



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Application for Leave to Present Late Claim for Michael L. Ryall, Date of Loss – April 22, 2006

MEETING DATE: May 21, 2008

PREPARED BY: Randi Johl, City Clerk

RECOMMENDED ACTION: Deny, by motion action, the following Application for Leave to Present Late Claim:

Mr. Michael L. Ryall
Date of Loss – April 22, 2006
Date Claim Filed – April 7, 2008

BACKGROUND INFORMATION: Mr. Ryall presented a claim for alleged unlawful arrest, forced blood draw, wrongful towing of his vehicle, and assault. The claim was filed on April 7, 2008, approximately two years after the alleged incident and expiration of the relevant statute. The statute, as set forth in the Government Code, specifically requires that the claim be filed within a six-month period from the date of occurrence. In some cases, the law provides for a one year time frame. Mr. Ryall states he was incarcerated and as a result did not file the required claim form by the required deadline. The law does not provide an exception for incarceration as Mr. Ryall had an ability to file the necessary claim in the appropriate time period as proscribed law. It is, therefore, respectfully requested that the City Council deny the Application for Leave to Present a Late Claim.

FISCAL IMPACT: Unlimited amount claimed.

FUNDING AVAILABLE: Not Applicable.

Randi Johl
City Clerk

APPROVED: _____
Blair King, City Manager