

July 24, 2017

VIA EMAIL AND OVERNIGHT DELIVERY

Mr. David Cahen
Risk Manager
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3614

Re: Application for Leave to File Late Claim
Claimant: Thomas Wingens/4355 Monterey Road, LLC

Dear Mr. Cahen:

I am in receipt today of your correspondence dated July 19, 2017, which was given pursuant to Government Code Section 911.3. In your letter, you indicate that the District received, on July 13, 2017, the claim presented on behalf of my client, indicated above. You indicated that the claim is being returned because it was not presented within six months after the event or occurrence, as required by law. I would like to bring two matters to your attention:

1. Although the claim was intended to be presented within six months after the event giving rise to the claim (see Paragraph 2, below), the claim primarily concerns damage to real property, for which the time for filing the claim is one year after the accrual of the cause of action (see Government Code §911.2(a)). Accordingly, even if the request for leave to file late claim with respect to damage to personal property is denied, the claim should be accepted as valid with respect to any damages as to which the one-year limitation period applies;

2. The claim package which you returned was a duplicate of a package which was delivered on July 7, 2017, to OnTrac, a well-recognized express delivery service in California (www.ontrac.com). The package was deposited into the On-Trac system deposit box, together with an identical package prepared for submission to the Government Claims Office of the State of California, for a CalTrans claim. The receipt of both packages into the OnTrac system was acknowledged through the entity's online tracking system, and the package deposited for delivery to the State of California in Sacramento was timely delivered on the morning of Monday, July 10, 2017. The package deposited for delivery to the Santa Clara Valley Water District, as shown in the attached bill of lading and package tracking screen shot, were received by OnTrac on July 7, 2017,

David Cahen
Risk Manager
Santa Clara Valley Water District
July 24, 2017
Page Two

with a "Service Commitment Time" of July 10, 2017 by 10:30 a.m. The package was not only not delivered, but, according to OnTrac, its location is completely unknown at the present time, following the scanning of all delivery packages in their facility. I would therefore submit, and request of the District, that our Application for Leave for Late Filing be granted on the basis of the intervention of lost delivery that was beyond our control.

Please feel free to contact me for any further information or documentation the District may require, including a declaration under penalty of perjury attesting to the foregoing facts. In any event, pursuant to Paragraph 1, above, I will be resubmitting the package to be considered for claims subject to the one-year presentation time limit.

Thank you for your kind courtesies and consideration in this regard.

Very truly yours,



TIMOTHY A. LUNDELL

TAL/sb
Enclosures



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Tracking

Have a question but no time to call? We can help. Use our [Contact Us](#) form to send a message to the Customer Care Department. We will respond as soon as possible.

Tracking Info:

Tracking Number:	B10322799652
Deliver To:	95120
Service Commitment Time:	7/10/2017 by 10:30 AM
Delivery Signature:	
Delivery Time:	n/a
Delivery Status:	IN TRANSIT
Ship Date:	7/7/2017
Service Code:	SUNRISE
Weight:	1 Letter

Detailed Tracking Info:

Transaction	Date / Time	City	Door Tag
PACKAGE RECEIVED AT FACILITY	JUL 7 2017 7:11PM	SAN JOSE	
PACKAGE RECEIVED AT FACILITY	JUL 6 2017 4:16AM	SAN JOSE	