



Valley Water

SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

## September 4, 2020

Board Policy EL-7 Communication and Support to the Board  
*The BAOs shall inform and support the Board in its work.*

<b>Page</b>		<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
		None
		<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
<b>4</b>		<b>BMR/IBMR Weekly Reports: 09/03/20</b>
<b>5</b>		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 8/28/20, regarding Risk Management Communication.
<b>13</b>		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 8/31/20, regarding Risk Management Communication.
		<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>20</b>		<b>Board Correspondence Weekly Report: 09/03/20</b>
<b>21</b>		Email from Vickie Hoy, to the Board of Directors, dated 9/1/20, regarding Homeless Encampments in Saratoga Creek (C-20-0149).
		<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
<b>23</b>		Email from Director Estremera, to Aurelia Sanchez, dated 8/26/20, regarding the Landscape Rebate Program (C-20-0145).
<b>25</b>		Email from Chair Hsueh, to Robin Durston, dated 8/28/20, regarding Safe, Clean Water and Natural Flood Protection Program (C-20-0146).
<b>27</b>		Email from Chair Hsueh, to Doug Muirhead, dated 9/1/20, regarding "Automatic" Mechanisms to Preserve Cash, Staffing and Services (C-20-0147).

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to [publicrecords@valleywater.org](mailto:publicrecords@valleywater.org).

# **CEO BULLETIN**

# **BOARD MEMBER REQUESTS and Informational Items**

**Report Name: Board Member Requests**

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-20-0014	08/20/20	Kremen Santos	Yoke	Gordon	Director Kremen requested staff to take a look at the potential of hiring private fire fighting organization to protect the Penitenia WTP. In addition, Director Santos requested information on whether any consideration has been given to installing fire suppression sprinklers on the perimeter or other effective location on WTPs. Copies of both email requests are attached below.	09/10/20		
R-20-0008	08/25/20	Hsueh	Tippets	Infante	Chair Hsueh requested that staff prepare a communication to send to all constituents who have contacted the Board outlining the actions taken to date on the President's Day flood on Coyote Creek. Copy of email attached below.	09/14/20		



**MEMORANDUM**

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** August 28, 2020

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Attached please find a lawsuit recently filed by Scott Yeaman against the Santa Clara Valley Water District. This item will be discussed further in closed session at a later date.

For additional information, please contact me at 408-630-2213.

DocuSigned by:

*David Cahen*

\_\_\_\_\_  
David Cahen  
Risk Manager

Attachment: Summons and Complaint

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Norman E. Matteoni (SBN 34724); Barton G. Hechtman (SBN 129869);
Gerald Houlihan (SBN 214254)
Matteoni, O'Laughlin & Hechtman, 848 The Alameda, San Jose, CA 95126
TELEPHONE NO.: (408) 293-4300 FAX NO. (Optional): (408) 293-4004
ATTORNEY FOR (Name): Plaintiff SCOTT R. YEAMAN

FOR COURT USE ONLY
Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 8/13/2020 11:10 AM
Reviewed By: L Del Mundo
Case #20CV369378
Envelope: 4758560

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
STREET ADDRESS: 191 North First Street
MAILING ADDRESS: 191 North First Street
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME:

CASE NAME:
Scott R. Yeaman v. Santa Clara Valley Water District, et al.

CIVIL CASE COVER SHEET
Complex Case Designation
[X] Unlimited (Amount demanded exceeds \$25,000)
[ ] Limited (Amount demanded is \$25,000)
[ ] Counter [ ] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 20CV369378
JUDGE:
DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
Auto Tort
[ ] Auto (22)
[ ] Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
[ ] Asbestos (04)
[ ] Product liability (24)
[ ] Medical malpractice (45)
[ ] Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
[ ] Business tort/unfair business practice (07)
[ ] Civil rights (08)
[ ] Defamation (13)
[ ] Fraud (16)
[ ] Intellectual property (19)
[ ] Professional negligence (25)
[ ] Other non-PI/PD/WD tort (35)
Employment
[ ] Wrongful termination (36)
[ ] Other employment (15)
Contract
[ ] Breach of contract/warranty (06)
[ ] Rule 3.740 collections (09)
[ ] Other collections (09)
[ ] Insurance coverage (18)
[ ] Other contract (37)
Real Property
[X] Eminent domain/Inverse condemnation (14)
[ ] Wrongful eviction (33)
[ ] Other real property (26)
Unlawful Detainer
[ ] Commercial (31)
[ ] Residential (32)
[ ] Drugs (38)
Judicial Review
[ ] Asset forfeiture (05)
[ ] Petition re: arbitration award (11)
[ ] Writ of mandate (02)
[ ] Other judicial review (39)
Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
[ ] Antitrust/Trade regulation (03)
[ ] Construction defect (10)
[ ] Mass tort (40)
[ ] Securities litigation (28)
[ ] Environmental/Toxic tort (30)
[ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
[ ] Enforcement of judgment (20)
Miscellaneous Civil Complaint
[ ] RICO (27)
[ ] Other complaint (not specified above) (42)
Miscellaneous Civil Petition
[ ] Partnership and corporate governance (21)
[ ] Other petition (not specified above) (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. [ ] Large number of separately represented parties
b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. [ ] Substantial amount of documentary evidence
d. [ ] Large number of witnesses
e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. [X] monetary b. [ ] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action (specify): two (2)
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
Date: August 13, 2020

