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<https://www.planjpa.org/>

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**CLAIMS COMMITTEE MEETING  
AGENDA**

**Thursday, February 25, 2021  
1:30 p.m.**

**Zoom**

**Please Contact Katie Sullivan for Videoconference Information**

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All portions of this meeting will be conducted by teleconferencing in accordance with the State of California Executive Order N-29-20.

Members of the public may observe and listen to the meeting telephonically. No physical location will be available from which members of the public may observe the meeting and offer public comment. Public comments may be submitted in advance of the meeting by emailing Katie Sullivan at [katie.sullivan@sedgwick.com](mailto:katie.sullivan@sedgwick.com) no later than 5 p.m. on Wednesday, February 24, 2021. If a member of the public would like to address the Claims Committee during the meeting, the person may email Ms. Sullivan during the meeting and, if timely received, Ms. Sullivan will read or summarize the email to the Board members.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation to participate in this meeting, please contact Katie Sullivan at (916) 244-1164 or [katie.sullivan@sedgwick.com](mailto:katie.sullivan@sedgwick.com) (email). Requests must be made as early as possible, and at least one full business day before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA) Claims Committee less than 72 hours prior to a regular meeting will be available for public inspection at 1750 Creekside Oaks Dr., Suite 200, Sacramento, CA 95833.

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|--------------------|---|
| <b><u>Page</u></b> | <b>1. CALL TO ORDER</b>                             |
|                    | <b>2. INTRODUCTIONS</b>                             |
|                    | <b>3. APPROVAL OF AGENDA AS POSTED (OR AMENDED)</b> |

- Page**    **4. PUBLIC COMMENTS** - The Public may submit any questions in advance of the meeting by contacting Katie Sullivan at: katie.sullivan@sedgwick.com. This time is reserved for members of the public to address the Committee relative to matters of the Claims Committee not on the agenda. No action may be taken on non-agenda items unless authorized by law. Comments will be limited to five minutes per person and twenty minutes in total.
- 5. CONSENT CALENDAR**  
If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.
- 5**        \*A. Minutes from the January 28, 2021, Claims Committee Meeting  
*Recommendation: Staff recommends the Committee approve the Consent Calendar.*
- 6. ADMINISTRATIVE MATTERS**
- 8**        \*A. Consideration of Attorney Representation  
*Recommendation: Staff recommends the Committee provide direction.*
- 12**        B. California Association of Joint Powers Authorities (CAJPA) Tort Reform Initiative  
*Recommendation: None.*
- 7. CLOSED SESSION**
- A. Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Anti-Police Terror Project, et al v. City of Benicia, City of Newark, et al
  - Alaya Marinero, et al v. City of Burlingame
  - Asif, Haji v. City of Dublin, Alex Klinov
  - June and Neil Chichizola v. City of San Carlos
  - Brandon Scott Merkel v. City of Suisun City
  - Awash / Khalif v. Town of Tiburon
- B. Pursuant to Government Code Section 54957.1, the Committee will report in open session any reportable action taken in closed session.
- 8. CLOSING COMMENTS**  
This time is reserved for comments by Claims Committee members and/or staff and to identify matters for future Claims Committee business.
- A. Claims Committee  
B. Staff
- 9. ADJOURNMENT**

**NOTICES:**

- The next Claims Committee meeting will be held on March 25, 2021, at 1:30 p.m. via videoconference.

February 25, 2021

Agenda Items 5.A.

**CONSENT CALENDAR**

**SUBJECT: Consent Calendar**

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**BACKGROUND AND HISTORY:**

The Consent Calendar consists of items that require approval or acceptance but are self-explanatory and require no discussion. If a Committee member would like to discuss any item listed, it may be pulled from the Consent Calendar.

**STAFF RECOMMENDATION:**

*Staff recommends the Committee approve the Consent Calendar.*

**REFERENCE MATERIALS ATTACHED:**

A. Minutes from the January 28, 2021, Claims Committee Meeting

**POOLED LIABILITY ASSURANCE NETWORK JOINT  
POWERS AUTHORITY  
(PLAN JPA)**

**MINUTES OF THE CLAIMS COMMITTEE  
MEETING OF JANUARY 28, 2021**

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A regular meeting of the Claims Committee was held on January 28, 2021, via videoconference.

**MEMBERS PRESENT:** Donald Larkin, Chair, Morgan Hill  
Brenda Olwin, East Palo Alto  
Ann Ritzma, Hillsborough  
Robert Schultz, Los Gatos (*Left during Agenda Item 7.A*)  
Marc Zafferano, San Bruno  
Rebecca Mendenhall, San Carlos

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Jon Paulsen, General Manager  
Katie Sullivan, Assistant General Manager  
Will Portello, Litigation Manager  
Susan DeNardo, Litigation Manager  
Terrie Norris, Risk Control Manager  
Greg Rubens, Board Counsel

**1. CALL TO ORDER:**

The Regular Meeting of the PLAN JPA Claims Committee meeting was called to order at 1:31 p.m.

