# SPERIOR COURT OF CALIF ANIA

400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

SHANNA COUPER ORONA

SMALL CLAIMS ORDER

PLAINTIFF (S)

VS.

NO.: CSM-23-866830

CITY AND COUNTY OF SAN FRANCISCO

Small Claims - Continue Order

DEFENDANT (S)

The Court orders this case continued per request of plaintiff to Sep-19-2023 at 3:30 pm in Department 506, 400 McAllister Street San Francisco, CA 94102.

DATED: Jul 25, 2023

JUDGE PRO TEM

Judicial Officer

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on Jul 25, 2023 I served the foregoing Small Claims - Continue Order on each party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

Dated: JUL-25-2023

By: VJONES

SHANNA COUPER ORONA 131 STEUART STREET, STE 400 SAN FRANCISCO, CA 94105

CITY AND COUNTY OF SAN FRANCISCO 1 DR.CARLTON B.GOODLE IT PLACE SAN FRANCISCO, CA 94102

1 DR.CARLTON B.GOODLETT PLACE SAN FRANCISCO, CA 94102



Superior Court of California County of San Francisco Small Claims Division 400 McAllister Street, Room 103 San Francisco, CA 94102



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# SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

SHANNA COUPER ORONA

SMALL CLAIMS ORDER

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Dated: JUL-25-2023 By: VJONES

SHANNA COUPER ORONA 131 STEUART STREET, STE 400 SAN FRANCISCO, CA 94105

CITY AND COUNTY OF SAN FRANCISCO 1 DR.CARLTON B.GOODLETT PLACE SAN FRANCISCO, CA 94102

	SC-150	Request to Postpone Trial	Clerk stemps here when form is filed.				
See	instructions on ot	her side.	MAYOR'S OFFICE				
①	My name is: Sh	anna Couper Orona					
	Mailing address:	131 Steuart Street, Suite 400					
	San Francisco						
	Phone:		1				
	I am a (check one,	: ☑ plaintiff ☐ defendant in this case.					
2	My trial is now s	cheduled for (date): 7/27/2023	Fill in the court name and street address:  Superior Court of Callfornia, County of				
3	I ask the court to 9/7/2023	postpone my trial until (approximate date):	San Francisco 400 McAllister Street San Francisco, CA 94102				
4		nis postponement because (explain):					
		will not fit in the space below, check this box and attach your parate sheet of paper. Write "SC-150, Item 4" at the top.	Fill in your case number and case name:  Case Number:				
	Additional time	e needed in light of a pending decision in	CSM23866830				
	related litigation	on.	Case Name: Shanna Couper Orona v. City and County of San Francisco				
		waiting a related decision in the California Cour oner and needs additional time to prepare after t					
6		been served by a method allowed by law? (See fout how the claim can be served. Check and complete all that a					
	☐ If your answer	will not fit in the space below, check this box and attach your a Item 6" at the top.					
	a. No. I am a defendant and have not filed a claim in this case.						
	b. Yes. The parties listed below have been served:						
	(1) Office	of the Mayor , who lives in: San Fr	ancisco, was served on: 05/04/23				
	(2)	, who lives in:	, was served on:				
		county varties listed below have not been served (list names):	date				
	(1)	(2)					
	for these	now. The court clerk mailed my claim, and I do not know parties (list names):  (2)	if the court received the signed receipt				
			1. 1.6				
		of perjury under the laws of the State of California that t					
	: <u>07/24/2023</u>						
	anna Couper O		RIOC54ED.				

# SC-112A

# **Proof of Service by Mail**

Case Number:	
CSM23866830	

See inst	ructions on other side.							
V	This form is attached to the	document checked in 2 below.						
1) s	erver's information							
	ame: Neda Shahram	Phone: 415-543-9444						
	Street or mailing address: 131 Steuart St. Suite 400							
	ity: San Francisco		State: CA Zip Code: 94105					
	Check here if you are a regist	ered process server, and write:						
	County where registered:		Registration #:					
2) F	form or document served							
a.								
b.								
c.	[1] <del> ]</del> - [1] [1] [1] [1] [1] [1] [1] [1] [1] [1]	Amend Claim Before Hearing						
d.	. 전투프라 2000. CON (1900 HE HEART 1900 FEEDING 1900).	Debtor's Statement of Assets						
e.	Form SC-150, Request to							
f.		o Request to Make Payments						
g.		to be served by mail (specify):						
	Check here if there is no and write "SC-112A, Ite	ot enough space below to list the document se cm 2" at the top.	rved. List the document on a separate page,					
a.	described below.	arty to this small claims case. I live or wo						
b.	I placed copies of the document checked in (2) and an unsigned copy of this page in a sealed envelope, addressed as follows:							
	Check here if there is not enough space below to list all parties served. List their names and addresses on a separate page, and write "SC-112A, Item 3" at the top.							
	Name of party served	Mailing address on the envelope						
	City and County of San Francisco	Office of the Mayor, Room 200, 1. Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102						
c.	On (date of mailing): July 24.	2023 . I placed each en	velope in the mail, with postage paid, at					
	(city and state of mailing): So							
declare	under penalty of perjury under	r the laws of the State of California that the	ne information above is true and correct.					
Date: 0	7/24/2023							
	hahram							
vpe or	print server's name	Server sign	is here					

# SC-112A

# Proof of Service by Mail

Case Number:	
CSM23866830	

<b>4</b> 1								
Name: Neda Shahram	Server's information  Name: Neda Shahram							
Street or mailing address: 131 Ste	enart St. Suite 400	Phone: 415-543-9444						
City: San Francisco	Suart St. Suite 400	State: CA Zip Code: 94105						
AND THE COURT OF THE PARTY OF T	tered process server, and write:							
County where registered:	tered process server, and write.	Registration #:						
Form or document served	orm or document served							
a.   Form SC-105. Request for								
그렇게 그렇게 되는 사이지 하다 시간 시간 사람들이 그리고 주었다. 얼마나 살아나								
	Amend Claim Before Hearing							
이렇는 여름이 그림 집에서 나를 만든 점을 뒤덮게 잃었다. 프라이트에서 다.	(A. T. B.							
e. X Form SC-150, Request to	어떻게 되다 이번 보는데 하나 이렇게 되었다면 하다 하다.							
	to Request to Make Payments							
	to be served by mail (specify):							
and write "SC-112A, Ita		t served. List the document on a separate page,						
<ul> <li>Server's declaration</li> <li>a. I am 18 or older. I am not a padescribed below.</li> </ul>	arty to this small claims case. I live or	work in the county where I did the mailing						
	I placed copies of the document checked in (2) and an unsigned copy of this page in a sealed envelope, addressed as follows:							
audiessed as follows.	Check here if there is not enough space below to list all parties served. List their names and addresses on a separate page, and write "SC-112A, Item 3" at the top.							
Check here if there is not en		l. List their names and addresses on a separate						
Check here if there is not en		l. List their names and addresses on a separate						
Check here if there is not en page, and write "SC-112A, I	Item 3" at the top.  Mailing address on the envelope	l. List their names and addresses on a separate on B. Goodlett Pl., San Francisco, CA 94102						
Check here if there is not en page, and write "SC-112A, I	Item 3" at the top.  Mailing address on the envelope							
Check here if there is not en page, and write "SC-112A, I	Mailing address on the envelope Office of the Mayor, Room 200, 1. Dr. Carl							
Check here if there is not en page, and write "SC-112A, I Name of party served City and County of San Francisco  c. On (date of mailing): June 23 (city and state of mailing): Si	Mailing address on the envelope Office of the Mayor, Room 200, 1. Dr. Carll  5, 2023  , I placed each	on B. Goodlett Pl., San Francisco, CA 94102						
Check here if there is not en page, and write "SC-112A, I Name of party served City and County of San Francisco  c. On (date of mailing): June 23 (city and state of mailing): Si	Mailing address on the envelope Office of the Mayor, Room 200, 1. Dr. Carll  5, 2023  , I placed each	on B. Goodlett Pl., San Francisco, CA 94102						
Check here if there is not en page, and write "SC-112A, I Name of party served City and County of San Francisco  c. On (date of mailing): June 23 (city and state of mailing): Sinclare under penalty of perjury under	Mailing address on the envelope Office of the Mayor, Room 200, 1. Dr. Carll  5, 2023  , I placed each	on B. Goodlett Pl., San Francisco, CA 94102						

# JPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

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SHANNA COUPER ORONA

**SMALL CLAIMS ORDER** 

PLAINTIFF (S)

VS.

NO.: CSM-23-866830

CITY AND COUNTY OF SAN FRANCISCO

Small Claims - Continue Order

DEFENDANT (S)

The Court orders this case continued per request of plaintiff to Jul-27-2023 at 3:30 pm in Department 506, 400 McAllister Street San Francisco, CA 94102.

DATED: Jun 26, 2023

JUDGE PRO TEM

**Judicial Officer** 



r	C

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on Jun 26, 2023 I served the foregoing Small Claims - Continue Order on each party appearing in propria persona by causing a copy thereof to be enclosed in a postage paid sealed envelope and deposited in the United States Postal Service mail box located at 400 McAllister Street, San Francisco CA 94102-4514 pursuant to standard court practice.

Dated: JUN-26-2023

By: ZKALOO

SHANNA COUPER ORONA 131 STEUART STREET, STE 400 SAN FRANCISCO, CA 94105

CITY AND COUNTY OF SAN FRANCISCO 1 DR.CARLTON B.GOODLETT PLACE SAN FRANCISCO, CA 94102

CITY AND COUNTY OF SAN FRANCISCO 1 DR.CARLTON B.GOODLETT PLACE SAN FRANCISCO, CA 94102

# Plaintiff's Claim and ORDER to Go to Small Claims Court

#### Notice to the person being sued:

- You are the defendant if your name is listed in 2 on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in 1 on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you
  do not go to court, you may lose the case. If you lose, the court can order
  that your wages, money, or property be taken to pay this claim.
- · Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

#### Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- · Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stemps date here when form is filed.

2023 MAY - 4 PM 4: 22
ENDORSED
FILED

San Francisco County Symetror Court

MAY 0 4 2023

CLERK OF THE COURT

BY: VERLINDA JONES

Fill in court name and street address:

Superior Court of California, County of San Francisco 400 McAllister Street

San Francisco, CA 94102

Court fills in case number when form is filed.

CSM 238 66 83 0

Case Name:

Shanna Couper Orona v. City and County of San Francisco

#### Order to Go to Court

The peop	ole in 1	and	2 must atte	end court: (	Clerk fills out section below.)	263
Trial Date	→ Date 1	L 0 6	Time 130	Department 506	Name and address of court, if different from above	3 1:37
رت	2					+
	3.				- Y	7:0
	Date: _	MAY	0 4 2023	Clerk, by	VERLINDA JONES 7, Deputy	5
structio	ons for	the p	erson suing			23

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- · You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form <u>SC-100-INFO</u>, <u>Information for the Plaintiff</u>, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to <u>www.courts.ca.gov/forms</u>.
- Filt out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: <a href="https://www.courts.ca.gov/find-my-court.htm">www.courts.ca.gov/find-my-court.htm</a>.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- · Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Name: Shanna Couper Orona	Phone:		·			
Street address:						
Mailing address (if different): 131 Steuart Street, Ste 400	San Francisco	CA	94105			
Street	City	State	Zip			
Email address (if available)						
f more than one plaintiff, list next plaintiff here:						
Name:	Phone:					
Street address:						
Street	City	State	Zip			
Mailing address (if different):						
Street Email address (if available):	City	State	Zip			
Check here if more than two plaintiffs and attach form	20 1001					
i ne detendant (the person, business, or public	entity being sue	d) is:				
다른 사람이 보다는 하루는 사람들이 얼마를 하면 하는 것은 사람들은 점점 하시다면 모하는 데 먹다.		415-554-614	41			
Name: City and County of San Francisco		330 F. C. C.	94102			
Street address: 1 Dr. Carlton B. Goodlett Place Street	Phone:	415-554-614				
Name: City and County of San Francisco  Street address: 1 Dr. Carlton B. Goodlett Place  Street  Mailing address (if different):	Phone: San Francisco City	415-554-614 CA State	94102 Zip			
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In specific date, give the time period: Date started:  It would you calculate the money owed to you? (Do not his is far less than the value of the property taken, as the expediency of the small claims forum.  The check here if you need more space. Attach one sheet of the top.  It must ask the defendant (in person, in wrong the top.  If your claim is for possession of proper property. Have you done this?  The check here if you need more space. Attach one sheet of the top.  The check here if you need more space. Attach one sheet of the top.  The check here if you need more space. Attach one sheet of the top.  The check here if you need more space. Attach one sheet of the top.  The check here if you need more space. Attach one sheet of the top.  The check here if you need more space. Attach one sheet of the top.	shown by the attached, but I am requesting \$10,000 for fpaper or form MC-031 and write "SC-100, Item 3" at iting, or by phone) to pay you before you		
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low did you calculate the money owed to you? (Do not his is far less than the value of the property taken, as he expediency of the small claims forum.  Theck here if you need more space. Attach one sheet of he top.  I must ask the defendant (in person, in wr. If your claim is for possession of proper property. Have you done this?  The second of the small claims for more space. Attach one sheet of he top.  The second of the small claims for more space. Attach one sheet of he top.  The second of the small claims for more space. Attach one sheet of he top.	of include court costs or fees for service.) shown by the attached, but I am requesting \$10,000 for  f paper or form MC-031 and write "SC-100, Item 3" at  iting, or by phone) to pay you before you		
Theck here if you need more space. Attach one sheet one top.  must ask the defendant (in person, in wrong in the content of th	iting, or by phone) to pay you before you		
must ask the defendant (in person, in wr If your claim is for possession of proper property. Have you done this? Ses  No If no, explain why not:	iting, or by phone) to pay you before you		
. If your claim is for possession of proper property. Have you done this?  es ☐ No If no, explain why not:			
es			
are you filing your claim at this courthou courthouse covers the area (check the one that applies			
<ul> <li>(1) Where the defendant lives or does business.</li> <li>(2) Where the plaintiff's property was damaged.</li> <li>(3) Where the plaintiff was injured.</li> </ul>	(4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.		
is about an offer or contract for personal, family, o	s now, or lived when the contract was made, if this claim r household goods, services, or loans. (Code Civ. Proc.,		
Where the buyer signed the contract, lives now, or	lived when the contract was made, if this claim is about a Code, § 1812.10.)		
permanently garaged, if this claim is about a vehic	lived when the contract was made, or where the vehicle is finance sale. (Civ. Code, § 2984.4.)		
Other (specify):			
the zip code of the place checked in ⑤ a	bove (if you know): 94102		
our claim about an attorney-client fee disp , and if you have had arbitration, fill out form SC-10.			
8 Are you suing a public entity?  Yes  No  If yes, you must file a written claim with the entity first.  A claim was filed on (date): October 20, 2022			
	(3) Where the plaintiff was injured.  Where the buyer or lessee signed the contract, lives is about an offer or contract for personal, family, of § 395(b).)  Where the buyer signed the contract, lives now, or retail installment contract (like a credit card). (Civ.)  Where the buyer signed the contract, lives now, or permanently garaged, if this claim is about a vehicle other (specify):  the zip code of the place checked in ⑤ allower claim about an attorney-client fee dispand if you have had arbitration, fill out form SC-100 you suing a public entity?   Yes   No		

Plaintiff (list names): Shanna Couper Orona	Case Number:
9 Have you filed more than 12 other small cla                 Yes	
10 Is your claim for more than \$2,500?   Yes  If you answer yes, you also confirm that you have not fill small claims cases for more than \$2,500 in California de	ed, and you understand that you may not file, more than tw
1 understand that by filing a claim in small c claim.	laims court, I have no right to appeal this
I declare under penalty of perjury under the laws of the State of attachments to this form is true and correct.	of California that the information above and on any
Date: 4/20/2023	DocuSigned by:
Shanna Couper Orona	4723E9D900E54EB
Plaintiff types or prints name here  Date:	Plaintiff signs here
Second plaintiff types or prints name here	Second plaintiff signs here
become premitiff types or prims name here	become planning signs here



# **Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)



# Information for the defendant (the person being sued)

"Small claims court" is a special court where claims for \$10,000 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the defendant—the person being sued. The person who is suing you is the plaintiff.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you may not have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at <a href="www.courts.ca.gov/smallclaims/prepare">www.courts.ca.gov/smallclaims/prepare</a>.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, Disability Accommodation Request. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300. Request for Interpreter (Civil) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at <a href="https://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a>.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form <u>SC-140</u>, <u>Notice of Appeal</u>. You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form <u>SC-200</u> or form <u>SC-130</u>, <u>Notice of Entry of Judgment</u>.
- If you were not at the trial, fill out and file form <u>SC-135</u>, <u>Notice of Motion to Vacate Judgment and Declaration</u>, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form <u>SC-140</u>.

