

CITY CLAIM # 24-88
POLICE RPT. # _____



(FOR OFFICIAL USE ONLY)
U.S. Mail Hand Delivery Other

CLAIM AGAINST CITY OF NAPA

Please return to: City Clerk, 955 School Street, Napa, CA 94559 / Tel: (707)257-9503 Fax: (707)257-9534

CLAIM FORMS MUST BE FILLED OUT COMPLETELY. DO NOT LEAVE ANY BLANK SPACES. ADD ADDITIONAL SHEETS AS NECESSARY.

- 1. CLAIMANT'S NAME (PRINT): Blue Oak School
- 2. CLAIMANT'S ADDRESS: 1436 Polk Street Napa, CA 94559
(Street or P.O.Box Number) (City, State, Zip Code)
- 3. HOME PHONE: N/A WORK PHONE: 916-520-5364

IF YOUR CLAIM IS FOR UNDER \$10,000, STATE THE TOTAL ESTIMATED AMOUNT HERE \$ _____, AND SET FORTH THE CALCULATIONS SUPPORTING THE TOTAL AMOUNT OF YOUR CLAIM.

IF YOUR TOTAL CLAIM IS ESTIMATED AT \$10,000 OR MORE, CHECK THE BOX INDICATING WHETHER YOUR CLAIM WOULD BE A LIMITED CIVIL CASE (\$25,000 OR LESS), OR AN UNLIMITED CIVIL CASE.

- 4. ADDRESS TO WHICH NOTICES ARE TO BE SENT: IF DIFFERENT FROM LINES 1 AND 2 (PRINT) Robert P. Soran, Esq.
(NAME)
621 Capitol Mall, 18th Floor Sacramento, CA 95814
(STREET or P.O. BOX NUMBER) (CITY, STATE, ZIP CODE)

- 5. DATE OF INCIDENT: 12/06/2023 TIME OF INCIDENT: N/A
LOCATION OF INCIDENT: 1455 Polk Street/1120 Seminary Street, Napa, CA 94559 (at and adjacent to)

6. DESCRIBE THE INCIDENT OR ACCIDENT INCLUDING YOUR REASON FOR BELIEVING THE CITY IS LIABLE FOR YOUR DAMAGES: See Letter Attached to this Form.

7. DESCRIBE ALL INJURIES AND DAMAGES WHICH YOU BELIEVE YOU HAVE INCURRED AS A RESULT OF THE INCIDENT: See Letter Attached to this Form.

8. NAME(S) OF PUBLIC EMPLOYEE(S) CAUSING THE DAMAGES YOU ARE CLAIMING (IF APPLICABLE):
See Letter Attached to this Form.

9. WITNESS: See Letter Attached to this Form. N/A
(NAME) (ADDRESS) (TELEPHONE) (SIGNATURE)

 10/11/2024
SIGNATURE OF CLAIMANT (S) Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment, fine, or both.
Note: Most claims must be filed within 180 days of incident. See Government Code Section 900 et seq.

October 11, 2024

VIA CERTIFIED MAIL

City Clerk
955 School Street
Napa, CA 94559

Re: Claim Against the City of Napa - Government Code Section 905 *et seq.*

To the Clerk of the City of Napa:

This firm represents the Blue Oak School (the “School”). The purpose of this letter is to present a claim against the City of Napa (the “City”) on behalf of the School. Pursuant to Government Code sections 905 and 910, the information relevant to the claim is provided below and in supplement to the City’s standard *Claim Against City of Napa* form, which is attached hereto. The School is presenting this claim letter in accordance with Government Code section 905 *et seq.* and City of Napa Municipal Code Chapter 2.104.

Circumstances Giving Rise to the Claim / General Incident Description

The School owns real property located at 1455 Polk Street/1120 Seminary Street, Napa, CA 94559 (the “Property”) which is the site of the School’s new middle school. During development of the new middle school, tetrachloroethylene (“PCE”) was detected on the Property. The PCE had migrated onto and beneath the Property from the former Dow Cleaners, which operated at a shopping center owned by Hagstrom Properties, LLC (“Hagstrom”), located at 1634 Clay Street, Napa, CA 94559.