**2. INTRODUCTIONS:**

A roll call was taken, and it was determined there was a quorum present.

**3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED):**

*Ann Ritzma moved to approve the agenda as posted. Rebecca Mendenhall seconded the motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Brenda Olwin, Ann Ritzma, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall.*

**4. PUBLIC COMMENTS:**

None.

**5. CONSENT CALENDAR:**

*Marc Zafferano moved to approve the following items: A) Minutes from the October 20, 2020, Claims Committee Meeting. Brenda Olwin seconded the motion. A roll call vote was taken, and the motion passed by majority vote by Donald Larkin, Brenda Olwin, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall. Ann Ritzma abstained from voting.*

**6. ADMINISTRATIVE MATTERS:**

**A. Discussion Regarding SD 1473 Requirement**

California's Government Torts Claim Act establishes the procedures for filing a claim against a public agency. Prior law required a government claim to be served in person or by mail to the public agency. Senate Bill (SB) 1473, effective January 1, 2020, amended California's Government Code to allow public agencies to accept electronic service of government claims and to send notices in response of to those claims to the claimant if the public agency adopts procedures to do so.

After a brief review by Susan DeNardo, Litigation Manager, it was requested the Litigation Team send an example resolution allowing agencies to adopt these procedures to all of PLAN JPA membership.

**B. Consideration of Claims Review by Coverage Counsel**

PLAN JPA often requests internal coverage review from PLAN's Coverage Counsel. In those instances of urgent need, the Litigation Manager would like to engage Coverage Counsel at PLAN's pre-negotiated rates. Jon Paulsen, General Manager, advised the cost for Coverage Counsel to review would be minimal so the need for special Claims Committee meetings to approve usage of funds would not be necessary.

After a brief discussion, the Committee requested staff update the Master Program Document to reflect these changes and bring to the Board of Directors for formal approval.

*Robert Schultz moved to grant the Litigation Manager temporary authorization to engage Coverage Counsel, as needed, pending formal approval by the PLAN JPA Board of Directors. Ann Ritzma seconded this motion. A roll call vote was taken and the motion passed unanimously by Donald Larkin, Brenda Olwin, Ann Ritzma, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall.*

**7. CLOSED SESSION:**

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:47 p.m. to discuss the following claims:

- Crestmoor Canyon Landslide (City of San Bruno): Request for Property Claims Coverage Review by Coverage Counsel
- Chai Saephan v. City of Burlingame
- Raymond Wu v. City of Burlingame
- Spouse of Bena Chiwa Ng, Raymond Wu as Surviving Spouse v. City of Burlingame
- Margaret Robbins v. City of San Bruno
- Y.B., by and through her Guardian Ad Litem, Nataliia Bykon v. State of California, et al (City of Pacifica)

The following claims were not discussed during Closed Session and will be presented at the next Claims Committee Meeting.

- Asif Haji v. City of Dublin
- Brandon Scott Merkel v. City of Suisun City

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:30 p.m. The following actions were taken under closed session:

*No reportable action was taken during closed session.*

**8. CLOSING COMMENTS:**

**A. Claims Committee**

None.

**B. Staff**

None.

**9. ADJOURNMENT**

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 2:31 p.m.



Katie Sullivan, Assistant General Manager

February 25, 2021

Agenda Items 6.A.

**ADMINISTRATIVE MATTERS**

**SUBJECT: Consideration of Attorney Representation**

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**BACKGROUND AND HISTORY:**

The Town of Tiburon requests Attorney Gregory Thomas, Burke, Williams, & Sorenson, to represent them in the matter of Awash/Khalf v. Town of Tiburon.

Mr. Thomas is currently not on PLAN JPA's approved panel list; however, he is from the same firm at the Town's City Attorney, Ben Stock, as well as Nathan Oyster who recently spoke during PLAN's December 2020 Strategic Planning Session on police cases.

Ms. DeNardo will be present to discuss this matter with the Committee.

**STAFF RECOMMENDATION:**

*Staff recommends the Committee provide direction.*

**REFERENCE MATERIALS ATTACHED:**

- Gregory Thomas Curriculum Vitae
- Certificate of Professional Liability Insurance





# Gregory B. Thomas

## Partner

Pronouns: he, him, his

### Oakland

1901 Harrison Street, Suite 900  
Oakland, California 94612

[gthomas@bwslaw.com](mailto:gthomas@bwslaw.com)

510.903.8862 D  
510.273.8780 T

## PRACTICE GROUPS

Litigation

Public Law

Insurance Coverage and Litigation

## EDUCATION

J.D., University of San Diego School of Law, 2005

B.A., *cum laude*, University of Pennsylvania, 1997

## ADMISSIONS

State Bar of California

Supreme Court of the United States

United States Court of Appeals for the Ninth Circuit

United States District Court for the Northern District of California

United States District Court for the Eastern District of California

United States District Court for the Central District of California

United States District Court for the Southern District of California

## AFFILIATIONS

Alameda County Bar Association

Northern California Association of Defense Counsel

Gregory Thomas is a partner at Burke, Williams & Sorensen, LLP who litigates complex cases in the following areas: government tort liability, civil rights, constitutional law, jail conditions of confinement, wrongful arrest, excessive force, catastrophic personal injury and wrongful death, products liability, writs and appeals, moving and storage claims and professional liability.

