

June 1, 2006

William W. Way, City Manager
City of California City
21000 Hacienda Boulevard
California City, California 93505

Re: Claim of Martin Olson

We recommend the above claim be denied.

Allegations

This claim is for the alleged wrongful death of Marshall Olson, and is filed by his son, Martin Olson. The claim alleges that Marshall slipped and fell on ice on the sidewalk at 9278 North Loop Boulevard on November 28, 2005. The claim alleges the ice came from the sprinkler system on the property. Marshall died on December 14, 2005, allegedly as a result of the injuries sustained by the incident on November 28th. The claim seeks an unspecified amount of compensation.

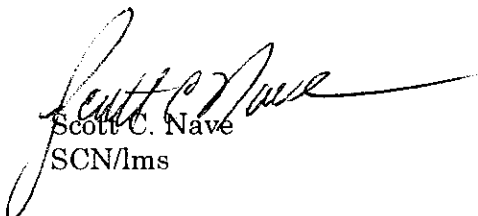
Analysis

Procedural. The claim is timely and contains the information required by the Tort Claims Act.

Substantive. An action for wrongful death is based solely on statute, and, as such, may be alleged directly against the City. We have investigated this claim, but have not learned anymore than is alleged in the claim. We do not believe, however, there is a City sidewalk at the property. It appears the "sidewalk" referenced in the claim was a paved path from the street to the clinic's front door. No one from the East Kern Healthcare District has any knowledge of the incident. Moreover, the Fire Department has no record of responding to a call at the subject address on the day in question.

Because of the lack of information regarding the incident, and a lack of specified damages, we recommend the claim be denied.

Very truly yours,
LEMIEUX & O'NEILL


Scott C. Nave
SCN/lms