Barton G. Hechtman

(TYPE OR PRINT NAME)

[Signature]

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**CM-010**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

- |   |  |  |
|---|--|--|
| <p><b>Auto Tort</b></p> <ul style="list-style-type: none"> <li>Auto (22)–Personal Injury/Property Damage/Wrongful Death</li> <li>Uninsured Motorist (46) <i>(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</i></li> </ul> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <ul style="list-style-type: none"> <li>Asbestos (04)</li> <li>Asbestos Property Damage</li> <li>Asbestos Personal Injury/Wrongful Death</li> <li>Product Liability <i>(not asbestos or toxic/environmental)</i> (24)</li> <li>Medical Malpractice (45)</li> <li>Medical Malpractice–Physicians &amp; Surgeons</li> <li>Other Professional Health Care Malpractice</li> <li>Other PI/PD/WD (23)</li> <li>Premises Liability (e.g., slip and fall)</li> <li>Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)</li> <li>Intentional Infliction of Emotional Distress</li> <li>Negligent Infliction of Emotional Distress</li> <li>Other PI/PD/WD</li> </ul> <p><b>Non-PI/PD/WD (Other) Tort</b></p> <ul style="list-style-type: none"> <li>Business Tort/Unfair Business Practice (07)</li> <li>Civil Rights (e.g., discrimination, false arrest) <i>(not civil harassment)</i> (08)</li> <li>Defamation (e.g., slander, libel) (13)</li> <li>Fraud (16)</li> <li>Intellectual Property (19)</li> <li>Professional Negligence (25)</li> <li>Legal Malpractice</li> <li>Other Professional Malpractice <i>(not medical or legal)</i></li> <li>Other Non-PI/PD/WD Tort (35)</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>Wrongful Termination (36)</li> <li>Other Employment (15)</li> </ul> | <p><b>Contract</b></p> <ul style="list-style-type: none"> <li>Breach of Contract/Warranty (06)</li> <li>Breach of Rental/Lease</li> <li>Contract <i>(not unlawful detainer or wrongful eviction)</i></li> <li>Contract/Warranty Breach–Seller Plaintiff <i>(not fraud or negligence)</i></li> <li>Negligent Breach of Contract/Warranty</li> <li>Other Breach of Contract/Warranty</li> <li>Collections (e.g., money owed, open book accounts) (09)</li> <li>Collection Case–Seller Plaintiff</li> <li>Other Promissory Note/Collections Case</li> <li>Insurance Coverage <i>(not provisionally complex)</i> (18)</li> <li>Auto Subrogation</li> <li>Other Coverage</li> <li>Other Contract (37)</li> <li>Contractual Fraud</li> <li>Other Contract Dispute</li> </ul> <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li>Eminent Domain/Inverse Condemnation (14)</li> <li>Wrongful Eviction (33)</li> <li>Other Real Property (e.g., quiet title) (26)</li> <li>Writ of Possession of Real Property</li> <li>Mortgage Foreclosure</li> <li>Quiet Title</li> <li>Other Real Property <i>(not eminent domain, landlord/tenant, or foreclosure)</i></li> </ul> <p><b>Unlawful Detainer</b></p> <ul style="list-style-type: none"> <li>Commercial (31)</li> <li>Residential (32)</li> <li>Drugs (38) <i>(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</i></li> </ul> <p><b>Judicial Review</b></p> <ul style="list-style-type: none"> <li>Asset Forfeiture (05)</li> <li>Petition Re: Arbitration Award (11)</li> <li>Writ of Mandate (02)</li> <li>Writ–Administrative Mandamus</li> <li>Writ–Mandamus on Limited Court Case Matter</li> <li>Writ–Other Limited Court Case Review</li> <li>Other Judicial Review (39)</li> <li>Review of Health Officer Order</li> <li>Notice of Appeal–Labor Commissioner Appeals</li> </ul> | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</b></p> <ul style="list-style-type: none"> <li>Antitrust/Trade Regulation (03)</li> <li>Construction Defect (10)</li> <li>Claims Involving Mass Tort (40)</li> <li>Securities Litigation (28)</li> <li>Environmental/Toxic Tort (30)</li> <li>Insurance Coverage Claims <i>(arising from provisionally complex case type listed above)</i> (41)</li> </ul> <p><b>Enforcement of Judgment</b></p> <ul style="list-style-type: none"> <li>Enforcement of Judgment (20)</li> <li>Abstract of Judgment (Out of County)</li> <li>Confession of Judgment <i>(non-domestic relations)</i></li> <li>Sister State Judgment</li> <li>Administrative Agency Award <i>(not unpaid taxes)</i></li> <li>Petition/Certification of Entry of Judgment on Unpaid Taxes</li> <li>Other Enforcement of Judgment Case</li> </ul> <p><b>Miscellaneous Civil Complaint</b></p> <ul style="list-style-type: none"> <li>RICO (27)</li> <li>Other Complaint <i>(not specified above)</i> (42)</li> <li>Declaratory Relief Only</li> <li>Injunctive Relief Only <i>(non-harassment)</i></li> <li>Mechanics Lien</li> <li>Other Commercial Complaint Case <i>(non-tort/non-complex)</i></li> <li>Other Civil Complaint <i>(non-tort/non-complex)</i></li> </ul> <p><b>Miscellaneous Civil Petition</b></p> <ul style="list-style-type: none"> <li>Partnership and Corporate Governance (21)</li> <li>Other Petition <i>(not specified above)</i> (43)</li> <li>Civil Harassment</li> <li>Workplace Violence</li> <li>Elder/Dependent Adult Abuse</li> <li>Election Contest</li> <li>Petition for Name Change</li> <li>Petition for Relief From Late Claim</li> <li>Other Civil Petition</li> </ul> |
|---|--|--|