Greg has focused on litigation since becoming a member of the State Bar of California in 2005. He is admitted to practice before all the courts of the State of California, all United States District Courts in California and the Ninth Circuit Court of Appeals. Greg has extensive experience in all phases of civil litigation from pre-litigation negotiations to pleadings, law and motion, discovery, alternative dispute resolution, jury trials to verdict, writs and appeals, and enforcement of judgments and settlements.

During law school, Greg served as a Judicial Extern for Justice Patricia D. Benke, California Court of Appeal, Fourth Appellate District, Division One and for Judge J. Richard Haden (Ret.), Superior Court of California, County of San Diego. He was also a member of the University of San Diego's National Moot Court Team and Moot Court Executive Board.

From 1997 to 2002, Greg served as an officer in the United States Navy aboard surface combatant ships actively deployed to areas ranging from the Persian Gulf to the Sea of Japan.

## RESULTS

- Recently obtained summary judgment in police excessive force case.
- Recently obtained summary judgment in case involving various constitutional claims against a Sheriff's Department after pre-trial detainee ingested drugs and died.
- Recently obtained defense verdict after complex six-week jury trial involving fraud, conversion, professional negligence and negligence.
- Recently obtained summary adjudication of indemnitor's present contractual duty to defend indemnitee against claims prior to factual adjudication of claims on the merits.
- Recently successfully responded to multiple Ninth Circuit appeals resulting in affirmance of underlying motions to dismiss.



# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)  
02/19/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> Aon Risk Services Central, Inc. Chicago IL Office 200 East Randolph Chicago IL 60601 USA	<b>CONTACT NAME:</b> PHONE (A/C. No. Ext): (312) 381-1000      FAX (A/C. No.): (312) 381-1000		
	<b>E-MAIL ADDRESS:</b>		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>	
<b>INSURED</b> Burke, Williams & Sorensen, LLP 444 South Flower St., Ste 2400 Los Angeles CA 90071-2953 USA	INSURER A: Scottsdale Ins Company		41297
	INSURER B: Evanston Insurance Company		35378
	INSURER C: Endurance American Specialty Ins Co.		41718
	INSURER D: Ironshore Specialty Insurance Company		25445
	INSURER E:		
	INSURER F:		

Holder Identifier :

**COVERAGES**      **CERTIFICATE NUMBER: 570086084133**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	<b>AUTOMOBILE LIABILITY</b>  <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY ( Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		<input type="checkbox"/> Y / <input type="checkbox"/> N	N/A			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT E.L. DISEASE-EA EMPLOYEE E.L. DISEASE-POLICY LIMIT
A B C	Lawyers Prof			LWS0000898 MKLV7PL0004534 LPL10014114802	01/15/2021 01/15/2021 01/15/2021	01/15/2022 01/15/2022 01/15/2022	Per Occurrence \$5,000,000 Aggregate \$10,000,000

Certificate No : 570086084133

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 Deductible: \$350,000 Each Claim, \$700,000 in the Aggregate and \$50,000 Step-Down, including defense costs

<b>CERTIFICATE HOLDER</b>  Burke, Williams & Sorensen, LLP 444 South Flower St., Ste 2400 Los Angeles CA 90071-2953 USA	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  
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# ADDITIONAL REMARKS SCHEDULE

AGENCY Aon Risk Services Central, Inc.		NAMED INSURED Burke, Williams & Sorensen, LLP	
POLICY NUMBER See Certificate Number: 570086084133			
CARRIER See Certificate Number: 570086084133	NAIC CODE	EFFECTIVE DATE:	

**ADDITIONAL REMARKS**

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance**

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

**ADDITIONAL POLICIES** If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
	OTHER							
D				LPL7CABW3D1002	01/15/2021	01/15/2022		

February 25, 2021

Agenda Items 6.B.

**ADMINISTRATIVE MATTERS**

**SUBJECT: California Association of Joint Powers Authorities (CAJPA) Tort Reform Initiative**

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**BACKGROUND AND HISTORY:**

The California Association of Joint Powers Authorities (CAJPA) is putting together a Tort Reform Initiative. Jon Paulsen, General Manager, and Susan DeNardo, Litigation Manager will be in attendance to update the Claims Committee on CAJPA's tort reform initiative and data request.

**STAFF RECOMMENDATION:**

*None.*

**REFERENCE MATERIALS ATTACHED:**

None.