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

CLAIMS COMMITTEE MEETING AGENDA

**Thursday, May 27, 2021
1:30 p.m.**

Zoom

Please Contact Katie Sullivan for Videoconference Information

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 no later than 5 p.m. on Wednesday, May 26, 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 (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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| <u>Page</u> | 1. CALL TO ORDER |
| | 2. INTRODUCTIONS |
| | 3. APPROVAL OF AGENDA AS POSTED (OR AMENDED) |

- 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.
- 4** *A. Minutes from the April 22, 2021, Claims Committee Meeting
Recommendation: Staff recommends the Committee approve the Consent Calendar.
- 6. CLAIMS MATTERS**
- 6** *A. Consideration of Additions to Defense Panel Counsel
Recommendation: Staff recommends the Claims Committee provide direction.
- 7. CLOSED SESSION**
- A. Pursuant to Government Code Section 54956.95(a), the Committee will hold a closed session to discuss the following claims:
- Margaret Robbins v. City of San Bruno
 - Chiaho Wu v. City of San Bruno
 - Sheks Construction Company, et al v. City of South San Francisco
- 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 June 24, 2021, at 1:30 p.m. via videoconference.

May 27, 2021

Agenda Items 5.A.

CONSENT CALENDAR

SUBJECT: Consent Calendar

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 April 22, 2021, Claims Committee Meeting

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

**MINUTES OF THE CLAIMS COMMITTEE
MEETING OF APRIL 22, 2021**

A regular meeting of the Claims Committee was held on April 22, 2021, via videoconference.

MEMBERS PRESENT: Donald Larkin, Chair, Morgan Hill
Brenda Olwin, East Palo Alto
Ann Ritzma, Hillsborough
Robert Schultz, Los Gatos
Marc Zafferano, San Bruno
Rebecca Mendenhall, San Carlos

MEMBERS ABSENT: None

OTHERS PRESENT: Jon Paulsen, General Manager
Katie Sullivan, Assistant General Manager
Susan DeNardo, Litigation Manager
Greg Rubens, Board Counsel

1. CALL TO ORDER:

The Regular Meeting of the PLAN JPA Claims Committee meeting was called to order at 1:30 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. Marc Zafferano 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:

Ann Ritzma moved to approve the following items: A) Minutes from the March 25, 2021, Claims Committee Meeting. Rebecca Mendenhall seconded the motion. A roll call vote was taken, and the motion passed by majority vote by Donald Larkin, Brenda Olwin, Ann Ritzma, Robert Schultz, Marc Zafferano, and Rebecca Mendenhall.

6. CLOSED SESSION:

A. The Committee convened to closed session, pursuant to Government Code section 54956.95(a) at 1:33 p.m. to discuss the following claims:

- Raymond Wu, et al v. City of Burlingame
- Sook He Choi v. City of Dublin
- Asif, Haji v. City of Dublin, Alex Klinov
- Estate of Santosh Jain, Alok Jain, As Successor v. City of Milpitas
- Brandon Scott Merkel v. City of Suisun City

B. Pursuant to Government Code Section 54957.1, the Committee reconvened to open session at 2:41 p.m. The following actions were taken under closed session:

No reportable action was taken during closed session.

7. CLOSING COMMENTS:

A. Claims Committee

None.

B. Staff

None.

8. ADJOURNMENT

The Regular Meeting of the PLAN JPA Claims Committee was adjourned at 2:42 p.m.



Katie Sullivan, Assistant General Manager

May 27, 2021

Agenda Items 6.A.

CLAIMS MATTERS

SUBJECT: Consideration of Additions to Defense Panel Counsel

BACKGROUND AND HISTORY:

After PLAN JPA membership completed a satisfaction survey with the PLAN JPA Defense Counsel Panel in 2020, the Claims Committee appointed an Ad Hoc Committee, consisting of Kathleen Kane, Robert Schultz, and Donald Larkin, to review the results of the survey and discuss attorneys to be added to the panel. The Claims Committee then approved the attached panel list with attorneys Suzanne Nicholson (Appellate Specialist) and Ray Bangle (Dangerous Condition/Civil Rights Cases) added. No attorneys have been added to the panel, other than for special circumstances, prior to 2020 or since then.

Recently, the Litigation Management team was notified that two of PLAN JPA's Panel Counsel are planning to retire from the practice of law. The Litigation Management team reviewed the 2020 panel list, and after discussion with PLAN JPA's Third Party Adjuster, determined there is a need for additional qualified attorneys who have expertise and experience defending public entities in civil rights cases.

Susan DeNardo, Litigation Manager, will be present to discuss suggestions and answer questions.