**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

E-FILED  
8/13/2020 11:10 AM  
Clerk of Court  
Superior Court of CA,  
County of Santa Clara  
20CV369378  
Reviewed By: L Del Mundo  
Envelope: 4758560

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

Santa Clara Valley Water District, a public entity, and DOES 1 through 10, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Scott R. Yeaman, an individual

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Superior Court of California  
County of Santa Clara  
191 North First Street, San Jose, CA 95113

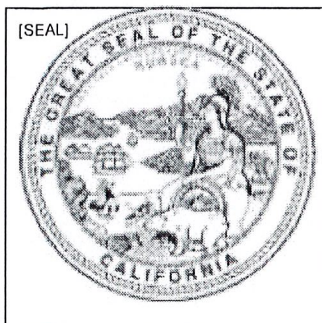
CASE NUMBER: (Número del Caso):  
20CV369378

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Barton G. Hechtman, Matteoni, O'Laughlin & Hechtman, 848 The Alameda, San Jose, CA 95126; Tel: (408) 293-4300 ext. 204

DATE: (Fecha) 8/13/2020 11:10 AM Clerk of Court Clerk, by L Del Mundo, Deputy (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



**NOTICE TO THE PERSON SERVED: You are served**

- 1.  as an individual defendant.
- 2.  as the person sued under the fictitious name of (specify):
- 3.  on behalf of (specify): *Santa Clara Valley Water District*  
 under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify): *a public agency*
- 4.  by personal delivery on (date)



1 NORMAN E. MATTEONI (SBN 34724)  
2 norm@matteoni.com  
3 BARTON G. HECHTMAN (SBN 129869)  
4 bgh@matteoni.com  
5 GERALD HOULIHAN (SBN 214254)  
6 gerry@matteoni.com  
7 MATTEONI, O'LAUGHLIN & HECHTMAN  
8 848 The Alameda  
9 San Jose, CA 95126  
10 TEL: (408) 293-4300  
11 FAX: (408) 293-4004

12 Attorneys for Plaintiff  
13 SCOTT R. YEAMAN

14 SUPERIOR COURT OF CALIFORNIA  
15 COUNTY OF SANTA CLARA  
16 UNLIMITED JURISDICTION

17 SCOTT R. YEAMAN, an individual,  
18 Plaintiff,  
19 v.  
20 SANTA CLARA VALLEY WATER  
21 DISTRICT, a public agency; and  
22 DOES 1 THROUGH 10, inclusive,  
23 Defendants.