For more information on appeals, see <a href="https://www.courts.ca.gov/smallclaims/appeals">www.courts.ca.gov/smallclaims/appeals</a>.

Do I have options? Yes. If you are being sued you can:

Settle your case before the trial. If you and the
plaintiff agree on how to settle the case before the trial, the
plaintiff must file form <u>CIV-110</u>. Request for <u>Dismissal</u> or a
written and signed settlement agreement with the clerk. Ask the
Small Claims Advisor for help.

- Prove this is the wrong court. Send a letter to the court before your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- Go to the trial and try to win your case. Bring
  witnesses, receipts, and any evidence you need to prove your
  case. To have the court order a witness to go to the trial, fill out
  form SC-107, Small Claims Subpoena and Declaration,
  and have it served on the witness.
- Sue the person who is suing you. If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file Defendant's Claim (form SC-120) and bring the claim in this action. If your claim is for more than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- Agree with the plaintiff's claim and pay the money. Or, if you can't pay the money now, go to your trial and say you want to make payments.
- Let the case "default." If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

#### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court and to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



#### Need help?

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

\* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



## Información para el demandado (la persona demandada)

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$10,000 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$10,000. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$5,000. (Vea abajo para las excepciones.\*) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que esta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparese.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, Solicitud de modificaciones para discapacidad. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el julcio? El juez escuchará a ambas partes. El juez puede tornar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, Aviso de spelación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envie la decisión (fallo) del juez en el formulario SC-200 o SC-130, Aviso de publicación del fallo (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

 Resolver su caso antes del Julcio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 Solicitud de desestimación (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envie una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, Citatorio de reclamos menores (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, Reclamo del demandado (Defendant's Claim) y presentario en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- No ir al juicio y aceptar el fallo por falta de comparecencia. Si
  no llega a un acuerdo con el Demandante y no va al juicio (fallo
  por falta de comparecencia), el juez le puede otorgar al
  Demandante lo que está reclamando más los costos de la corte.
  En ese caso, el Demandante legalmente puede tomar su dinero,
  su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

\* Excepciones: Existen diferentes limites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los limites no se aplican a las acciones para reclamar una deuda de alquier del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

Rev. November 1, 2021

Reclamo del Demandante y ORDEN Para Ir a la Corte de Reclamos Menores SC-100, Page 6 of 6

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

## CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU City Attorney

#### OFFICE OF THE CITY ATTORNEY

Matthew J. Rothschild Chief of Claims Division

DIRECT DIAL:

(415) 554-3926

E-MAIL:

MATTHEW.ROTHSCHILD@SFCITYATTY.ORG

November 14, 2022

Hadley Rood 131 Steuart St., Ste. 400 San Francisco, CA 94105

RE:

Claim of Shanna Couper Orona / Claim Number 23-00587

Department:

MTATOW MTA Tow-related Matters

Incident Date:

Claim Filed:

October 20, 2022

#### NOTICE OF ACTION UPON CLAIM

#### PLEASE TAKE NOTICE THAT

An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is DENIED.

#### WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the City and County of San Francisco will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

DAVID CHIU

City Attorne

atthew J. Rothschild

Chief of Claims Division

BY:

These items were confiscated and destroyed by the City when they seized and sold my RV. Values were researched online or approximated when that was not possible. My request for emotional damages is also identified below.

ITEM	VALUE
Dodge Sportsman F40 RV	\$5,500
Alpine stereo system with 30-disk CD changer	\$439
Speaker system with 8 speakers	\$69.95 per speaker (\$559.60)
4000-watt inverter	\$189
Jackery solar generator	\$1,100
Dewalt part organizer	\$49
Dewalt tool box	\$129
Craftsman tool box	\$209
Craftsman tool set	\$400
BMX bike GT rims	\$172.21
GT BMX 9-tooth sprocket	\$34.99
Additional 9-tooth sprockets	\$200
2 Vans tires	\$24.79 each (\$49.58 total)
GT BMX bicycle handlebars	\$56.99
GT BMX purple pedals	\$11.00
GT BMX bicycle seat	\$28.00
GT BMX bicycle seat clamp	\$25
GT BMX bicycle seat post	\$45.99
Steel bearings for BMX bikes	\$48
New Schwin bike cart	\$189
Used bike cart	\$50
Used 9-bot electric scooter	\$300
Brand-new REI 6-person tent	\$500
Tarps	\$300
Clothes (including 2 pairs of new Levis jeans, new shirts, and others)	\$340
Doc Martins	\$170
Keane steel-toed boots	\$150
Cat food	\$46.98
Dog food	\$44.38
Kitty tree	\$150
2 dog harnesses, leashes, collars, and other pet supplies	\$100
2 mesh pet carrying cases	\$18.88 each (\$37.76 total)
Dog backpack	\$39.99
Cat toys	\$50
Dishes	\$47.39
Pots and pans	\$65.39
Clothing storage containers	\$50
Vintage silver jewelry box	\$100
Jewelry	\$300

Electronics (including computer and laptop cords, old phones, and others)	\$250
Two portable heaters	\$130 each (\$260 total)
3 brand-new Interstate deep-cell batteries	\$118.98 each (\$356.94 total)
Fabric to recover couch cushions	\$75
Brand-new memory foam mattress	\$189
Brand-new mattress topper	\$79
Down comforter	\$145.99
Box with collection of skeleton keys, old- fashioned locks, and other collectables	Priceless
Prescription glasses	Priceless
Tools I inherited from my dad, who has now passed	Priceless
Emotional Distress	\$11,412.82
TOTAL	\$25,001

SUPERIOR CO TO OF CALIFORNIA, COUNTY OF SAN FRANCI Small Claims D. ion

400 McAllister Street, Room 103 San Francisco, California 94102

SMALL CLAIMS CASE NO: CSM-24-867839

#### NOTICE TO ALL PLAINTIFFS AND DEFENDANTS:

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the back of this sheet for important information about your rights.

#### AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:

Su caso ha sido resuelto por la corte para reclarnos judiciales menores. Si la corte ha decidido en su contra y ha ordenado quo usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte. Lea el reverso de este formulario para obtener informacion de importancia acerca

	de sus derecnos.
PLAINTIFF/DEMANDANTE (Name, street address, and telephone number of each:)  JAMES EDWARD FORD JR.  131 STEUART STREET, SUITE 400  SAN FRANCISCO, CA 94105	DEFENDANT/DEMANDADO (Name, street address, and telephone number of each:)  CITY AND COUNTY OF SAN FRANCISCO  1 DR. CARLTON B. GOODLETT PLACE  SAN FRANCISCO, CA 94102
Telephone No.:	Telephone No.: (415) 554-6141
Telephone No.:	
NOTICE (	F ENTRY OF JUDGMENT

Judgment was entered as below on: Mar-13-2024

CITY AND COUNTY OF SAN FRANCISCO

does not owe plaintiff FORD JR., JAMES EDWARD

any money on plaintiff's claim.

Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.

#### NOTICE OF DESTRUCTION OF EXHIBITS PURSUANT TO CCP 1952

Pursuant to Section 1952 of the Code of Civil Procedure of California, notice is hereby given that the exhibits introduced in the above-entitled proceedings shall be destroyed sixty (60) days after the mailing of the notice of entry of judgment or the final determination of an appeal. You may personally pick up your exhibits at the Small Claims Division or send someone with written authorization to pick them up. Exhibits will not be mailed. Upon written request, the court may preserve exhibits not to exceed one (1) year from the date of this notice.

CLERK'S CERTIFICATE OF MAILING - I certify that I am not a party to this action. This Notice of Entry of Judgment and Notice of Destruction of Exhibits was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: San Francisco, California

Date of mailing: Mar-13-2024

DACARTER Clerk, by

Deputy

- The county provides small claims advisor services free of charge. Read the information sheet on the reverse. -

# Plaintiff's Claim and ORDER to Go to Small Claims Court

#### Notice to the person being sued:

- You are the defendant if your name is listed in 2 on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in 1 on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you
  do not go to court, you may lose the case. If you lose, the court can order
  that your wages, money, or property be taken to pay this claim.
- · Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

#### Aviso al Demandado:

- Usted es el Demandado si su nombre figura en 2 de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en 1 de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- · Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.

ENDORSED
FILED
Superior Court of California

JAN 12 2024

CLERK OF THE COURT
Superior Court of California County of San Francisco
BY: ZUBEDA KALOO

Fill in court name and street address:

Superior Court of California, County of San Francisco 400 McAllister Street San Francisco, CA 94102

Court fills in case number when form is filed.

Case Number:

CS M - 24 - 867839

Case Name:

Ford Jr Vs City & County of SF

### Order to Go to Court

The people in (1) and (2) must attend court: (Clerk fills out section below.)

Trial Date	→ Date 1. MAR 2.	Time 07 262	Department 4 3130				OR'S C
	3. Date: JAN	1 2 2024	Clerk, by	ZUBEDA KALOO	, Deputy	¥ 3:	EFF C

## Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- · You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form <u>SC-100-INFO</u>, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to <a href="https://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a>.
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each
  party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's
  office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow
  electronic filing. Check your local court website for information: <a href="https://www.courts.ca.gov/find-my-court.htm">www.courts.ca.gov/find-my-court.htm</a>.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104B, and SC-104C.
- · Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

third Del

intiff (list names)		Case Nu	mber:	
) The plaintiff	f (the person, business, or public en	tity that is suing) i	s:	
	Edward Ford Jr.			
Street address:	Sold here to the second		4.0	
	Street	City	State	Zip
Mailing address (if	s (if different): 131 Steuart Street, Suite 400	San Francisco	CA	94105
a 5.	Street	City	State	Zip
Email address		1		
	one plaintiff, list next plaintiff here:			
		Phone:		
Street address:	A Company of the Comp		Ctata	7/4
Mailing addres	Street s (if different):	City	State	Zip
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Plair	tiff	(list	names):		Case Number:
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			sed.	ne property mai was comiscated and	anowance for the emotional distress that this incident
	×		eck here if you top.	need more space. Attach one sheet o	f paper or form MC-031 and write "SC-100, Item 3" at
4	sı	ue. I	f your clain		iting, or by phone) to pay you before you ty, you must ask the defendant to give you
	×	Yes	i □ No	If no, explain why not:	
(5)				ng your claim at this courtho	
_	T	nis co	ourthouse cov	ers the area (check the one that applie	s):
	a.	X	(2) Where the	e defendant lives or does business. e plaintiff's property was damaged. e plaintiff was injured.	(4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
	b.				es now, or lived when the contract was made, if this claim, or household goods, services, or loans. (Code Civ. Proc.,
	c.			yer signed the contract, lives now, or ent contract (like a credit card). (Civ	lived when the contract was made, if this claim is about a . Code, § 1812.10.)
	d.			[1] - P. P. B.	lived when the contract was made, or where the vehicle is le finance sale. (Civ. Code, § 2984.4.)
	e.		Other (specify	i):	
6	Li	st tl	ne zip code	of the place checked in ⑤ a	bove (if you know): 94102
7				out an attorney-client fee dis e had arbitration, fill out form SC-10	pute? ☐ Yes 🗷 No I, attach it to this form, and check here: ☐
8	If	yes, j	vou must file a	그렇다는 이 아내는 아니라는 그 그릇 그렇지 않는데 그렇다면 하는데 하는데 바라스팅 사고 되었다.	O  A claim was filed on (date): July 8, 2023  within the time allowed by law, you can file this form.

Plaintiff (list names):	Case Number:
9 Have you filed more than 12 other small claims  □ Yes  No If yes, the filing fee for this case will be	
Is your claim for more than \$2,500?  Yes  If you answer yes, you also confirm that you have not filed, a  small claims cases for more than \$2,500 in California during	and you understand that you may not file, more than two
I understand that by filing a claim in small clair claim.	ms court, I have no right to appeal this
I declare under penalty of perjury under the laws of the State of C attachments to this form is true and correct.  Date: January 11, 2024	alifornia that the information above and on any
James Edward Ford Jr.  Plaintiff types or prints name here	Plaintiff signs here
Date:	
Second plaintiff types or prints name here	Second plaintiff signs here



### **Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)

## Information for the defendant (the person being sued)

"Small claims court" is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the defendant—the person being sued. The person who is suing you is the plaintiff.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you may not have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, Disability Accommodation Request. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300, Request for Interpreter (Civil) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot . bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- . If you were at the trial, file form SC-140, Notice of Appeal. You must file within 30 days after the clerk hands or mails you the judge's decision (judgment) on form SC-200 or form SC-130. Notice of Entry of Judgment.
- . If you were not at the trial, fill out and file form SC-135, Notice of Motion to Vacate Judgment and Declaration, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form SC-140.

For more information on appeals, see www.courts.ca.gov/ smallclaims/appeals.

Do I have options? Yes. If you are being sued you can:

Settle your case before the trial. If you and the plaintiff agree on how to settle the case before the trial, the plaintiff must file form CIV-110. Request for Dismissal or a written and signed settlement agreement with the clerk. Ask the Small Claims Advisor for help.