STAFF RECOMMENDATION:

Staff recommends the Claims Committee provide direction.

REFERENCE MATERIALS ATTACHED:

- Proposed 2020 PLAN JPA Defense Counsel Panel List

PLAN LIST OF APPROVED DEFENSE PANEL 2020

Firm	Address	Phone	Email	Attorneys	Rates	Rates Police Federal ADA
Allen, Glaessner, Hazelwood & Werth	180 Montgomery St. 12 th Floor, San Francisco CA 94104	(415) 697- 2000	MHazelwood@aghwlaw.com DAllen@aghwlaw.com PGlaessner@aghwlaw.com	Mark Hazelwood Dale Allen Peter Glaessner		
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence</i>						
Bertrand, Fox, Elliot Osman & Wentzel	2749 Hyde Street San Francisco, CA 94109 1300 Clay Street Suite 58 Oakland, CA 9461	(415) 353- 0999 (510) 466- 6380	GFox@BFESF.com ROsman@BFESF.com EElliot@bfesf.com MWenzel@bfesf.com	Greg Fox Richard Osman Gene Elliott - ADA Michael Wenzel		
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence, Sexual Abuse and Molestation</i>						
Clapp Moroney Vucinich Beeman & Scheley	1111 Bayhill Dr. San Bruno, CA 94066	(650) 989- 5400	JVucinich@ClappMoroney.com	Jeffrey Vucinich		
<i>Practice Areas: Police. Dangerous Condition/Premises Liability, Direct Negligence</i>						
Law Offices of Dawn Ceizler	165 Lennon Lane, Suite 101, Walnut Creek, CA 94598	925)932-8225	dc@ceizler.com	Dawn Ceizler		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						

PLAN LIST OF APPROVED DEFENSE PANEL 2020

Hayes, Scott, Bonino, Ellingson, McKay LLC	203 Redwood Shores Pkwy 4 th Floor, Suite 480 Redwood City 94065	(650) 486- 2869	mbonino@hayesscott.com	Mark Bonino		
<i>Practice Areas: Appellate</i>						
Howard, Rome, Martin, Ridley	1900 O'Farrell Street, San Mateo, CA 94403, Ste 280	(650) 365- 7715	tmaster@hrmlaw.com sridley@hrmlaw.com lrauch@hrmlaw.com bgundert@hrmlaw.com	Todd Master Shawn Ridley Lisa Rauch Bob Gundert		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Inverse Condemnation, Civil Rights, Police</i>						
Leone and Alberts	2175 N. California Street Boulevard Walnut Creek CA 94596 Suite 900	(925) 974- 8600	bduus@leonealberts.com	Brian Duus		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence</i>						
McDowell - Cotter	2070 Pioneer Court San Mateo CA 94403	(650) 324- 9300	drosenbaum@mcdlawyers.net jemmaneel@mcdlawyers.net	David Rosenbaum Jennifer Emmaneel		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence</i>						
Matheny, Sears, Linkert and Jaime	3638 American River Drive, Sacramento, CA 95864-5901	(916)978- 3434	RBangle@mathenysears.com	Ray Bangle		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						

PLAN LIST OF APPROVED DEFENSE PANEL 2020

McNamara, Ney, Beatty, Slattery, Borges & Ambacher	3480 Buskirk Ave Suite 250 Pleasant Hill, CA 94523	(925) 939-5330	James.Fitzgerald@Mcnamaralaw.com Noah.Blechman@Mcnamaralaw.com	James Fitzgerald Noah Blechman		
<i>Practice Areas: Police</i>						
Suzanne M Nicholson, Attorney at Law	770 L St Ste 950, Sacramento, CA 95814-3361	(916) 361-6551	suzanne@smnlegal.com	Suzanne Nicholson		
<i>Practice Areas: Appellate</i>						
Law Office of Matthew Orebic	1870 San Antonio Ave. Berkeley, CA 94707	(510) 808-2000	Matthew@OrebicLaw.com	Matthew Orebic		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Inverse Condemnation, Civil Rights, Police</i>						
Rankin, Stock & Heaberlin	96 N. 3 rd Street, Suite 500 San Jose, CA 95112	(408) 293-0463	Jon@RankinStock.com David@RankinStock.com	Jon Heaberlin David Stock		
<i>Practice Areas: Dangerous Condition/Premises Liability, Direct Negligence, Civil Rights</i>						
Selman-Breitman	33 New Montgomery 6 th Floor San Francisco, CA 94105	(415) 979-2027	DLewis@SelmanBreitman.com	Danielle Lewis		
<i>Practice Areas: Dangerous Conditions/Premises Liability, Direct Negligence, Civil Rights</i>						