24 Case No. 20CV369378  
25 **COMPLAINT IN INVERSE  
26 CONDEMNATION AND FOR  
27 NEGLIGENT DESIGN AND  
28 CONSTRUCTION OF PUBLIC  
IMPROVEMENT**  
APN: 008-01-015

Plaintiff Scott R. Yeaman alleges as follows:

1. Defendant Santa Clara Valley Water District (the "District") is a public agency duly formed and organized under the laws of the State of California and is duly authorized to exercise the power of eminent domain.

2. Defendants DOES 1 through 10 inclusive are sued herein under fictitious names. Their true names and capacities are unknown to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this Complaint by inserting their true names and capacities herein. Plaintiff is informed and believes and based

1 thereon alleges that each of the fictitiously named Defendants are responsible in some  
2 manner for the occurrences herein alleged, and that Plaintiff's damages as herein  
3 alleged were proximately caused by those Defendants.

4 3. Plaintiff is informed and believes that at all times material hereto, all  
5 Defendants were acting as the agent of each other related to the Project

6 4. The improved property that is the subject of this Complaint is Assessor's  
7 Parcel Number 008-01-015 and is located at 2025 Bayshore Road, Palo Alto, CA 94303  
8 (the "Property").

9 5. Plaintiff Yeaman is a co-owner of the Property.

10 6. Yeaman operates an autobody repair facility on a portion of the Property.

11 **FIRST CAUSE OF ACTION FOR INVERSE CONDEMNATION**

12 **(Cal. Constitution Art. I, Section 19)**

13 7. In and around 2017 the Defendants constructed the San Francisquito  
14 Creek Improvement Project (the "Project") adjacent to the Property.

15 8. The Project is a public improvement related to flood control. Defendants'  
16 construction activities included excavation and driving piles adjacent to the Property for  
17 the establishment of a floodwall.

18 9. On or about August 15, 2017, Yeaman discovered that the Property had  
19 sustained damage as a result of District's design and construction of the Project.

20 10. The damage includes but is not limited to subsidence, loss of lateral  
21 support, cracking of foundations and pavement, shifting of the building off of its  
22 foundation, misalignment of portions of the building, and interference with the ability to  
23 operate precision machining.

24 11. Yeaman is informed and believes the damaging of the Property is ongoing  
25 as a result of effects of the Project, including but not limited to those caused by  
26 continuing subsidence and/or seasonal moisture and subsequent drying, and full  
27 calculation of damages is not presently ascertainable but damages will exceed  
28 \$50,000.00.

1           12. Yeaman has not been paid any compensation for these damages.

2           13. As a direct, necessary, and proximate result of the Project activities,  
3 Yeaman has been denied the full use and enjoyment of the Property. The Property has  
4 been used, interfered with, and damaged without payment of just compensation,  
5 entitling Yeaman to the fair market value of the property taken, lost profits, the fair  
6 market value of the property damaged, severance damages, and statutory interest.

7           14. Yeaman has incurred and will continue to incur attorneys, appraisal,  
8 engineering fees and costs for the prosecution of this Complaint, in amounts that cannot  
9 yet be ascertained, which fees and costs are recoverable under the authority California  
10 Code of Civil Procedure section 1036.

11           15. Inverse condemnation claims are not required to be submitted pursuant to  
12 the Government Claims Act, pursuant to Government Code Section 900 et seq.

13   **SECOND CAUSE OF ACTION FOR**

14                       **NEGLIGENT DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENT**

15           16. Yeaman incorporates each and every allegation set forth in paragraphs 1  
16 through 13 hereof.

17           17. Defendants negligently planned and constructed the adjacent flood control  
18 Project, failed to follow District's own vibration requirements, and failed to take into  
19 account the damage caused to the Property from the construction of the Project.

