Sender

UKIAH, CA 95482

October 14, 2022, 8:57 am

Arrived at Post Office

Feedback

UKIAH, CA 95482
October 14, 2022, 7:17 am

● **Departed USPS Regional Destination Facility**

NORTH BAY CA DISTRIBUTION CENTER
October 14, 2022, 3:48 am

● **Arrived at USPS Regional Destination Facility**

NORTH BAY CA DISTRIBUTION CENTER
October 14, 2022, 12:22 am

● **Arrived at USPS Regional Destination Facility**

SAN FRANCISCO CA DISTRIBUTION CENTER
October 13, 2022, 11:00 am

● **Departed USPS Regional Origin Facility**

LOS ANGELES CA DISTRIBUTION CENTER
October 11, 2022, 9:30 pm

● **Arrived at USPS Regional Origin Facility**

LOS ANGELES CA DISTRIBUTION CENTER
October 11, 2022, 3:50 pm

● **Accepted at USPS Origin Facility**

LOS ANGELES, CA 90004
October 11, 2022, 2:35 pm

● **Shipping Label Created, USPS Awaiting Item**

LOS ANGELES, CA 90004
October 7, 2022, 7:57 pm

● **Hide Tracking History**

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

EXHIBIT “C”

Downtown LA Law Group
601 N VERMONT AVE
LOS ANGELES CA 90004-2174

USPS CERTIFIED MAIL



9407 1118 9876 5817 9505 98

Executive Office- Risk Management
501 LOW GAP RD RM 1010
UKIAH CA 95482-3734



Jody Koozer

\$4.57 US POSTAGE
FIRST-CLASS
Oct 07 2022
Mailed from ZIP 90004
1 OZ FIRST-CLASS MAIL FLATS RATE



stamps
endicia

11923275

062S0012913542



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If yes, Report #

(Attach copy of report if available)

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12.*

Signature of Claimant or Representative

Jasmine Gomez OBO Jody Koozer

Print Name

10/7/22
Date

Legal Asst. @ DTLA Law Group

Relationship to Claimant



EXHIBIT "D"

1 **DANIEL AZIZI, ESQ.**, State Bar No. 268995
2 **IGOR FRADKIN, ESQ.**, State Bar No. 299491
3 **DOWNTOWN L.A. LAW GROUP**
4 601 N. Vermont Ave.
5 Los Angeles, CA 90004
6 Tel. (213) 389-3765
7 Fax. (877) 389-2775
8 Email: Igor@downtownlalaw.com

9 Attorneys for Plaintiff,
10 JODY KOOZER

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

13 JODY KOOZER, an individual,) Case No.
14)
15 Plaintiff,)
16) **DECLARATION OF IGOR FRADKIN**
17 v.)
18)
19 COUNTY OF MENDOCINO; and DOES 1-)
20 25, inclusive,)
21)
22 Defendants.)
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I, Igor Fradkin, declare as follows:

1. I am an attorney duly licensed to practice law in the courts of the State of California. I am an associate of DOWNTOWN LA LAW GROUP ("THE FIRM"), counsel for Petitioner JODY KOOZER ("KOOZER") in this instant action. I have personal knowledge of all the following and if called upon to testify thereto, I could and would competently do so. Furthermore, any disclosure of communication between my client and me stated herein shall not be deemed a waiver of the attorney-client or work-product privileges by any means.

1 2. DOWNTOWN LA LAW GROUP was retained by KOOZER to represent
2 her in her claim for injuries and damages when KOOZER was walking on School St. near
3 100 N State St. and tripped on an uneven and/or broken and/or deteriorating portion of the
4 sidewalk and/or walkway causing her to fall and sustain injuries.

5 3. As part of THE FIRM's practice, the calendar is run monthly and review of
6 the calendar with applicable filing deadlines dates for dates such as Government Claim
7 Form Deadlines, and Statues of Limitation.

8
9 4. As part of THE FIRM's practice, the calendar was reviewed and noted
10 Plaintiff's matter had a Government Claim deadline of "10/20/2022". Understanding this to
11 mean the deadline was October 20, 2022, Jazmine Gomez began the process of obtaining a
12 claim form from the proper entities and began to prepare it to be filed prior to October 20,
13 2022.

14
15 5. It is Fradkin's custom and practice to review the calendar each month. During
16 this monthly review, Fradkin identifies deadlines upcoming in the following month (eg in
17 April he will look to deadlines forthcoming in May) and has his staff begin work to ensure
18 those forthcoming deadlines are met. On October 07, 2022, a claim form was sent to the
19 County of Mendocino on behalf of KOOZER by means of Certified Mail, a service offered
20 by the US Postal Service.

21
22 6. In reviewing the file in preparation of filing suit against the defendants, it was
23 discovered the County of Mendocino did not receive a claim form due to the US Postal
24 Service's failure to deliver and/or forward said claim form in a timely manner.

25
26 7. On March 29, 2023, Fradkin caused to be mailed to the County of Mendocino
27 an Application for Leave to Present a Late Claim pursuant to California Government Code
28

1 §911.4 (*A true and correct copy of the Application and Claim is attached hereto as Exhibit*
2 *"A" and incorporated by reference*).

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed March 29, 2023, at Los Angeles, California.

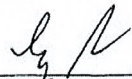
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8 _____
9 IGOR FRADKIN, ESQ.
10 Declarant
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EXHIBIT "E"

Attorneys for Plaintiff,
JODY KOOZER

JODY KOOZER, an individual,) Case No.

DECLARATION OF JAZMINE GOMEZ

COUNTY OF MENDOCINO; and DOES 1-25, inclusive,

Defendants.

I, Jazmine Gomez, declare as follows:

1

DECLARATION OF JAZMINE GOMEZ

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2 her in her claim for injuries and damages when KOOZER was walking on School St. near
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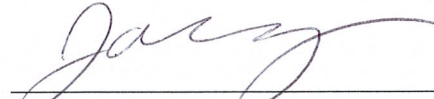
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2 foregoing is true and correct. Executed March 29, 2023, at Los Angeles, California.

3
4 
JAZMINE GOMEZ
5 Declarant
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