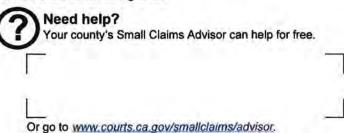
- Prove this is the wrong court. Send a letter to the court before your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- Go to the trial and try to win your case. Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form SC-107, Small Claims Subpoena and Declaration, and have it served on the witness.
- Sue the person who is suing you. If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file Defendant's Claim (form SC-120) and bring the claim in this action. If your claim is for more than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- Agree with the plaintiff's claim and pay the money. Or, if you can't pay the money now, go to your trial and say you want to make payments.
- Let the case "default." If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the

#### What if I need more time?

You can change the trial date if:

- · You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- · You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court and to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



<sup>\*</sup> Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



## Información para el demandado (la persona demandada)

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.\*) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparese.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, Solicitud de modificaciones para discapacidad. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el juicio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, Aviso de apelación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, Aviso de publicación del fallo (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

 Resolver su caso antes del juicio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 Solicitud de desestimación (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, Citatorio de reclamos menores (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, Reclamo del demandado (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el limite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- No ir al juicio y aceptar el fallo por falta de comparecencia. Si
  no llega a un acuerdo con el Demandante y no va al juicio (fallo
  por falta de comparecencia), el juez le puede otorgar al
  Demandante lo que está reclamando más los costos de la corte.
  En ese caso, el Demandante legalmente puede tomar su dinero,
  su sueldo o sus bienes para cobrar el fallo.

¿Qué hago sí necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envielo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

\* Excepciones: Existen diferentes limites en un reclamo contra un garante. (Vea el Código de Procedimiento Civil, sección 116.220 (c).) Los limites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Código de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

(1-100, Item 3

## CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU City Attorney

#### OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy Claims Adjuster

DIRECT DIAL: (415) 554-4232

E-MAIL:

NICHELLE, FLENTROY@SFCITYATTY.ORG

July 21, 2023

Zal Shroff 131 Steuart St., Ste. 400 San Francisco, CA 94105

RE:

Claim of James Edward Ford Jr. / Claim Number 24-00034

Department:

MTATOW MTA Tow-related Matters

Incident Date:

January 9, 2023

Claim Filed:

July 8, 2023

#### NOTICE OF ACTION UPON CLAIM

#### PLEASE TAKE NOTICE THAT

An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is DENIED.

#### WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Please also be advised that, pursuant to Code of Civil Procedure sections 128.7 and 1038, the City and County of San Francisco will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy Claims Adjuster

ITEM	VALUE (approximate)
2 Gas Cans	\$60
Car battery chargers	\$80
Tool box	\$100
2 Car Jumper Packs	\$200
5 Designer backpacks and 4 other backpacks	\$1,000
5 skateboards	\$300
Medications	\$50
Dog clothes, bedding	\$200
Approx. 11 glasses (reading, Ray Ban sunglasses)	\$600
4 Designer belts	\$600
Over 20 Designer and Sport Team Hats	\$600
6 Designer Jackets (Ford Racing, Tupac, Raiders, Louis Vuitton, etc.)	\$1,200
9 Pairs of Designer Shoes (Louis Vuitton, Air Jordan, Fila, Converse, Adidas, Puma)	\$1,000
5 Generic Brand Pants	\$150
13 Designer jeans (Michael Kors, Dickies, Levi's)	\$400
2 Designer polos, 2 Adidas track suits, and 15 sports jerseys	\$700
Approx. 60 t-shirts	\$600
Approx. 80 undergarments (socks, underwear, tank tops)	\$400
5 JBL Bluetooth speakers	\$500
SoCal Flyer Bike	\$599
10 Tech Items (Asus chrome book, Acer gaming laptop, Sony ZV I camera, Amazon	\$2,000
Kindle, iPad mini, iPhone 6 and 6+, Emerson projector, telescope, etc.)	5.4
Car parts (Honda generator, etc.)	\$1,199
Cash, bond, coins	\$300
Health items (teeth, toiletries)	\$400
Government identification and financial paperwork, credit cards	\$50
Service animal paperwork	\$50
Jewelry	\$600
Mercedes Benz S-430Z, 135k, 2002	\$7,000
Signed Raiders banner and Helmet	Priceless
Baseball, football, comic collector's cards	Priceless
Hot wheels car collection	Priceless
My father's ashes	Priceless
My father's sun glasses	Priceless
Gemstones inherited from family	Priceless
Emotional Distress	\$2,455
TOTAL	\$17,000

The City permanently deprived Mr. Ford of \$17,000 worth of personal property, not including priceless and irreplaceable items. However, Mr. Ford is seeking only \$12,500 here, the maximum amount allowable in small claims court.

## CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU City Attorney

#### OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy Claims Adjuster

DIRECT DIAL: (415) 554-4232

E-MAIL:

NICHELLE.FLENTROY@SFCITYATTY.ORG

January 22, 2024

Lane County Circuit Court 125 E. 8th Ave. Eugene, OR 97401

RE:

File Name:

CCSF File Number:

Oregon Small Claims Case Number:

Incident Date:

Philip Benzinger

240597 24SC00311

November 21, 2023

To: Clerk of the Lane County Circuit Court

We send this letter to the court as a courtesy and special appearance.

Our office received notice from the Court that Philip Benzinger has filed a small claims action in Oregon with the Lane County Circuit Court (24SC00311). Mr. Benzinger alleges that his car was improperly towed by the City and County of San Francisco in San Francisco. We have informed Mr. Benzinger that in order to sue San Francisco, he must first file a claim with San Francisco and that the proper venue for any suit against San Francisco for an incident that occurred in San Francisco is the San Francisco Superior Court.

We dispute that the Lane County Circuit Court has jurisdiction over this matter or that it is the proper venue for this matter. As such, the City and County of San Francisco will not be appearing on this matter in the Lane County Circuit Court.

Please feel free to contact me if you have any questions. I can be reached at (415) 554-4232.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy

rebeller Jufax

Claims Adjuster

cc: Philip Benzinger

# CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU City Attorney

# OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy Claims Adjuster

DIRECT DIAL: (415) 554-4232

E-MAIL:

NICHELLE.FLENTROY@SFCITYATTY.ORG

January 19, 2024

Philip Benzinger

RE:

File Name:

CCSF File Number:

Oregon Small Claims Case Number:

Incident Date:

Philip Benzinger

240597

24SC00311

November 21, 2023

Dear Mr. Benzinger:

Your State of Oregon for Lane County Small Claim and Notice of Small Claim with case number 24SC00311 was received by this office on January 18, 2024.

A claim must be filed against a government entity before filing a Small Claims Court action. I have attached a Claim Against the City and County of San Francisco claim form, which can also be accessed at https://www.sfcityattorney.org

Oregon is not the proper venue for this matter. You would need to file any action regarding this matter with the Superior Court of California, County of San Francisco. Their website is https://sf.courts.ca.gov. I have also attached an SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court for your convenience. Please reference Section 5 (highlighted).

The following website provides general information regarding towed vehicles in San Francisco: https://www.sfmta.com/getting-around/drive-park/towed-vehicles

Please contact me immediately at (415) 554-4232 to discuss this matter.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy Claims Adjuster

# **CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO**

Before completing this form please read the instructions on the back. Untimely claims will be returned. Please submit this form and supporting documentation to the Controller's Office, Claims Division, 1390 Market Street, 7<sup>th</sup> Floor, San Francisco, CA 94102 in person or by mail.

1. Claimant's Name and Home Ad	Claimant's Name and Home Address (Please Print Clearly) *				Correspondence to:	
City State Zip Telephone Daytime Evening Cellular			City State Zip Telephone Daytime Evening Cellular			
3. Date of Birth	4. Social Securi	ty Number	5. Date	of Incident	6. Time of incident (AM or PM)	
7. Location of Incident or Acciden		8. Clain	ant Vehicle License	Plate #, Type, Mileage, and Year		
9. Basis of Claim. State in detail al departments involved. State why *						
Name, I.D. Number and City De of City Employee who allegedly cause		Type of City	/ Vehicle	Vehicle License	e Number and Bus or Train Number	
10. Description of Claimant's inju	iry, property da	mage or loss			nt's property damage or loss and ation. Attach supporting see Instructions)  \$\$ \$\$	
					\$	
12. Witnesses (if any) Name 1. 2.	Addre	ess			Telephone	
13.  * Signature of Claimant or Represe	antativo.	Date	D	Not Write In This S	pace	
Print Name	-	Relationship to	5			
Claimant CRIMINAL PENALTY FOR PRESENTING A FALSE OR FRAUDULENT CLAIM IS IMPRISONMENT OR FINE OR BOTH. PENAL CODE \$72)				FORM 02/14		

# A COMPLETED CLAIM JRM AND SUPPORTING DOCUMENTATION M. & BE FILED WITH THE CONTROLLER'S OFFICE, CLAIMS DIVISION, 1390 MARKET STREET, 7TH FLOOR, SAN FRANCISCO, CA 94102-5402

### INSTRUCTIONS FOR FILING A CLAIM

Failure to complete all sections of the Claim form will delay the processing of your claim and result in the return or denial of your claim.

- Claimant's Name, Address and Telephone-State the full name, mailing address, and telephone numbers of the person claiming personal injury, damage or loss.
- Official Notices and Correspondence-Provide the name, mailing address, and telephone numbers of the person to
  whom all official notices and other correspondence should be sent, if other than claimant. This official contact person can
  be the claimant or a representative of the claimant. If this section is completed, all official notices and correspondence will
  be sent to the person listed.
- 3. Date of Birth-State claimant's date of birth including month, day, and year.
- 4. Social Security Number-State the claimant's social security number. The Federal Government requires the City to report settlements for present or future medical care. This information will be kept confidential and only shared with the Federal Government. The City is unable to process payment without this information.
- 5. Date of Incident-State the exact month, day, and year of the incident giving rise to the claim.
- 6. Time of Incident-State the exact time, including A.M. or P.M., of the incident giving rise to the claim.
- 7. Location of Incident of Accident-Include the city and exact street address or intersection where the incident occurred.
- Claimant Vehicle License Plate Number-Please provide license plate number of vehicle driven by claimant or in which claimant was a passenger.
- 9. Basis of Claim-State in detail all facts supporting your claim, including all facts and circumstances of the incident, all alleged injuries, property damage and loss, all persons, entities, property and City departments involved, and why you believe the City is responsible for the alleged injury, property damage or loss. In the appropriate boxes, provide the name, I.D. number and City department of the City employee(s) who allegedly caused the injury or property damage, the type of City vehicle involved (if any), and the license and number of the City vehicle involved (if any). For accidents involving a bus or light rail vehicle, please provide the line and vehicle number.
- 10. Description of Injury, Property Damage or Loss-Provide in full detail a description of the injury, property damage or loss that allegedly resulted from the incident. If claimant's vehicle was involved, provide the make, model, mileage, and year. You may attach additional material.
- 11. Amount of Loss and Method of Computation-State the total amount of money you claim in damages. Provide a breakdown of each item of damages and how that amount was computed. You may include future, anticipated expenses or losses. Please attach copies of all bills, receipts and repair estimates. If the claim involves property damage, please provide two repair estimates. The Government Code provides that if the claim is for less than \$10,000, the claimant must state the total amount claimed and the basis of this computation. If the claim exceeds \$10,000, no dollar amount need be provided, but the claimant must indicate the applicable court jurisdiction. Limited civil jurisdiction cases are those involving damages under \$25,000; unlimited civil jurisdiction cases are those involving damages of \$25,000 or more.
- 12. Witnesses-State the names, addresses, and telephone numbers of any persons who witnessed the incident. Attach list of additional names if necessary.
- 13. Signature of Claimant or Representative-Please sign and date. Print name of signatory and relationship to claimant. The claim must be signed by the claimant or by the official representative of the claimant.

Claims for death or injury to persons or damage to personal property must be filed within six months after the incident giving rise to the claim. All other claims must be filed within one year.

Personal service of claims can be accomplished during regular business hours, Monday through Friday (excluding County holidays). If you want a time stamped copy of your claim returned to you, please present an original and copy of the claim, and include a self-addressed stamped envelope.

For information on the status of your claim, please call the applicable number listed below:

PORT OF SAN FRANCISCO WATER DEPARTMENT 554-3900 554-3900 **PUC SEWER** 554-3952 MUNICIPAL RAILWAY 554-3900 S.F. INTERNATIONAL AIRPORT (650) 821-5073 DEPT. OF PUBLIC WORKS 554-3952 OTHER DEPARTMENTS 554-3900 CONTROLLER'S CLAIM DIVISION 554-3833 DEPT. OF BLDG. INSPECTION 554-3952

#### We Do Not Accept claims for the following agencies:

1.	HOUSING AUTHORITY	1815 Egbert Avenue, S.F., CA 94124	(415) 715-3280
2.	SAN FRANCISCO UNIFIED SCHOOL DISTRICT	555 Franklin Street, 2nd FI, S.F., CA, 94102	(415) 241-6000
3.	SAN FRANCISCO COMMUNITY COLLEGE DISTRICT	33 Gough Street, S.F., CA 94103	(415) 241-2234

Please be advised that the City and County of San Francisco may offset against a claim any amounts owed by the claimant, including unpaid hospital bills, unpaid parking and traffic tickets and welfare reimbursements or overpayments.

## Plaintiff's Claim and ORDER to Go to Small Claims Court

#### Notice to the person being sued:

- You are the defendant if your name is listed in (2) on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in (1) on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case. If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

#### Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en (1) de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Superior Court of California, County of						

Court fills in case number when form is filed.

Case Number:	
Case Name:	

#### Order to Go to Court

The people in (1) and (2) must attend court: (Clerk fills out section below.)

Trial Date	→ Date 1	Time	Department	Name and address of court, if different from above
	2.			
	3.			
	Date:		Clerk, by	, Deputy

#### Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Plaintiff's Claim and ORDER to Go to Small Claims Court.