The former Dow Cleaners location, owned by Hagstrom, is currently an open cleanup program site under the jurisdiction and supervision of the San Francisco Bay Regional Water Quality Control Board (“Regional Water Board”). The project file for the Hagstrom site is listed on the State Water Resources Control Board’s GeoTracker website under identification number SL0605536682.¹

The Regional Water Board directed that Hagstrom, as the responsible party for the contamination, not only address the contamination on its own property but also investigate the extent to which the contamination emanating from Hagstrom’s property affected other properties in the area, including the School Property.

¹ See https://geotracker.waterboards.ca.gov/profile_report?global_id=SL0605536682.

On December 6, 2023, the School became aware that Hagstrom is alleging that there were one or more releases of PCE from the City-owned former combined sanitary sewer and storm sewer, which the City now operates only as a storm sewer. Hagstrom submitted a report detailing these allegations to the Regional Water Board titled *Blue Oak Middle School Property Investigation Report*, dated December 20, 2023 (“Hagstrom Report”).² In particular, the Hagstrom Report alleges, “These releases appear to have occurred in the current NapaSan sanitary sewer pipes, the NapaSan former combined sanitary/storm sewer pipes, and, due to residual PCE possibly remaining in the system, the City of Napa storm drain pipe in the middle of Seminary Street after the City took possession of the former combined sanitary/storm sewer pipe in approximately 1968.”³

Specifically, the Hagstrom Report stated that elevated levels of PCE in soil “strongly suggest the likelihood that one or more releases of PCE as DNAPL occurred at depth beneath Seminary Street from the combined storm drain/sanitary sewer, the sanitary sewer, or both, or from a sewer lateral connected to one or both of these facilities . . .”⁴ Moreover, the Hagstrom Report noted that soil vapor data indicated that there maybe four separate soil vapor plumes originating in various locations along the sanitary sewer and/or storm drain lines that were previously used for dual purpose storm and sanitary sewer.⁵ The Hagstrom report also concludes that shallow groundwater has been impacted by PCE in a manner that “generally coincides with the depth of the sewer facilities . . ., suggesting the likelihood of sewer leaks or failures in these areas.”⁶

Based on the foregoing, the School presents this claim for damages against the City on the basis that the City owned, operated, and/or maintained the former combined sanitary sewer and storm system (which is now operated solely as the storm drain) located adjacent to the School’s Property and its failure to properly maintain the system caused an independent release of PCE and/or caused or contributed to the spread of PCE from Hagstrom’s property onto and beneath the School’s real property.

General Description of the Injury, Damage, or Loss Incurred

As a result of the migration of PCE onto and beneath the School’s real property, the School has incurred significant costs and damages in response to the contamination, and the School is subject to ongoing obligations related to the damages to its real property. These costs include, but are not limited to the costs of additional site investigation, damages for changes to, and delays in the construction of the middle school property, and the installation of environmental and safety measures to mitigate the impacts of PCE at and underlying the School’s property.

The costs and damages to the School are continuing, and is therefore subject to change in an amount to be determined.

² The Hagstrom Report is available on the State Water Resources Control Board’s GeoTracker database, https://geotracker.waterboards.ca.gov/profile_report?global_id=SL0605536682.

³ *Id.* at p. 41.

⁴ *Id.* at p. 30.

⁵ *Id.* at p. 32.

⁶ *Id.* at p. 31.

Name(s) of Public Employee(s) Causing the Injury, Damage, or Loss

The School does not have all of the specific information at this time to name any public employee(s) causing the injury, damage, or loss. (Gov. Code, § 910(e).) The School reserves the right to supplement its claim with additional information, if it becomes known.

Names of Witnesses

Other than the information referenced in the Hagstrom Report, the School does not have the specific information at this time to name witnesses. The School reserves the right to supplement its claim with additional information, if it becomes known.

Amount Claimed

Pursuant to the Government Code, “[i]f the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.” (Gov. Code, § 910(f).) The School is claiming damages in excess of \$10,000, and therefore, does not include a specific dollar amount in this letter. Based on the amount in dispute, this would not be a limited civil case.

The School reserves all rights to supplement this claim as additional information becomes known, and reserves all rights to pursue available legal remedies that are or may become available after presentation of this claim, including but not limited to initiating legal proceedings, to recover costs from the City relating to the migration of PCE contamination.

Please return a conformed copy of this claim (copy enclosed) to this office in the enclosed postage paid return envelope.