20           18. Defendants failed to follow reasonable construction practices and that  
21 failure was a cause of damages to the Property.

22           19. It was foreseeable that a failure to follow the proper design and  
23 construction practices would result in excessive vibration and subsidence which would  
24 damage the Property.

25           20. On August 10, 2018, Yeaman submitted to District a written claim  
26 regarding the damage to the Property from the Project pursuant to Government Code  
27 Section 900 et seq. (the "Claim").

28 //





## MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** August 31, 2020

---

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against the District.

Please find the following attachments:

- 1) August 20, 2020 claim confirmation letter to Ms. Laura Peterson (District 2)
- 2) Claim filed by Ms. Laura Peterson (District 2)
- 3) August 31, 2020 claim settlement letter to Ms. Laura Peterson (District 2).

For additional information, please contact me at 408-630-2213.

DocuSigned by:

*David Cahen*

38578626CBF4482...

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David Cahen  
Risk Manager

if possible - 2 pgs vs 3 pgs -  
use smaller font.

Santa Clara Valley  
Water District



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT**  
**California Government Code Sections 900 and following**

Page 1 of 3

hand carried

<p>The completed form can be mailed, sent electronically or hand carried. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District - HQ 5750 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	Clerk of the Board's Date Stamp	
	For SCVWD Use Only	
	Date Received:	ROUTING
	<input type="checkbox"/> Via U.S. Mail:	<input type="checkbox"/> CEO:
	<input type="checkbox"/> Over the Counter:	<input type="checkbox"/> District Counsel
	<input type="checkbox"/> E-mail:	<input type="checkbox"/> Risk Management
<input type="checkbox"/> Other:	<input type="checkbox"/> COB	
	<input type="checkbox"/> BOD (District #):	

**With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim.** Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form - see last page.

Name of Claimant: LAURA PETERSON			
Address of Claimant: HQ Minnesota Ave San Jose, CA 95125		City: San Jose	State: Zip: 95125
Mailing Address to Which Notices Should be Sent if Different From Above: SAME		City:	State: Zip:
Home Phone Number:	Cell Phone Number: 408-348-3318	Work Phone Number:	
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____	
Date and time of incident or loss: 8-1-20	Location of incident or loss (address): Same as above	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <input checked="" type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

I installed new pavers in July and as of August they were seriously damaged from Walnut tree droppings. (see attached) Tree is in the creek



**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT  
California Government Code Sections 900 and following**

In detail, describe the damage or injury (Please attach additional sheets if necessary):

See photos

List Name(s) and contact information of any witness(es) or District employee involved (if any):

Reduce space  
to make room  
for P53

Jose Ledesma Landscaping

408-781-1161

**DAMAGES CLAIMED:** Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?

Yes

No

Court Jurisdiction: (Check One)

Limited Civil

Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Paver cleaning / repair	\$ 300
2. Paver cleaning / repair	\$ 300
3. tree trim	\$ 500
4.	\$
<b>TOTAL AMOUNT</b>	<b>\$ 1100</b>

insert P5 3 here

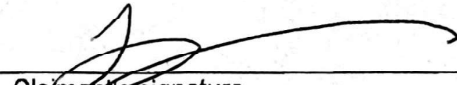


**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT  
California Government Code Sections 900 and following**

Page 3 of 3

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 19 day of August, 2020   
Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given in accordance with **Section 913**, within two years from the accrual of the cause of action.





Clean Water • Healthy Environment • Flood Protection

August 20, 2020

Laura Peterson  
492 Minnesota Ave  
San Jose, CA 95125

Re: Receipt of Claim – L2010002

Dear Ms. Peterson,

We received your claim regarding the damage to the pavers damaged by walnut tree droppings.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213.

Sincerely,

DocuSigned by:

*David Cohen*

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David Cohen  
Risk Manager





Clean Water • Healthy Environment • Flood Protection

August 31, 2020

Laura Peterson  
492 Minnesota Avenue  
San Jose, CA 95125

Re: Claim – L2020002

Dear Ms. Peterson,

Enclosed is the final settlement check regarding the above-mentioned claim. The total amount of the settlement is \$550.00.

On behalf of the Santa Clara Water District, I apologize for any inconvenience this incident caused and thank you for your cooperation.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "David Cahen".

3BB76B20CBF4482...  
David Cahen  
Risk Manager

enc: Check