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.



ntiff (list names):	Ca	se Number:					
The plaintiff (the person, business, or public e	ntity that is sui	ng) is:					
Name:	Phon	e:					
Street address:							
Street	City	State	Zip				
Mailing address (if different):			-				
Street Email address (if available):	City	State	Zip				
Email address (if available):							
If more than one plaintiff, list next plaintiff here							
Name:	Phon	e:					
Street address: Street	City	State	Zip				
Mailing address (if different):		State	Lip				
Street	City	State	Zip				
Email address (if available):	, 200		100				
Code sections 23000 et seq.							
The defendant (the person, business, or public							
The defendant (the person, business, or public Name:	Phon						
The defendant (the person, business, or public Name:  Street address:  Street	Phon		Zip				
The defendant (the person, business, or public Name:  Street address:  Street  Mailing address (if different):	Phon	e:State	Zip				
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The defendant (the person, business, or public Name:  Street address:  Street  Mailing address (if different):  Street  If the defendant is a corporation, limited liability or agent authorized for service of process here	City City ty company, or	State State public entity	Zip Zip				
The defendant (the person, business, or public Name:  Street address:  Street  Mailing address (if different):  Street  If the defendant is a corporation, limited liabili or agent authorized for service of process here.  Name:	City  City  ty company, or e:  Job title, if known  City  lant and attach forn	State  State  public entity  State Zip  SC-100A.	Zip Zip				
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Plair	ntiff	(list	t names):	Case Number:
(3)	Ъ.	WI	hen did this happen? (Date):	- Human de la companya de la company
_		If	no specific date, give the time period: Date started	Through:
	C.	Ho	w did you calculate the money owed to you? (Do r	not include court costs or fees for service.)
			eck here if you need more space. Attach one sheet at top.	of paper or form MC-031 and write "SC-100, Item 3" at
4)	su	ıe. I		riting, or by phone) to pay you before you rty, you must ask the defendant to give you
	_	Yes	s No If no, explain why not:	
5	Th	is c	are you filing your claim at this courthout ourthouse covers the area (check the one that applied).  (1) Where the defendant lives or does business.  (2) Where the plaintiff's property was damaged.  (3) Where the plaintiff was injured.	(4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
	b.	П	is about an offer or contract for personal, family, § 395(b).)	es now, or lived when the contract was made, if this claim, or household goods, services, or loans. (Code Civ. Proc.,
	C.		Where the buyer signed the contract, lives now, o retail installment contract (like a credit card). (Civ	r lived when the contract was made, if this claim is about a . Code, § 1812.10.)
	d.		Where the buyer signed the contract, lives now, o permanently garaged, if this claim is about a vehic	r lived when the contract was made, or where the vehicle is
	e.		Other (specify):	
6	Lis	st ti	he zip code of the place checked in ⑤ a	above (if you know):
7			ur claim about an attorney-client fee dis and if you have had arbitration, fill out form SC-10	The state of the s
8	Ar	e y	ou suing a public entity?  Yes  Nou must file a written claim with the entity first.	Io
	Ift	he p	public entity denies your claim or does not answer	within the time allowed by law, you can file this form.

Plaintiff (list names):	Case Number:
Have you filed more than 12 other small on the control of the c	claims within the last 12 months in California?
Is your claim for more than \$2,500?  If you answer yes, you also confirm that you have not small claims cases for more than \$2,500 in California.	t filed, and you understand that you may not file, more than two
I understand that by filing a claim in small claim.	Il claims court, I have no rìght to appeal this
I declare under penalty of perjury under the laws of the Sta attachments to this form is true and correct.	ate of California that the information above and on any
Date:	
Plaintiff types or prints name here	Plaintiff signs here
Date:	
Second plaintiff types or prints name here	Second plaintiff signs here



#### **Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)

#### SC-100

#### Information for the defendant (the person being sued)

"Small claims court" is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the defendant—the person being sued. The person who is suing you is the plaintiff.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at <a href="https://www.courts.ca.gov/smallclaims/prepare">www.courts.ca.gov/smallclaims/prepare</a>.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, Disability Accommodation Request. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300, Request for Interpreter (Civil) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at <a href="https://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a>.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form <u>SC-140, Notice of Appeal.</u> You
  must file within 30 days after the clerk hands or mails you the
  judge's decision (judgment) on form <u>SC-200</u> or form <u>SC-130,
  Notice of Entry of Judgment.</u>
- If you were not at the trial, fill out and file form <u>SC-135</u>, <u>Notice of Motion to Vacate Judgment and Declaration</u>, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form <u>SC-140</u>.

For more information on appeals, see <u>www.courts.ca.gov/</u> <u>smallclaims/appeals</u>.

Do I have options? Yes. If you are being sued you can:

Settle your case before the trial. If you and the
plaintiff agree on how to settle the case before the trial, the
plaintiff must file form <u>CIV-110</u>, <u>Request for Dismissal</u> or a
written and signed settlement agreement with the clerk. Ask the
Small Claims Advisor for help.

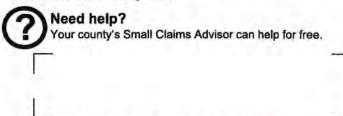
- Prove this is the wrong court. Send a letter to the court before your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- Go to the trial and try to win your case. Bring
  witnesses, receipts, and any evidence you need to prove your
  case. To have the court order a witness to go to the trial, fill out
  form SC-107, Small Claims Subpoena and Declaration,
  and have it served on the witness.
- Sue the person who is suing you. If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file Defendant's Claim (form SC-120) and bring the claim in this action. If your claim is for more than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- Agree with the plaintiff's claim and pay the money. Or, if you can't pay the money now, go to your trial and say you want to make payments.
- Let the case "default." If you don't settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

#### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form <u>SC-150</u> (or write a letter) and mail it to the court and to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Or go to www.courts.ca.gov/smallclaims/advisor.

<sup>\*</sup> Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



### SC-100

#### Información para el demandado (la persona demandada)

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones, entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.\*) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparese.

¿Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, Solicitud de modificaciones para discapacidad. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo blen Inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2.893 de las Reglas de la Corte de California, y el formulario INT-140.)

¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglés).

¿Qué pasa en el julcio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso? Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, Aviso de apelación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envíe la decisión (fallo) del juez en el formulario SC-200 o SC-130, Aviso de publicación del fallo (Notice of Entry of Judgment).
- Si no estuvo en el juicio, llene y presente el formulario SC-135, Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts.ca.gov/reclamosmenores/apelaciones.

¿Tengo otras opciones? Sí. Si lo están demandando, puede:

Resolver su caso antes del juicio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 Solicitud de desestimación (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pídale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107, Citatorio de reclamos menores (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, Reclamo del demandado (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentarlo en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores".
- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- No ir al juicio y aceptar el fallo por falta de comparecencia. Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

\* Excepciones: Existen diferentes límites en un reclamo contra un garante. (Vea el Còdigo de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiter del COVID-19. (Vea el Còdigo de Procedimiento Civil, secciones 116.223 y 1179.02; y el formulario SC-500.)

Rev. January 1, 2024

Reclamo del Demandante y ORDEN Para Ir a la Corte de Reclamos Menores SC-100, Page 6 of 6

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#### Contest a Tow

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# How To Contest a Vehicle Tow Ordered by SFMTA Enforcement

You may dispute the validity of the tow by scheduling a hearing within 30 days of the date of the tow. The date selected for a hearing does not need to be within 30 days.

### **Hearing Options - Written and Remote**

The citation that is the basis for the tow will be heard as part of the validity of the tow. Do not protest the citation through Administrative Review.

Schedule a Phone or Video Hearing (/getting-around/drive-park/towed-vehicles/contest-tow/schedule-tow-hearing-choose-your-time)

OR

Submit your Tow Protest in Writing (/schedule-tow-hearing-service-request)

# Retrieve Your Vehicle Immediately to Avoid Storage Fees

Storage fees accrue daily, and the owner of the vehicle is responsible for all towing and storage fees.

### **Grounds For Dismissal of Tow Fees**

Tow and storage fees will be dismissed at your hearing if it is found that the tow is invalid.

# A Financial Hardship Delanse Is Not Grounds for Dismasal

Financial hardships or unfortunate personal circumstances are understandable but will not exempt the vehicle owner from paying the tow, storage, and administrative fees, Hearing officers will only determine whether the tow is legal based upon the underlying circumstances.

Tow and storage fees are reduced for those who are:

- · Unhoused at the time the vehicle was towed
- · Recipients of public benefits such as CalFresh, CalWorks, or Medi-Cal
- 1st time tow

Information will be provided at the impound yard about how to qualify for an immediate discount.

#### 48 Hour Hearing Exceptions - Unable to Pay to Retrieve

If your vehicle remains impounded and you are unable to manage or pay for its release, you are entitled to a hearing within 2 business days of the tow date and time. Contact our Tow Hearing Coordinator at 415.646.2020 to schedule a phone, video or in person hearing with a hearing officer. Daily storage fees will continue to be added until you retrieve your vehicle.

#### **Limited In-Person Tow Hearings**

We have resumed in-person hearings for tows and boots for:

- Visitors
- Those who cannot schedule tow or boot hearings by video, phone or mail.

### **Hearing Location**

SFMTA Customer Service Center
11 South Van Ness Avenue
San Francisco, CA 94103

Hours: Monday through Friday 8:00 AM - 5:00 PM, excluding holidays.

### Driveway Tows (CVC 22500E)

A driveway begins at the top of the sloped edges, or the "curb cut." Some driveways may have red tips—red curb coloring on the curb cuts and space adjacent to it. Parking in the red tip or within the cut curbs may result in your vehicle being cited and/or towed. A driveway is legally blocked if any portion of the vehicle is encroaching beyond the curb cut regardless of how much room there is for a vehicle to enter and exit a driveway.

# To Contest a Tow Ordered by SFPD

Contact the SFPD's STOP unit at: 415.678.3625 or visit SFPD (http://sanfranciscopolice.org/towed-vehicle-information) for more information.

# Experiencing Homeles ... 1ess?

Visit Low Income Tow (/LowIncomeTow) for information on how to receive certain limited waivers on tow fees and storage.

#### Low-Income?

Visit Low Income Tow (/LowIncomeTow) for information on how to receive certain limited waivers on tow fees and storage.

#### First Tow?

Visit First Tow (/FirstTow) for information on how to receive a reduction in the administrative fee.

### **Recording of Hearings by Hearing Officer**

Recordings of hearings, either by phone or by video, may be used by the hearing officer to accurately recall the hearing testimony and other evidence. These recordings are for temporary use only and are not retained. Claimants will be notified if recording is taking place.

#### Consent Required from Hearing Officer for Claimant Recording of Hearings

SFMTA parking citation and tow hearings are not public hearings. If you would like to record your own administrative hearing, please advise the officer or staff person that you intend to record the phone hearing, video or in person hearing session, explain the reason for the recording, and obtain the consent of the hearing officer on the recording at the time of the hearing.

#### **Related Content**



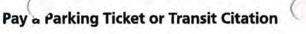
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How to recover a towed vehicle?
(/node/1390)



Waivers for people experiencing homelessness or low-income and reduction for first time tow

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# **Towed Vehicles**

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SFMTA.com/Towed

The SFMTA is responsible for removing illegally parked and abandoned vehicles from city streets. The SFMTA conducts tows authorized by Enforcement and the San Francisco Police Department (SFPD). A vehicle which is parked in a tow away zone will be towed to one of the City and County of San Francisco Impound facilities. The SFMTA tows vehicles in San Francisco only.

Towing helps maximize on-street parking, manage traffic congestion, and maintain clean, safe and functional streets for the public's use. Most requests received from the public to tow vehicles are for blocked driveways. Request Enforcement (/services/streets-sidewalks/enforcement-requests) or call 311 to report an illegally parked vehicle.

If you think your car is towed, immediately call City and County of San Francisco Impound at 415.865.8200. The City's contractor, TEGSCO, LLC, will help you search for your vehicle (https://www.autoreturn.com/san-francisco-ca/find-vehicle/). Be ready to provide your license plate number, vehicle description, suspected tow date, and location.

If we cannot confirm your vehicle is towed, your vehicle may be stolen or towed from a different jurisdiction. To report a vehicle stolen, go to **SFPD (http://sanfranciscopolice.org/towed-vehicle-information)** or call 415.553.0123.

#### Where to Recover Your Vehicle and Pay Your Fees

You must appear in person and pay all fees before your vehicle can be released. Go to the City and County of San Francisco Impound (operated by TEGSCO, LLC) (https://www.autoreturn.com/san-francisco-ca/find-vehicle/), open 24 hours a day, including holidays. Some oversized vehicles are transported directly to a secondary facility in Daly City, so you are encouraged to call 415.865.8200 or go to www.autoreturn.com (https://www.autoreturn.com/san-francisco-ca/find-vehicle/) to help locate your vehicle.

City and County of San Francisco Impound 450 7th Street San Francisco, CA 94103

# To Retrieve a Vehicle Towed by Order of SFPD

Contact the SFPD's STOP unit at: 415.678.3625 or visit <u>SFPD</u> (https://www.sanfranciscopolice.org/get-service/towed-vehicle-information).

Read this brochure (/sites/default/files/reports-and-documents/2023/05/2022-09-09\_sfmta-22\_sfpd\_tow\_card\_3.75\_x\_8.5\_final\_hires.pdf).

### **Payment Options**

SFMTA accepts cash, ATM cards, and most major credit cards. Cardholder must be present at the time of payment with valid identification matching the name on the card. Phone or online payments are not allowed. Checks are not accepted.

# Low Income? Experied and Homelessness? First ame Tow? (/getting-around/drive-park/towed-vehicles/reduced-fees-first-time-tow-and-low-income-individuals)

Vehicle owners who participate in eligible low-income programs may receive a waiver of the administrative fee, a reduction of the tow fee, and certain other fee waivers by providing acceptable proof of eligibility. Visit <a href="low-income tow">low-income tow</a> (/node/14908) for more information.

If you are experiencing homelessness and have visited a Coordinated Entry Point in the past 6 months then you may receive a waiver of the administrative fee, tow fee, and certain other waivers. More information available on how to visit a Coordinated Entry Point (/sites/default/files/reports-and-documents/2021/09/sfmta\_homeless\_discounts\_flyer-hsh-fjp.pdf). Visit low-income tow (/node/14908) for more information.

Individuals may receive a reduction of the administrative fee if their vehicle has never been previously towed by the SFPD or SFMTA. Visit <u>first time tow</u> (/node/14908) for more information.

# **Summary of Fees**

You must pay all fees for your vehicle to be released.

- Administrative Fee (this charge is in addition to the tow fee below)
  - o All repeat tows \$347
  - First-time tow \$293
  - Low-income \$0
- Tow Fee (this charge is in addition to the administrative fee above)
  - One-time waiver for people experiencing homelessness \$0
  - Low-income \$100
  - All others \$286
- Storage (if applicable)
  - First four hours free

- o First day after first 4 Jurs \$62
- Subsequent days \$74
- Dolly (if applicable) \$51

Towing and storage fees may vary depending on the weight of your vehicle. Please <u>search for your vehicle (https://www.autoreturn.com/san-francisco-ca/find-vehicle/)</u> or call 415.865.8200 to receive an estimate of fees.

Full list of Tow Fees available at www.autoreturn.com 拖車費的完整清單 - Lista completa de tarifas de remolque - Buong listahan ng mga Tow Fees

#### To Contest a Tow (/getting-around/drive-park/towed-vehicles/contest-tow)

You may contest the validity of the tow. If you believe your vehicle was towed in error, submit a hearing request, and all supporting evidence, within the time allowed to contest. Visit **Contest Tow** (/node/1403) for more information.

