



STAFF REPORT

CITY of YORBA LINDA

ADMINISTRATION DEPARTMENT

DATE: NOVEMBER 5, 2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MARK A. PULONE, CITY MANAGER
PREPARED BY: ARLENE QUINTERO, PRINCIPAL RISK AND SAFETY ANALYST

SUBJECT: DENIAL OF CLAIM FOR DAMAGES - THE FIGUEROA FIRM REPRESENTING LISA WERNER

RECOMMENDATION

It is recommended that the City Council of the City of Yorba Linda deny the claim for damages filed by The Figueroa Firm representing Lisa Werner.

BACKGROUND

Claims for damages filed against the City are reviewed and investigated by City staff and a third-party claims administrator (“TPA”) with George Hills Company, Inc. George Hills Company specializes in claims management and risk management services. These services are provided through the City’s contract membership in the California Insurance Pool Authority. City staff makes recommendations to the Council for settlement or denial based on the investigatory findings. A claimant’s failure to provide evidence of and/or supporting documents to substantiate the claim for damages will result in a recommendation for denial of the claim.

DISCUSSION

The following claim for damage has been recommended for denial based on the investigations by City staff and the third-party claims administrator. Further details for each claim are available upon request.

Lisa Werner

On September 17, 2023, Ms. Werner sustained a fractured elbow after slipping in mud while assisting another individual who had fallen at the northeast corner of Bastanchury and Clydesdale. The claim against the City was filed on January 18, 2024. A Notice of Insufficiency was mailed on February 7, 2024, requesting additional documentation needed to substantiate the claim. Despite repeated follow-ups by the City’s TPA, George Hills, the law firm has not provided an updated demand or the required documentation.

The TPA's outreach efforts with the law firm included:

- February 29, 2024: A call was made to the law firm, where it was confirmed that the claimant had completed treatment and that the firm was gathering her medical bills.
- April 22, 2024: An email was sent to the law firm requesting an update.
- May 17, 2024: The law firm responded, stating they were waiting for Ms. Werner's medical records.
- May 20, 2024: The law firm called to confirm their intent to submit an amended claim, stating again that medical records were still pending.
- July 11, 2024: The TPA left a voicemail with the law firm, requesting an update.
- August 12, 2024: The law firm responded by email, indicating they were still awaiting medical records.

As of today, no progress has been made, and over eight months have passed since the Notice of Insufficiency was issued. Due to the absence of adequate documentation and a formal demand, it is recommended that the City deny Ms. Werner's claim. This action will initiate the statute of limitations, prompting a timely resolution should the claimant choose to pursue further action.

FISCAL IMPACT

None.

ALTERNATIVES

As an alternative to staff's recommendations for the claim, the City Council has the following options:

1. Accept liability for the claims and pay the amount specified in the claim forms.
 2. Grant settlement authority up to a certain amount and direct the claims adjuster to enter into settlement negotiations with the claimants
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