Should you have any questions regarding this claim, please contact the undersigned at the telephone number listed above.

Thank you for your attention to this matter.

Sincerely,

DOWNEY BRAND LLP



Robert P. Soran

Enclosure (City of Napa Claim Form)

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 621 Capitol Mall, 18th Floor, Sacramento, CA 95814.

On October 11, 2024, I served true copies of the following document(s) described as below on the interested parties in this action as follows:

BLUE OAKS SCHOOL’S CLAIM FORM AND LETTER FOR CITY OF NAPA

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing via Certified Mail, Return Receipt Requested, following our ordinary business practices. I am readily familiar with the practice of Downey Brand LLP for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Sacramento, California.

**City Clerk
955 School Street
Napa, CA 94559**

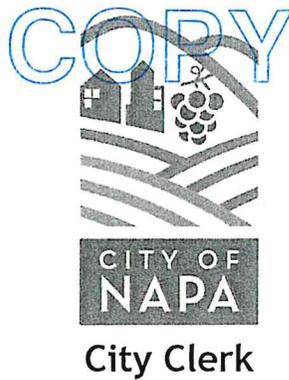
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 11, 2024, at Sacramento, California.



Wendy Honey

DOWNEY BRAND LLP



October 16, 2024

Blue Oak School
c/o Robert P. Soran, Esq
621 Capitol Mall, 18th Floor
Sacramento, Ca 95814

**RE: ACKNOWLEDGING RECEIPT OF BLUE OAK SCHOOL C/O ROBER P. SORAN, ESQ
CLAIM AGAINST THE CITY OF NAPA CLAIM NO. 24-88**

**Blue Oak School
c/o Rober P. Soran, Esq**

On October 16, 2024 via Certified Mail delivery the City of Napa received the above-referenced claim. Claim documents received by the City included two (2) pages City of Napa Claim Form, and three (3) pages of written statement.

The City has transmitted the claim documents for review by the City's claims administrator, George Hills Company, Inc. If you wish to contact the claims administrator directly, the relevant contact information is:

Wesley Mao
George Hills Company, Inc.
P.O. BOX 278
Rancho Cordova, CA 95741
Office: 916-859-4800
Direct: 916-859-4810
Email: wesley.mao@georgehills.com

Sincerely,

Emily Steinley
Office Assitant II
Napa City Clerk's Department

PROOF OF SERVICE

I declare that I am employed in the City and County of Napa, California, over the age of 18 years and am not a party to the within action. My business address is 955 School Street, Napa, CA 94559. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence, which is placed for collection, is deposited with the United States Postal Service on the same day it is placed for collection.

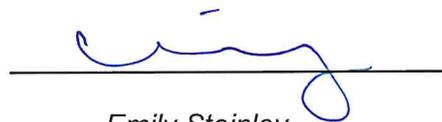
On October 16, 2024 I served the following documents:

Letter dated October 16, 2024 Acknowledging receipt of claim of Blue Oak School c/o Rober P. Soran, Esq against the City of Napa Claim No. 24-88

on the parties in this matter by having sealed and placed the envelope with first class mailed postage, fully prepaid, for collection and mailing on this date in accordance with the ordinary business practices and addressed as follows:

Blue Oak School
c/o Robert P. Soran, Esq
621 Capitol Mall, 18th Floor
Sacramento, Ca 95814

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct, and that this Declaration was executed on October 16, 2024 in Napa, California.

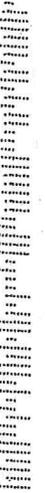


*Emily Steinley
Office Assitant II
Napa City Clerk's Department*

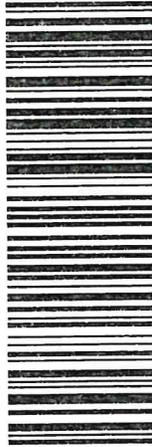
DOWNNEY BRAND LLP

Downey Brand LLP
621 Capitol Mall, 18th
Sacramento, CA 95814

ATTACHMENT 1



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL®



9314 8699 0430 0127 2911 49
RETURN RECEIPT (ELECTRONIC)

CITY CLERK
955 SCHOOL ST
NAPA, CA 94559-2825

NEOPOST
10/11/2024
US POSTAGE \$0
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