#### **Vehicle Boot**

If your vehicle is affixed with a vehicle boot due to delinquent citations visit **Booted (/getting-around/drive-park/citations/booted-vehicles)** for more information and instructions on how to pay your fees.

# Text Before Tow Program (/getting-around/drive-park/towed-vehicles/text-tow-program)

Sign-up to get a text message when your vehicle is at risk of being towed.

#### Restrictions

- You must be the registered owner of the vehicle you are claiming.
- You may be required to submit a Hold Harmless form if you authorize your representative to retrieve the vehicle on your behalf.

#### **Related Content**





Waivers for people experiencing homelessoness or low-income and reduction for first time tow

(/node/1429)



Pay a Parking Ticket or Transit Citation

(/node/1430)



**Contest a Citation** 

(/node/1431)



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# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

PHILIP BENTIMER		MAYOT 2024 JAN
v.		W 18
SAN FRANCISCO MTA	Case No. 24SC00311_	PMIZ
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Defendant(s)	DEFENDANT 5 RESPONS	
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<ol> <li>I DENY the claim, demand a Small Claim of the same transaction or occurrence that is t see instruction sheet for Small Claims jurisdict</li> </ol>	he subject matter of the plaint	tiff's claim. (Defendant: n that the plaintiff owes
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	Print Full Name	
	Mailing Address	
	City	State Zip Code

Phone number

	STATE OF OREGON FOR LANE COUNTY
PHILIP BENZINGER	To be handed nailed directly to:
laintiff	(any employee)
ddress	Case No 24SC00311
ity County State Zip	SMALL CLAIM AND NOTICE OF SMALL CLAIM
SAN FRANCISCO MTA	
efendant 456 7 <sup>th</sup> ST	☐ Defendant ☐ Defendant's Registered Agent
ddress #	Address
Mailing Address (if different than above) SAN FRANCISCO SF CA 94103	Mailing Address (if different than above)
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ddress	Case No.
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efendant 450 711 ST	☐ Defendant ☐ Defendant's Registered Agent
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lailing Address (if different than above)	Mailing Address (if different than above)
TANTONICISCO SF CA 11103	City County State Zip
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1/4/2021	PHILIP BENZINGER
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# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

PHILIP BENTIMER V.	-1			2024 JAN 18	MAYOR'S
SAN FRANCISCO MTA		ase No. 24SC00		PM12: 25	OFFICE OFFICE
Defendant(s)					
Each defendant listed above must si	ign and file a s	eparate notice of	defendant's el	ection	6
l elect to respond under ORS 46.455 as follows	:				
<ol> <li> I ADMIT the claim. I will pay the fees and service expenses, directly to the the court within fourteen (14) calendar</li> <li> I DENY the claim and demand a filing fee.)</li> <li> I DENY the claim, demand a Small of the same transaction or occurrence to see instruction sheet for Small Claims jume \$ because:</li> </ol>	ne plaintiff and days of the da Small Claims h all Claims hear that is the subj urisdiction limi	will mail proof of te the claim was s earing. (Defendan ing, and wish to file ect matter of the p	that delivery a erved to me. it: see instruct e a COUNTERC plaintiff's claim	ind pay tion sh LAIM a n. (Def	yment to eet for arising out endant:
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DATED:	SIGNED:				
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		Mailing Address			
		City	State		Zip Code
		Phone number			

PHILIP BENZINGER	To be handed? nailed directly to:  SEMTA  (any employee)
Plaintiff	SEMTA  Lany employee)  Case No. 248C00311
Plaintiff	SEMTA CONTRACTOR 30
ishten	(any employee)
Address	Case No 24SC00311
City County State Zip	SMALL CLAIM AND NOTICE OF SMALL CLAIM
V.	
SAN FRANCISCO MTA	
Defendant	☐ Defendant ☐ Defendant's Registered Agent
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NOTICE TO DEFENDANT—READ REVERSE SIDE.

#### NOTICE TO DEFENDANT

#### YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

- 1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
- 2. Deny the claim and demand a hearing; or
- 3. Deny the claim, demand a hearing, and file a counterclaim; or
- 4. Deny the claim and demand a jury trial.

If you fail to do one of the above within 14 days after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

#### IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court, Indicate your choice on the Notice of Defendant's Election form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

#### IF YOU DENY THE CLAIM

- A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.
- B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.
- C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court 125 E. 8<sup>th</sup> Ave. Eugene, OR 97401 Telephone 541-682-4020

Address

# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

PHILIP BENTINGER Plaintiff  V.			MAYOR'S 2024 JAN 18
SAN FRANCISCO MTA	Case No.	24SC00311	PHIZ: 25
Defendant(s)			
Each defendant listed above must sig	gn and file a separate	notice of defendant	's election.
I elect to respond under ORS 46.455 as follows:			
1 I ADMIT the claim. I will pay the fees and service expenses, directly to the the court within fourteen (14) calendar (2 I DENY the claim and demand a S filing fee.)  app. 3 I DENY the claim, demand a Small of the same transaction or occurrence the see instruction sheet for Small Claims jur me \$ because:	e plaintiff and will mad days of the date the claims hearing.  I Claims hearing, and the claims hearing, and the subject matter	il proof of that delive aim was served to m (Defendant: see instr wish to file a COUNTI er of the plaintiff's cl ng fees.) I claim that	ry and payment t e. ruction sheet for ERCLAIM arising c aim. (Defendant
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SMAL	LL CLAIMS DEPARTMENT
PHILIP BENZINGER	To be handed, nailed directly to:  SENTA  (any employee)  Case No 248C00311
Plaintiff	to: FUR PAIR: 2
Plaintiff	- SEMTA (ANS COURS - 30
Address	Case No 24SC00311
City County State Zip	SMALL CLAIM AND NOTICE OF SMALL CLAIM
V. *	
SAN FRANCISCO MTA	
Defendant 450 7 <sup>TM</sup> ST	☐ Defendant ☐ Defendant's Registered Agent
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PHILIP BENZINGER	To be handed nailed directly
laintiff	to: FUR PMID.
laintiff	- SEMTA "30
	(any employee)
ddress	To be handed, nailed directly to:  SENTA  (any employee)  Case No 248C00311
- vone come - vo	
	Zip SMALL CLAIM AND NOTICE OF SMALL CLAIM
SAN FRANCISCO MTA	
Defendant	☐ Defendant ☐ Defendant's Registered Agent
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PHILIP BENZIVER	IMS DEPARTMENT
Plaintiff	-4 pu 1
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Plaintiff	THE COLUMN TO SERVICE OF THE PARTY OF THE PA
<u> </u>	***/V 10%
Address	Case No.
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V.	
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Defendant	☐ Defendant ☐ Defendant's Registered Agent
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SANTONICISCO SF CA 11103 City County State Zip	City County State Zip
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understand they are made for use in court and I an	i subject to penalty for perjury.
1/4/7014	PHILIP BENZINGER
Dated	Plaintiff

#### NOTICE TO DEFENDANT

#### YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

- 1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
- 2. Deny the claim and demand a hearing; or
- 3. Deny the claim, demand a hearing, and file a counterclaim; or
- 4. Deny the claim and demand a jury trial.

If you fail to do one of the above within 14 days after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

#### IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

#### IF YOU DENY THE CLAIM

- A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.
- B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.
- C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court 125 E. 8<sup>th</sup> Ave. Eugene, OR 97401 Telephone 541-682-4020

# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

PHILIP BENTIMER Plaintiff V.	-	MAYOR!
SAN FRANCISCO MTA		PHIZ
	Case No. 24SC00311	**
	DEFENDANT'S RESPON	ISE S E
Defendant(s)		
Each defendant listed above must sig	n and file a separate notice of def	endant's election.
I elect to respond under ORS 46.455 as follows:		
<ol> <li> I ADMIT the claim. I will pay the fees and service expenses, directly to the the court within fourteen (14) calendar d</li> <li> I DENY the claim and demand a Sr filing fee.)</li> <li> I DENY the claim, demand a Small</li> </ol>	plaintiff and will mail proof of that ays of the date the claim was serv mall Claims hearing. (Defendant:	et delivery and payment to red to me. see instruction sheet for
of the same transaction or occurrence th see instruction sheet for Small Claims jur me \$ because:	at is the subject matter of the plai isdiction limit and filing fees.) I cla	ntiff's claim. (Defendant: nim that the plaintiff owes
<ol> <li>I DENY the claim and demand a JUI choice requires the plaintiff to file a form complaint, I ask that my JURY FEE be refu complaint at the address below.</li> </ol>	al complaint in circuit court. If the	e plaintiff does not file a
I have read and understand the above. I have chappropriate fee.	nosen one of the four alternatives	and have enclosed the
DATED:	SIGNED:	
	Print Full Name	
	Mailing Address	
	City	State Zip Code

Phone number

PHILIP BENZINGER	To be handed nailed directly to:  SEMTA  (any amolouse)
Plaintiff	to: From PM12
N-1-AFF	SEMTA SISO
Plaintiff	SEMTA  Lany employee  Case No. 248C00311
Addrace	Case No 248C00311
City County State Zip	SMALL CLAIM AND NOTICE OF SMALL CLAIM
	The state of the s
SAN FRANCISCO MTA	
SAN FRANCISCO MTA	☐ Defendant ☐ Defendant's Registered Agent
450 7TH ST	
Address	Address
Mailing Address (if different than above)	Mailing Address (if different than above)
SAN FRANCISCO SF CA 94103	ivialing Address (in different than above)
City County State Zip	City County State Zip
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PHILIP BENZINGER	To be handed nailed directly to:  SEMTA  Lany employee  Case No. 248C00311
Plaintiff	STATE to: FOR PMR: 30
Plaintiff	SEMTA (AME COUNTY 30
Address	Case No. 24SC00311
	Case No 24SC00311
City County State Z	SMALL CLAIM AND NOTICE OF SMALL CLAIM
rue. V.	
SAN FRANCISCO MTA	
Defendant リSo Ч <sup>™</sup> Sㅜ	☐ Defendant ☐ Defendant's Registered Agent
Address  #	Address
Mailing Address (if different than above) SAN FRANCISCO SE CA 94	Mailing Address (if different than above)
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- UTCR 15.010(1)(a) page 1.

	AIMS DEPARTMENT
PHILIP BENZINGER	1
Plaintiff	May 1
Plaintiff	STATE OF OREGON FOR LANE COUNTY AIMS DEPARTMENT  Case No.
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efendant	☐ Defendant ☐ Defendant's Registered Agent
450 71 ST	
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#### NOTICE TO DEFENDANT

# YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

- 1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
- 2. Deny the claim and demand a hearing; or
- 3. Deny the claim, demand a hearing, and file a counterclaim; or
- 4. Deny the claim and demand a jury trial.

If you fail to do one of the above within 14 days after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

### IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court, Indicate your choice on the Notice of Defendant's Election form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

#### IF YOU DENY THE CLAIM

- A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.
- B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filling fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.
- C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court 125 E. 8<sup>th</sup> Ave. Eugene, OR 97401 Telephone 541-682-4020

Addres

# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

PHILIP BENTIMER Plaintiff  V.		MAYOR'S
SAN FRANCISCO MTA		PM Z: 28
	Case No. 24SC00311	2 6
	DEFENDANT'S RESPONSE	en in
Defendant(s)		
Each defendant listed above must	sign and file a separate notice of defendant	's election.
I elect to respond under ORS 46.455 as follow	vs:	
fees and service expenses, directly to the court within fourteen (14) calenda  2 I DENY the claim and demand a filing fee.)  I DENY the claim, demand a Sm of the same transaction or occurrence see instruction sheet for Small Claims	he money or return any property claimed, along the plaintiff and will mail proof of that deliver a days of the date the claim was served to make a Small Claims hearing. (Defendant: see instead of the plaintiff's claim that is the subject matter of the plaintiff's claim that	ry and payment to e. ruction sheet for ERCLAIM arising out laim. (Defendant:
choice requires the plaintiff to file a fo	JURY TRIAL. (Only applicable if the claim exce formal complaint in circuit court. If the plainti refunded to me. The plaintiff can mail a copy	
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TITLE 1. GENERAL [100 - 7931.000] ( Title 1 enacted by Stats. 1943, Ch. 134, )

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3] ( Division 3.6 added by Stats. 1963, Ch. 1681.)

PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962] ( Part 4 added by Stats 1963, Ch. 1715.)

CHAPTER 2. Actions Against Public Entities [945 - 949] (Chapter 2 added by Stats 1963, Ch. 1715.)

945.4. Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

(Amended by Stats. 1965, Ch. 653.)

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TITLE 1. GENERAL [100 - 7931.000] ( Title 1 enacted by Stats 1943, Ch. 134.)

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CHAPTER 2. Actions Against Public Entities [945 - 949] (Chapter 2 added by Stats. 1963, Ch. 1715.)

- 946.4. (a) Where provision is made by or pursuant to law that no suit may be brought against a public agency as defined in Section 53050 unless and until a claim is presented to the agency, the failure to present a claim does not constitute a bar or defense to the maintenance of a suit against the public agency if, during the 70 days immediately following the accrual of the cause of action, either of the following apply:
- (1) No statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, as required by Section 53051.
- (2) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but the information contained therein is so inaccurate or incomplete that it does not substantially conform to the requirements of Section 53051.
- (b) On any question of fact arising within the scope of paragraphs (1) and (2) of subdivision (a), the burden of proof is upon the public agency.
- (c) This section is inapplicable where the presentation of a claim is required by a claims procedure established by agreement made pursuant to Section 930.2 unless the procedure so prescribed requires that the claim be presented to the governing body of the public agency or to a person listed in Section 53051.

(Amended by Stats. 2019, Ch. 329, Sec. 3. (SB 780) Effective January 1, 2020.)



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#### **GOVERNMENT CODE - GOV**

TITLE 1. GENERAL [100 - 7931.000] ( Title 1 enacted by Stats. 1943, Ch. 134. )

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3] ( Division 3.6 added by Stats. 1963, Ch. 1681.)

PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962] ( Part 4 added by Stats 1963, Ch. 1715.)

CHAPTER 2. Actions Against Public Entities [945 - 949] (Chapter 2 added by Stats. 1963, Ch. 1715.)

- 946.6. (a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.
- (b) The petition shall show each of the following:
- (1) That application was made to the board under Section 911.4 and was denied or deemed denied.
- (2) The reason for failure to present the claim within the time limit specified in Section 911.2.
- (3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

- (c) The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:
  - (1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4.
  - (2) The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.
  - (3) The person who sustained the alleged injury, damage, or loss was a minor during any of the time specified in Section 911.2 for the presentation of the claim, provided the application is presented within six months of the person turning 18 years of age or a year after the claim accrues, whichever occurs first.
  - (4) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.
  - (5) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during any of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed

to present a claim during tha ne, provided the application is presented will six months of the person no longer being physically or mentally incapacitated, or a year after the claim accrues, whichever occurs first.

- (6) The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.
- (d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, If the respondent is the state. If the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco, Service on the Director of Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento. If the petition involves a claim arising out of alleged actions or inactions of a judicial branch entity, service of the petition and notice of the hearing shall be made in accordance with the following:
  - (1) If the petition involves a claim arising out of alleged actions or inactions of a superior court or a judge, court executive officer, or trial court employee, as defined in Section 811.9, of the court, service shall be made on the court executive officer.
  - (2) If the petition involves a claim arising out of alleged actions or inactions of a court of appeal or a judge thereof, service shall be made on the Clerk/Executive Officer of the Court of Appeal.
  - (3) If the petition involves a claim arising out of alleged actions or inactions of the Supreme Court or a judge thereof, service shall be made on the Clerk/Executive Officer of the Supreme Court.
  - (4) If the petition involves a claim arising out of alleged actions or inactions of the Judicial Council or the Administrative Office of the Courts, service shall be made on the Administrative Director of the Judicial Council.
- (e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.
- (f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

  (Amended by Stats. 2021, Ch. 218, Sec. 2. (SB 501) Effective January 1, 2022.)

PHILIP BENZINGER	To be handed inailed directly to:  SEMTA  Lany employee  To be handed inailed directly to:  SEMTA  Lany employee
Plaintiff	to: FOO PAID
Plaintiff	SEMTA 30
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Defendant 450 7 <sup>TM</sup> ST	☐ Defendant ☐ Defendant's Registered Agent
Address	Address
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PHILIP BENZINGER	To be handed nailed directly to:  SEMTA  (any employee)  7024  7074  708  708  708  708  708  708  7
Plaintiff	SFMTA (any employee) FOR INE COUNTY ON
Plaintiff	- SEMTA SING
rallatil)	(any employee)
Address	Case No 24SC00311
	- 24000071
City County State Zip	SMALL CLAIM AND NOTICE OF SMALL CLAIM
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SAN FRANCISCO MTA	
SAN FRANCISCO MTA	☐ Defendant ☐ Defendant's Registered Agent
450 7th ST	Defendant 5 Registered Agent
Address	Address
8.	
Mailing Address (If different than above)	Mailing Address (if different than above)
SAN FRANCISCO SF CA 94100	
City County State Zip	City County State Zip
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Form 15.010.1a - Claim and Notice of Claim - UTCR 15.010(1)(a) page 1. Revised 10/09 UTCR App. page 45

SMALL CLAIMS DEPARTMENT    Plaintiff	200
SMALL CLAIM AND NOTICE OF SMALL  V.  Defendant  LISO TH ST  Address  Mailing Address (if different than above)  SAUTRAICISCO SF CA CHIOS  City County State  I, Plaintiff, seek judgment against the above named defendant (s) for a claim that arose on or about and this sum is still owing for (briefreason for the claim)  LILE CAL TICKTINETAND TWINE STEAR FOR THE STORY OF ST	SO
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SMALL CLAIM AND NOTICE OF SMALL  V.  Defendant    Defendant   Defendant's Registered A  Address   Mailing Address (if different than above)   SANTRANCISCO SF CA CINICS   Lity County State Zip City County State   Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about NOV I STOCKET TOWN STATE OF T	Wy GOL
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Defendant Defendant Defendant's Registered A Address  Address  Mailing Address (if different than above)  SAUTRANCICO SF CA CITICS  City County State  Plaintiff, seek judgment against the above named defendant(s) for a claim that arose on or about the claim of SECTIMENT AND TOWN STATE FOR SET AND DISCUFT ON SECTIMENT AND TOWN STATE FOR SET AND DISCUFT ON SECTIMENT AND TOWN STATE FOR SET AND DISCUFT ON SECTIMENT AND TOWN STATE FOR SET AND DISCUFT ON SECTIMENT AND TOWN SET AND DISCUFT ON SECTIMENT AND SECTIMENT A	15
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Plaintiff have made a bona fide effort to collect this claim from the defendants before filing this he court clerk.	Star -
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hereby declare that the above statements are true to the best of my knowledge and belief, and	laim witl
neigny decide that the above statements are true to the best of my knowledge and belief. And	that I
nderstand they are made for use in court and I am subject to penalty for perjury.	ulat I
1/4/2014 CHILIP BENZINGER	5 1 1 3.
eated Plaintiff	

NOTICE TO DEFENDANT—READ REVERSE SIDE.

#### NOTICE TO DEFENDANT

# YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

- 1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
- 2. Deny the claim and demand a hearing; or
- 3. Deny the claim, demand a hearing, and file a counterclaim; or
- 4. Deny the claim and demand a jury trial.

If you fail to do one of the above within 14 days after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

#### IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the Notice of Defendant's Election form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

#### IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court 125 E. 8<sup>th</sup> Ave. Eugene, OR 97401 Telephone 541-682-4020

# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

PHILIP BENZIN Plaintiff V. SAN FRANCISO N	7A		002 0 0 0 0	2024 JAN 18 PH 12:	MAYOR'S OF
		ase No. 2480 DEFENDANT'S R	00311	12:25	CE
Defendant(s)		DEFENDANT 3 K	ESPONSE		
	ed above must sign and file a	separate notice	of defendant's e	lection	1.
I elect to respond under ORS	6.455 as follows:				
fees and service experiments the court within fourt  2 I DENY the claim filing fee.)  3 I DENY the claim of the same transaction see instruction sheet	nim. I will pay the money or reses, directly to the plaintiff and en (14) calendar days of the den and demand a Small Claims had not occurrence that is the subor Small Claims jurisdiction limicause:	d will mail proof ate the claim wan nearing. (Defen- ring, and wish to ject matter of the	of that delivery as served to me. dant: see instruction of the accounter of the plaintiff's claim that the	and pa tion sh LAIM	yment to eet for arising out fendant:
choice requires the pl complaint, I ask that r complaint at the addr I have read and understand t	and demand a JURY TRIAL. (Or intiff to file a formal complain y JURY FEE be refunded to me ss below. e above. I have chosen one of	t in circuit court . The plaintiff c	If the plaintiff d an mail a copy of	oes no the fo	t file a rmal
appropriate fee.					
DATED:	SIGNED:				
		Print Full Name			
		Mailing Address			
		City	State		Zip Code
		Phone number		-	

# CITY AND COUNTY OF SAN FRANCISCO



David Chiu City Attorney

# OFFICE OF THE CITY ATTORNEY

Nichelle Flentroy Claims Adjuster

DIRECT DIAL:

(415) 554-4232

E-MAIL:

NICHELLE.FLENTROY@SFCITYATTY.ORG

January 19, 2024

Philip Benzinger

RE: F

File Name:

CCSF File Number:

Oregon Small Claims Case Number:

Incident Date:

Philip Benzinger

240597

24SC00311

November 21, 2023

Dear Mr. Benzinger:

Your State of Oregon for Lane County Small Claim and Notice of Small Claim with case number 24SC00311 was received by this office on January 18, 2024.

A claim must be filed against a government entity before filing a Small Claims Court action. I have attached a Claim Against the City and County of San Francisco claim form, which can also be accessed at https://www.sfcityattorney.org

Oregon is not the proper venue for this matter. You would need to file any action regarding this matter with the Superior Court of California, County of San Francisco. Their website is https://sf.courts.ca.gov. I have also attached an SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court for your convenience. Please reference Section 5 (highlighted).

The following website provides general information regarding towed vehicles in San Francisco: https://www.sfmta.com/getting-around/drive-park/towed-vehicles

Please contact me immediately at (415) 554-4232 to discuss this matter.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy Claims Adjuster

# CITY AND COUNTY OF ( ) FRANCISCO



David Chiu City Attorney

# C CE OF THE CITY ATTORNEY

# Nichelle Flentroy Claims Adjuster

DIRECT DIAL: (41:

(415) 554-4232

E-MAIL:

NICHELLE FLENTROY@SFCITYATTY.ORG

January 22, 2024

Lane County Circuit Court 125 E. 8th Ave. Eugene, OR 97401

RE:

File Name:

CCSF File Number:

Oregon Small Claims Case Number:

Incident Date:

Philip Benzinger

240597

24SC00311

November 21, 2023

To: Clerk of the Lane County Circuit Court

We send this letter to the court as a courtesy and special appearance.

Our office received notice from the Court that Philip Benzinger has filed a small claims action in Oregon with the Lane County Circuit Court (24SC00311). Mr. Benzinger alleges that his car was improperly towed by the City and County of San Francisco in San Francisco. We have informed Mr. Benzinger that in order to sue San Francisco, he must first file a claim with San Francisco and that the proper venue for any suit against San Francisco for an incident that occurred in San Francisco is the San Francisco Superior Court.

We dispute that the Lane County Circuit Court has jurisdiction over this matter or that it is the proper venue for this matter. As such, the City and County of San Francisco will not be appearing on this matter in the Lane County Circuit Court.

Please feel free to contact me if you have any questions. I can be reached at (415) 554-4232.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy Claims Adjuster

beleen Jufay

cc: Philip Benzinger



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**GOVERNMENT CODE - GOV** 

TITLE 1. GENERAL [100 - 7931.000] ( Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3] (Division 3.6 added by Stats. 1963, Ch. 1681.)

PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962] (Part 4 added by Stats 1963, Ch. 1715.)

CHAPTER 2. Actions Against Public Entities [945 - 949] (Chapter 2 added by Stats 1963, Ch. 1715.)

945.4. Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division. (Amended by Stats. 1965, Ch. 653.)

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#### **GOVERNMENT CODE - GOV**

TITLE 1. GENERAL [100 - 7931.000] ( Title 1 enacted by Stats 1943, Ch. 134 )

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3] ( Division 3.6 added by Stats. 1963, Ch. 1681.)

PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962] ( Part 4 added by Stats 1963, Ch. 1715.)

CHAPTER 2. Actions Against Public Entities [945 - 949] (Chapter 2 added by Stats 1963, Ch 1715.)

- 946.4. (a) Where provision is made by or pursuant to law that no suit may be brought against a public agency as defined in Section 53050 unless and until a claim is presented to the agency, the failure to present a claim does not constitute a bar or defense to the maintenance of a suit against the public agency if, during the 70 days immediately following the accrual of the cause of action, either of the following apply:
  - (1) No statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, as required by Section 53051.
- (2) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Registry of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but the information contained therein is so inaccurate or incomplete that it does not substantially conform to the requirements of Section 53051.
- (b) On any question of fact arising within the scope of paragraphs (1) and (2) of subdivision (a), the burden of proof is upon the public agency.
- (c) This section is inapplicable where the presentation of a claim is required by a claims procedure established by agreement made pursuant to Section 930.2 unless the procedure so prescribed requires that the claim be presented to the governing body of the public agency or to a person listed in Section 53051.

(Amended by Stats. 2019, Ch. 329, Sec. 3. (SB 780) Effective January 1, 2020.)



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#### GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7931.000] ( Title 1 enacted by Stats 1943, Ch 134. )

DIVISION 3.6. CLAIMS AND ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [810 - 998.3] ( Division 3.6 added by Stats 1963, Ch 1681.)

PART 4. ACTIONS AGAINST PUBLIC ENTITIES AND PUBLIC EMPLOYEES [940 - 962] ( Part 4 added by Stats. 1963, Ch. 1715.)

CHAPTER 2. Actions Against Public Entities [945 - 949] (Chapter 2 added by Stats. 1963, Ch. 1715.)

- 946.6. (a) If an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.
- (b) The petition shall show each of the following:
  - (1) That application was made to the board under Section 911.4 and was denied or deemed denied
  - (2) The reason for failure to present the claim within the time limit specified in Section 911.2,
  - (3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

- (c) The court shall relieve the petitioner from the requirements of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:
- (1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from the requirements of Section 945.4.
- (2) The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.
- (3) The person who sustained the alleged injury, damage, or loss was a minor during any of the time specified in Section 911.2 for the presentation of the claim, provided the application is presented within six months of the person turning 18 years of age or a year after the claim accrues, whichever occurs first.
- (4) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.
- (5) The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during any of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed

to present a claim during that he, provided the application is presented will six months of the person no longer being physically or mentally incapacitated, or a year after the claim accrues, whichever occurs first.

- (6) The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.
- (d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, if the respondent is the state. If the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco. Service on the Director of Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento. If the petition involves a claim arising out of alleged actions or inactions of a judicial branch entity, service of the petition and notice of the hearing shall be made in accordance with the following:
  - (1) If the petition involves a claim arising out of alleged actions or inactions of a superior court or a judge, court executive officer, or trial court employee, as defined in Section 811.9, of the court, service shall be made on the court executive officer.
  - (2) If the petition involves a claim arising out of alleged actions or inactions of a court of appeal or a judge thereof, service shall be made on the Clerk/Executive Officer of the Court of Appeal.
  - (3) If the petition involves a claim arising out of alleged actions or inactions of the Supreme Court or a judge thereof, service shall be made on the Clerk/Executive Officer of the Supreme Court.
  - (4) If the petition involves a claim arising out of alleged actions or inactions of the Judicial Council or the Administrative Office of the Courts, service shall be made on the Administrative Director of the Judicial Council.
- (e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.
- (f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

  (Amended by Stats. 2021, Ch. 218, Sec. 2. (SB 501) Effective January 1, 2022.)

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	Case No 248C00311
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Defendant	☐ Defendant ☐ Defendant's Registered Agent
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Defendant 450 7 <sup>TM</sup> ST	☐ Defendant ☐ Defendant's Registered Agent
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NOTICE TO DEFENDANT—READ REVERSE SIDE.

#### NOTICE TO DEFENDANT

# YOU MUST DO ONE OF THE FOLLOWING WITHIN 14 DAYS AFTER RECEIVING THIS NOTICE.

- 1. Pay the claim plus filing and services expenses paid by the plaintiff to file this action; or
- 2. Deny the claim and demand a hearing; or
- 3. Deny the claim, demand a hearing, and file a counterclaim; or
- 4. Deny the claim and demand a jury trial.

If you fail to do one of the above within 14 days after receiving this notice, then upon written request from the plaintiff (person who filed the claim) a judgment will be entered against you (the defendant) for the amount claimed plus filing fees, service expenses paid, and a prevailing party fee. You will be required to pay this amount to the plaintiff. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Service members Civil Relief Act.

#### IF YOU SETTLE THE CLAIM

You can settle the claim by paying the amount of the claim or delivering the specific personal property in question directly to the plaintiff and also paying the filing fees and service expenses that the plaintiff has spent filing the case. You must then mail written proof that you have paid all this to Lane County Circuit Court. Indicate your choice on the Notice of Defendant's Election form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse.

#### IF YOU DENY THE CLAIM

A. You can deny the claim and demand a hearing. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filing fee at that time. You and the plaintiff will both receive notice in the mail when your hearing is scheduled at the court and you must appear. This will be an informal hearing, where both the plaintiff and you as the defendant may offer testimony and bring witnesses and other evidence that applies to the case. No lawyer or anyone other than you, the plaintiff and witnesses may participate without consent from the judge.

B. You can deny the claim and file a counterclaim. Your counterclaim must arise from the same matter as the plaintiff's claim. Indicate your choice on the **Notice of Defendant's Election** form and file it with the court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the appropriate filling fee at that time. Counterclaims that total more than \$10,000.00 fall outside of Small Claims jurisdiction and you will have to file a **Motion to Transfer** to transfer the case to regular Circuit Court. There are also additional fees that you will be responsible for paying.

C. If the amount the plaintiff is claiming is more than \$750.00, you can deny the claim and demand a jury trial. If you choose to do this, indicate your choice on the **Notice of Defendant's Election** form and file it with the Court clerk's office on the second floor of the Lane County Circuit Courthouse. You must pay the filing fee and jury trial fee at the time you file. Once you make this choice the plaintiff's claim is no longer limited to the amount stated in the claim. The plaintiff will have 20 days from the notice of your demand for a jury trial to file a formal complaint with Lane County Circuit Court. If they do, they must mail a copy of the formal complaint to you at the address you have listed. You will then have 10 days to file your answer to the complaint. If you do not, then the plaintiff will win by default. At this point both you as the defendant and the plaintiff may want to retain lawyers.

Please keep in mind that the judge's decision in small claims court is final and cannot be appealed. If you have questions about the small claims process, you may contact the clerk of the court at Lane County Circuit Court. The clerk can explain the procedures to you, but may not tell you what to do or give you legal advice.

Lane County Circuit Court 125 E. 8<sup>th</sup> Ave. Eugene, OR 97401 Telephone 541-682-4020

# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY SMALL CLAIMS DEPARTMENT

Case No. 24\$C00311   DEFENDANT'S RESPONSE   DEFENDANT'S RESPONSE	PHILIP BENTINGER  Plaintiff  V.		1 81 NYC 1707	MAYOR'S
Defendant(s)  Each defendant listed above must sign and file a separate notice of defendant's election.  I elect to respond under ORS 46.455 as follows:  1 I ADMIT the claim. I will pay the money or return any property claimed, along with the filing fees and service expenses, directly to the plaintiff and will mail proof of that delivery and payment to the court within fourteen (14) calendar days of the date the claim was served to me.  2 I DENY the claim and demand a Small Claims hearing, (Defendant: see instruction sheet for filing fee.)  3 I DENY the claim, demand a Small Claims hearing, and wish to file a COUNTERCLAIM arising out of the same transaction or occurrence that is the subject matter of the plaintiff's claim. (Defendant: see instruction sheet for Small Claims jurisdiction limit and filing fees.) I claim that the plaintiff owes me \$ because:  4 I DENY the claim and demand a JURY TRIAL. (Only applicable if the claim exceeds \$750.00.) This choice requires the plaintiff to file a formal complaint in circuit court. If the plaintiff does not file a complaint, I ask that my JURY FEE be refunded to me. The plaintiff can mail a copy of the formal complaint at the address below.  I have read and understand the above. I have chosen one of the four alternatives and have enclosed the appropriate fee.  DATED: SIGNED:	JAN FRAMIXO NOTA	Case No. 24SI	c00311 S	
Each defendant listed above must sign and file a separate notice of defendant's election.  I elect to respond under ORS 46.455 as follows:  1			N	0
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DATED: SIGNED: Print Full Name Mailing Address	choice requires the plaintiff to file a formal complaint, I ask that my JURY FEE be refund	complaint in circuit court	. If the plaintiff does n	ot file a
Print Full Name  Mailing Address		en one of the four altern	atives and have enclose	ed the
Print Full Name  Mailing Address	DATED:	SIGNED:		
Mailing Address		20 x 20 x 30 x		
		Print Full Name		
City State Zip Code		Mailing Address		
		City	State	Zip Code

Phone number

# CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU City Attorney

# OFFICE OF THE CITY ATTORNEY

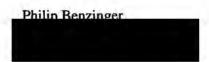
Nichelle Flentroy Claims Adjuster

DIRECT DIAL: (415) 554-4232

E-MAIL:

NICHELLE.FLENTROY@SFCITYATTY,ORG

January 19, 2024



RE:

File Name:

CCSF File Number:

Oregon Small Claims Case Number:

Incident Date:

Philip Benzinger

240597

24SC00311

November 21, 2023

Dear Mr. Benzinger:

Your State of Oregon for Lane County Small Claim and Notice of Small Claim with case number 24SC00311 was received by this office on January 18, 2024.

A claim must be filed against a government entity before filing a Small Claims Court action. I have attached a Claim Against the City and County of San Francisco claim form, which can also be accessed at https://www.sfcityattorney.org

Oregon is not the proper venue for this matter. You would need to file any action regarding this matter with the Superior Court of California, County of San Francisco. Their website is https://sf.courts.ca.gov. I have also attached an SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court for your convenience. Please reference Section 5 (highlighted).

The following website provides general information regarding towed vehicles in San Francisco: https://www.sfmta.com/getting-around/drive-park/towed-vehicles

Please contact me immediately at (415) 554-4232 to discuss this matter.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy Claims Adjuster

# CITY AND COUNTY OF ( N FRANCISCO



David Chiu City Attorney

# C CE OF THE CITY ATTORNEY

# Nichelle Flentroy Claims Adjuster

DIRECT DIAL: (415) 554-4232

E-MAIL: NICHELLE.FLENTROY@SFCITYATTY, ORG

January 22, 2024

Lane County Circuit Court 125 E. 8th Ave. Eugene, OR 97401

RE:

File Name:

CCSF File Number:

Oregon Small Claims Case Number:

Incident Date:

Philip Benzinger

240597 24SC00311

November 21, 2023

To: Clerk of the Lane County Circuit Court

We send this letter to the court as a courtesy and special appearance.

Our office received notice from the Court that Philip Benzinger has filed a small claims action in Oregon with the Lane County Circuit Court (24SC00311). Mr. Benzinger alleges that his car was improperly towed by the City and County of San Francisco in San Francisco. We have informed Mr. Benzinger that in order to sue San Francisco, he must first file a claim with San Francisco and that the proper venue for any suit against San Francisco for an incident that occurred in San Francisco is the San Francisco Superior Court.

We dispute that the Lane County Circuit Court has jurisdiction over this matter or that it is the proper venue for this matter. As such, the City and County of San Francisco will not be appearing on this matter in the Lane County Circuit Court.

Please feel free to contact me if you have any questions. I can be reached at (415) 554-4232.

Very truly yours,

DAVID CHIU City Attorney

Nichelle Flentroy Claims Adjuster

cc: Philip Benzinger

# SC-100

# Plaintiff's Claim and ORDER to Go to Small Claims Court

# Notice to the person being sued:

- You are the defendant if your name is listed in 2 on page 2 of this form or on form SC-100A. The person suing you is the plaintiff, listed in 1 on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you
  do not go to court, you may lose the case. If you lose, the court can order
  that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

## Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario, o en el formulario SC-100A. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso. Si pierde el caso, la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- · Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed

ENDURSED
FILED

uperior Court of California

MAR 20004

CLERK OF THE COURT

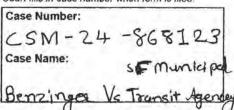
superior Court of California Count of California California California California California California California California California California

Fill in court name and street address:

Superior Court of California, County of

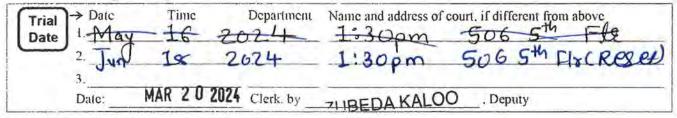
SMALL CLAIMS
SUPERIOR COURT
400 MCALLISTER, ROOM 103
SAN FRANCISCO, CALIFORNIA 94102

Court fills in case number when form is filed.



# Order to Go to Court

The people in (1) and (2) must attend court: (Clerk fills out section below.)



## Instructions for the person suing:

Do not use this form to recover COVID-19 rental debt, which is unpaid rent or other financial obligations under a tenancy due between March 1, 2020, and September 30, 2021. (See Code of Civil Procedure, §1179.02.) To recover COVID-19 rental debt, use form SC-500, Piantiff's Claim and ORDER to Go to Small Claims Court.

- · You are the plaintiff. The person you are sning is the defendant.
- Before you fill out this form, read form SC-100-INFO, Information for the Plaintiff, to know your rights. You can get form SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/forms.
- Fill out pages 2, 3, and 4 of this form. Make copies of all the pages of this form and any attachments—one for each party named in this case and an extra copy for yourself. Take or mail the original and the copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above. Your court may allow electronic filing. Check your local court website for information: www.courts.ca.gov/find-my-court.htm.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped
  copy of all pages of this form and any pages this form tells you to attach. There are special rules for "serving," or
  delivering, this form to public entities, associations, and some businesses. See forms SC-104. SC-104B. and SC-104C.
- · Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Judicial Council of California, www.counte.ca gov Rev. January 1, 2024, Mandatory Form Code of Civil Procedure, §§ 116,110 et seq., 116,220(c), 116,340(g) Plaintiff's Claim and ORDER to Go to Small Claims Court SC-100, Page 1 of 6

mailed

Plaintiff (	list names):
Phil Benz	inger

Case Number:		

Name: Phil Benzinger Street address:	Phone:					
Street	City	State	Zip			
Mailing address (if different):						
Street	City	State	Zip			
Email address (if available):						
If more than one plaintiff, list next plaintiff here:						
Name:	Phone:					
Street address:		THE STATE OF THE S				
Street	City	State	Zip			
Mailing address (if different):						
Street	City	State	Zip			
Email address (if available):						
Code sections 23000 et seq.						
The defendant (the person, business, or	5 mg 1 - 100 mg 1	is:				
The defendant (the person, business, or Name: San Francisco Municipal Transit Agency	Phone:		04102			
The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: 1 South Van Ness Ave	Phone:San Francisco	CA	94102			
The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: 1 South Van Ness Ave Street	Phone: San Francisco City		94102 Zip			
The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: 1 South Van Ness Ave	Phone: San Francisco City	CA				
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The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: 1 South Van Ness Ave Street Mailing address (if different): Street  If the defendant is a corporation, limited or agent authorized for service of process	San Francisco City  City  liability company, or publis here:	CA State State	zip Zip v, list the pers			
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The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: 1 South Van Ness Ave Street  Mailing address (if different): Street  If the defendant is a corporation, limited or agent authorized for service of process Name: Address: Street  Check here if your case is against more than one	San Francisco City  City  liability company, or publics here:  Job title, if known:  City  State defendant and attach form SC-1 duty and write defendant's name 5,027.00  (Explainate on this form. Use form	CA State  State  State  COOA.  I liere:	Zip  7, list the pers  and on next page			
The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: I South Van Ness Ave Street  Mailing address (if different): Street  If the defendant is a corporation, limited or agent authorized for service of process Name: Address: Street  Check here if your case is against more than one Check here if any defendant is on active military The plaintiff claims the defendant owes \$ (Note: A claim for COVID-19 rental debt cannot be is SC-500, Plaintiff's Claim and ORDER to Go to Smala. Why does the defendant owe the plaintiff money	San Francisco City  City  liability company, or publics here:  Job title, if known:  City  State defendant and attach form SC-1 duty and write defendant's name  5,027.00  (Explainate on this form. Use form all Claims Court (COVID-19 Recognity)	CA State State lic entity  te Zip 00A. c here: in helow o	Zip  Zip  I, list the personners  and on next page			
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The defendant (the person, business, or Name: San Francisco Municipal Transit Agency Street address: 1 South Van Ness Ave Street  Mailing address (if different): Street  If the defendant is a corporation, limited or agent authorized for service of process Name:  Address: Street  Check here if your case is against more than one Check here if any defendant is on active military  The plaintiff claims the defendant owes \$ (Note: A claim for COVID-19 rental debt cannot be a SC-500, Plaintiff's Claim and ORDER to Go to Smala. Why does the defendant owe the plaintiff money SFMTA towed my car for "Scofflaw/Expired Recar was towed on Nov 21 but SFMTA "Was My	San Francisco  City  liability company, or publics here:  Job title, if known:  City State  defendant and attach form SC-1  duty and write defendant's name  5 5,027.00 (Explainate on this form. Use form all Claims Court (COVID-19 Recover)  gistration" when I had valid plate Car Towcd" website didn't returns and entered old expired plate in down the car at City Tow. Was conserved.	State  State  State  State  Ic entity  De Zip  OOA.  chere:  in helow on tall Debt).  es with cure results for formation charged \$8	zip  zip  y, list the personal on next page  rrent registration or my car in their databas  340 for towing an			

		(list names): samger		Case Number:			
3)	b.	When did this happen? (Date): Nov 23	3 2023				
152	Ų.	If no specific date, give the time period		Through:			
	C.	How did you calculate the moncy owed to you? (Do not include court costs or fees for service.) \$840 towing fees \$330 tickets \$857 travel expenses					
	\$3000 punitive damages to discourage this type of fraud in the future						
	☐ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" the top.						
4)	SL	그들이 그 집에 어려워 되었다. 이 사람은 이 이름이 어느 그렇게 되었다면 하지 않는데 아름이 되었다.	on of properi	iting, or by phone) to pay you before you ty, you must ask the defendant to give you			
	X	Yes No If no, explain why	/ not:				
	_						
5)		hy are you filing your claim at this courthouse covers the area (check if					
	a.	(1) Where the defendant lives or de (2) Where the plaintiff's property (3) Where the plaintiff was injured	was damaged	(4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.			
	b.	그리아 그 사람이 아이 어떻게 하는 그리다. 그 그리 친탁에 지어지면서 아이에 지어를 지어야 한다.		s now, or lived when the contract was made, if this claim r household goods, services, or loans. (Code Civ. Proc.,			
	C.						
	d. [] Where the buyer signed the contract, lives now, or lived permanently garaged, if this claim is about a vehicle fina		lived when the contract was made, or where the vehicle				
	c.	Other (specify):					
6	Li	st the zip code of the place che	cked in ③ al	bove (if you know): 94102			
(7)		Is your claim about an attorney-client fee dispute?  Yes No If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here:					
(8)		e you suing a public entity?   Yes  No  No  No A claim was filed on (date): Nov 23, 2023					
				within the time allowed by law, you can file this form.			

Plaintiff (list names): Phil Benzinger	Case Number:
9 Have you filed more than 12 other small claims  Tyes No If yes, the filing fee for this case will be	
(10) Is your claim for more than \$2,500?   Yes  If you answer yes, you also confirm that you have not filed, small claims cases for more than \$2,500 in California during	and you understand that you may not file, more than 1890
I understand that by filing a claim in small clair claim.	ms court, I have no right to appeal this
I declare under penalty of perjury under the laws of the State of Canachments to this form is true and correct.	'alifornia that the information above and on any
Date: March 15, 2024	0 0
Phil Benzinger	0/200
Plaintiff types or prints name here	Plaintiff Figns here
Date:	v.
Second plaintiff types or prints name here	Second plaintiff signs here



# Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. For these and other accommodations, contact the clerk's office for form MC-410, Disability Accommodation Request. (Civ. Code, § 54.8.)

# SC-100

# Information for the defendant (the person being sued)

"Small claims court" is a special court where claims for \$12,500 or less are decided. Individuals, including "natural persons" and sole proprietors, may claim up to \$12,500. Corporations, partnerships, public entities, and other businesses are limited to claims of \$6,250. (See below for exceptions.\*) The process is quick and cheap. The rules are simple and informal. You are the defendant—the person being sued. The person who is string you is the plaintiff.

**Do I need a lawyer?** You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that support your case. And read "Be Prepared for Your Trial" at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, Disability Accommodation Request. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well? Ask the court clerk as soon as possible for a court-provided interpreter. You may use form INT-300, Request for Interpreter (Civil) or a local court form to request an interpreter. If a court interpreter is unavailable for your trial, it may be necessary to reschedule your trial. You cannot bring your own interpreter for the trial unless the interpreter has been approved by the court as a certified, registered, or provisionally qualified interpreter. (See Cal. Rules of Court, rule 2.893, and form INT-140.)

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later

What if I lose the case? If you lose, you may appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form SC-140, Notice of Appeal You
  must file within 30 days after the clerk hands or mails you the
  judge's decision (judgment) on form SC-200 or form SC-130,
  Notice of Entry of Judgment.
- If you were not at the trial, fill out and file form SC-135, Notice of Motion to Vacate Judgment and Declaration, to ask the judge to pancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision, File form SC-140.

For more information on appeals, see www.courts.ca.gov/ smallclaims/appeals.

Do I have options? Yes. If you are being sued you can:

Settle your case before the trial. If you and the
plaintiff agree on how to settle the case before the trial, the
plaintiff must file form CIV-110, Request for Dismissal or a
written and signed settlement agreement with the clerk. Ask the
Small Claims Advisor for help.

- Prove this is the wrong court. Send a letter to the court before your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- Go to the trial and try to win your case. Bring
  witnesses, receipts, and any evidence you need to prove your
  case. To have the court order a witness to go to the trial, fill out
  form SC-107, Small Claims Subpoena and Declaration,
  and have it served on the witness.
- estable by Sue the person who is suing you. If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file Defendant's Claim (form SC-120) and bring the claim in this action. If your claim is for more than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court and relates to the same contract, transaction, matter, or event that is the subject of the plaintiff's claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff's claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above, titled "Small Claims Court."
- Agree with the plaintiff's claim and pay the money. Or, if you can't pay the money now, go to your trial and say you want to make payments.
- Let the case "default." If you don't settle and do not go to
  the trial (default), the judge may give the plaintiff what he or she
  is asking for plus court costs. If this happens, the plaintiff can
  legally take your money, wages, and property to pay the
  judgment.

# What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), or
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county).

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court and to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



#### Need help?

Your county's Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

<sup>\*</sup> Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116,220(c).) Limits do not apply in an action to recover COVID-19 rental debt. (See Code Civ. Proc., §§ 116.223 & 1179.02; form SC-500.)



# SC-100

# Información para el demandado (la persona demandada)

- La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$12,500 o menos. Los individuos, o sea las "personas físicas" y los propietarios por cuenta propia, pueden reclamar hasta \$12,500. Las corporaciones, asociaciones entidades públicas y otras empresas solo pueden reclamar hasta \$6,250. (Vea abajo para las excepciones.\*) El proceso es rápido y económico. Las reglas son sencillas e informales. Usted es el Demandado—la persona que se está demandando. La persona que lo está demandando es el Demandante.
- ¿Necesito un abogado? Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores)
- ¿Cómo me preparo para ir a la corte? No tiene que presentar ningún documento antes del juicio, a menos que piense que ésta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y pruebas que apoyan su caso. Y lea "Esté preparado para su juicio" en www.courts.ca.gov/reclamosmenores/preparese.
- ¿ Qué hago si necesito una modificación? Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410. Solicitud de modificaciones para discapacidad. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.
- ¿Qué pasa si no hablo bien inglés? Solicite un intérprete al secretario de la corte lo más pronto posible. Puede usar el formulario INT-300 o un formulario de su corte local. Si no está disponible un intérprete de la corte para su juicio, es posible que se tenga que cambiar la fecha de su juicio. No puede llevar su propio intérprete para el juicio a menos que el intérprete haya sido aprobado por la corte como un intérprete certificado, registrado, o provisionalmente calificado. (Vea la regla 2 893 de las Reglas de la Corte de California, y el formulario INT-140.)
- ¿Dónde puedo obtener los formularios de la corte que necesito? Vaya a cualquier edificio de la corte, la biblioteca legal de su condado, o imprima los formularios en www.courts.ca.gov/smallclaims/forms (página está en inglês).
- ¿Qué pasa en el jurcio? El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.
- ¿Qué pasa si pierdo el caso? Si pierde, puede apelar Tendrá que pagar una cuota (El Demandante no puede apelar su propio reclamo.)
- Si estuvo presente en el juicio, llene el formulario SC-140. Aviso de apeiación (Notice of Appeal). Tiene que presentarlo dentro de 30 días después de que el secretario le entregue o envie la decisión (fallo) del juez en el formulario SC-200 o SC-130, Aviso de publicación del fallo (Notice of Entry of Judgment).
- Si no estuvo en el juicio. Ilene y presente el formulario SC-135, Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courts ca gov/reclamosmenores/apelaciones.

- ¿Tengo otras opciones? Sí. Si lo están demandando, puede:
- Resolver su caso antes del juicio. Si usted y el Demandante se ponen de acuerdo en cómo resolver el caso antes del juicio, el Demandante tiene que presentar el formulario CIV-110 Solicitud de desestimación (Request for Dismissal) o un acuerdo de resolución escrito y firmado al secretario de la corte. Pidale al Asesor de Reclamos Menores que lo ayude.

- Probar que es la corte equivocada. Envie una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pidale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- Ir al juicio y tratar de ganar el caso. Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Si desea que la corte emita una orden de comparecencia para que los testigos vayan al juicio, llene el formulario SC-107. Citatorio de reclamos menores (Small Claims Subpoena) y entrégueselo legalmente al testigo.
- Demandar a la persona que lo demandó. Si tiene un reclamo contra el Demandante, y el reclamo se puede presentar en la corte de reclamos menores, tal como se describe en este formulario, puede presentar el formulario SC-120, Reclamo del demandado (Defendant's Claim) y presentarlo en este mismo caso. Si su reclamo excede el límite permitido en la corte de reclamos menores, puede igualmente presentario en la corte de reclamos menores si está dispuesto a limitar su reclamo al máximo permitido, o puede presentar un reclamo por el monto total en la corte apropiada. Si su reclamo excede el límite permitido en la corte de reclamos menores y está relacionado con el mismo contrato, transacción, asunto o acontecimiento que el reclamo del Demandante, puede presentar su reclamo en la corte apropiada y presentar una moción para transferir el reclamo del Demandante a dicha corte, para poder resolver los dos reclamos juntos. Puede ver una descripción de los montos permitidos en el párrafo anterior titulado "Corte de reclamos menores"
- Aceptar el reclamo del Demandante y pagar el dinero. O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos a plazos.
- No ir al juicio y aceptar el fallo por falta de comparecencia. Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.
- ¿Qué hago si necesito más tiempo? Puede cambiar la fecha del juicio si:
- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-150 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O visite www.courts.ca.gov/reclamosmenores/asesores.

\* Excepciones: Existen diferentes limites en un reclamo contra un garante. (Vea el. Còdigo de Procedimiento Civil, sección 116.220 (c).) Los límites no se aplican a las acciones para reclamar una deuda de alquiler del COVID-19. (Vea el Còdigo de Procedimiento Civil, secciones 116.223, y 1179.02. y el formulario SC-500.).

# **Public.Records (CAT)**

**From:** Public.Records (CAT)

**Sent:** Friday, December 20, 2024 12:05 PM

To: 'tmr408@protonmail.com'
Cc: Public.Records (CAT)
Subject: Records request

Dear requester,

We received a message from our receptionist today that you are making the below records request:

For the period of the past 2 years please provide all Settlement Agreements entered into by the City of San Francisco that do not include a waiver of section 1542 of California Civil Code.

We will process this request and anticipate responding within 10 days. As previously communicated, we unfortunately cannot receive emails from your account due to an IT issue; therefore we ask that you contact our receptionist with any follow up on this request.

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

# **Public.Records (CAT)**

**From:** Public.Records (CAT)

Sent: Thursday, January 2, 2025 2:09 PM

To: 'tmr408@protonmail.com'
Cc: Public.Records (CAT)
Subject: RE: Records request

## Dear requester,

Apologies – there was an error in my below email. Under the government code section cited below, we are entitled to a two-week extension; therefore, we expect to respond no later than January 13, 2025.

Please send replies to public.records@sfcityatty.org

# Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)

Sent: Thursday, January 2, 2025 2:06 PM

**To:** 'tmr408@protonmail.com' <tmr408@protonmail.com> **Cc:** Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>

Subject: RE: Records request

Dear requester,

I am responding on behalf of the City Attorney's Office to your below records request. Please note that we are invoking an extension of time under Government Code section 7922.535(c)(2) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will work diligently on this request and expect to respond no later than January 9, 2025.

Please send replies to public.records@sfcityatty.org

# Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)

Sent: Friday, December 20, 2024 12:05 PM

**Subject:** Records request

Dear requester,

We received a message from our receptionist today that you are making the below records request:

For the period of the past 2 years please provide all Settlement Agreements entered into by the City of San Francisco that do not include a waiver of section 1542 of California Civil Code.

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Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

# **Public.Records (CAT)**

**From:** Public.Records (CAT)

**Sent:** Monday, January 13, 2025 5:52 PM

To: 'tmr408@protonmail.com'
Cc: Public.Records (CAT)
Subject: RE: Records request

## Dear requester,

I am responding on behalf of the City Attorney's Office to your below request. Based on your request, we understand that you are seeking relevant agreements settling civil litigations, and not agreements settling administrative actions (i.e. actions brought before the Public Employment Relations Board, the Division of Occupational Safety and Health, etc.), a City department's contemplated or imposed discipline of a City employee, or union grievances. We conducted a diligent search for all such records in our possession, but have found none.

Please send replies to public.records@sfcityatty.org

#### Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT) < Public.Records@SFCITYATTY.ORG>

Sent: Thursday, January 2, 2025 2:09 PM

**To:** 'tmr408@protonmail.com' <tmr408@protonmail.com> **Cc:** Public.Records (CAT) <Public.Records@SFCITYATTY.ORG>

Subject: RE: Records request

Dear requester,

Apologies – there was an error in my below email. Under the government code section cited below, we are entitled to a two-week extension; therefore, we expect to respond no later than January 13, 2025.

Please send replies to public.records@sfcityatty.org

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)

Sent: Thursday, January 2, 2025 2:06 PM

Subject: RE: Records request

Dear requester,

I am responding on behalf of the City Attorney's Office to your below records request. Please note that we are invoking an extension of time under Government Code section 7922.535(c)(2) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will work diligently on this request and expect to respond no later than January 9, 2025.

Please send replies to <a href="mailto:public.records@sfcityatty.org">public.records@sfcityatty.org</a>

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: Public.Records (CAT)

Sent: Friday, December 20, 2024 12:05 PM

Subject: Records request

Dear requester,

We received a message from our receptionist today that you are making the below records request:

For the period of the past 2 years please provide all Settlement Agreements entered into by the City of San Francisco that do not include a waiver of section 1542 of California Civil Code.

We will process this request and anticipate responding within 10 days. As previously communicated, we unfortunately cannot receive emails from your account due to an IT issue; therefore we ask that you contact our receptionist with any follow up on this request.

Best,



Elizabeth A. Coolbrith
Paralegal
Office of City Attorney David Chiu
www.sfcityattorney.org

From: <u>tmr408</u>

To: Public.Records (CAT)

Subject: Fw: RE: California Public Records Act Request Date: Thursday, December 19, 2024 5:08:03 PM

Sent with Proton Mail secure email.

----- Forwarded Message ------

From: Supervisor Records (CAT) < supervisor.records@SFCITYATTY.ORG>

Date: On Wednesday, September 4th, 2024 at 3:49 PM Subject: RE: California Public Records Act Request

To: 'tmr408' <tmr408@protonmail.com>

CC: Supervisor Records (CAT) < supervisor.records@SFCITYATTY.ORG>

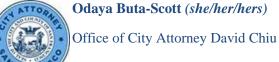
Dear Requestor,

We write to acknowledge receipt of your petition.

Please note that your prior SOR (Supervisor of Records) inquiries were not received due to a technical issue that was out of the control of our office. The issue has been resolved now, and we should be able to receive your future emails.

We will look into the matter and follow up if we have any questions.

Sincerely,



odaya.buta@sfcityatty.org, www.sfcityattorney.org

Find us on: Facebook Twitter Instagram

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify me immediately, and permanently delete this message and any attachments. Thank you.

From: tmr408 < tmr408@protonmail.com>

Sent: Monday, August 26, 2024 10:42 PM
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>; Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: California Public Records Act Request

Hello,

I have not received a response to my public records request in accordance with Section 6253 of the Government Code, Can you please give me an update to the request I made on August 15, 2024? I have forwarded the email containing my request.

Thank you

Sent from Proton Mail for iOS

On Thu, Aug 15, 2024 at 4:18 PM, tmr408 < tmr408@protonmail.com > wrote:

I contacted the SFMTA to obtain public records related to lawsuits and settlements related to SFMTA initiated tows. Instead of producing relevant documents, SFMTA asked that I contact this office with my request.

Can you please send me all records related to lawsuits (please include complaints, responses, and orders) and settlements related to SFMTA tows? Please send records for the past two years. Thank you.

----- Forwarded message -----

From: CCSF Public Records < messages@nextrequest.com>

Date: On Wed, Aug 14, 2024 at 5:59 PM

Subject: Fw: Your City and County of San Francisco public records

request #24-4922 has been closed. To: <tmr408@protonmail.com>

Cc:

Hello,

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

# City and County of San Francisco Public Records

# Record request #24-4922 has been closed. The closure reason supplied was:

The SFMTA has determined that the agency does not have any records responsive to your request and recommends that you contact the City Attorneys office directly to obtain the records you are seeking.

Please do not hesitate to contact us if you have further questions on this matter. Thank you for your consideration.

View Request 24-4922

https://sanfrancisco.nextrequest.com/requests/24-4922



Questions about your request? Reply to this email or sign in to contact staff at City and County of San

Francisco.

Technical support: See our help page