

## NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

**Date/Time:** **Tuesday, August 16, 2022, 6:00 p.m.**  
(or as soon thereafter as possible)

**Location:** **Tracy City Hall**  
**333 Civic Center Plaza, Tracy, CA.**

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy City Council on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

***The City of Tracy remains under a local emergency for COVID-19 and is now conducting teleconference meetings pursuant to State Law. Teleconferenced locations may include various locations including Tracy City Hall. In accordance with the California Department of Public Health Guidelines, universal masking is recommended for all persons regardless of vaccination status and social distancing protocols will be in place for Tracy City Hall.***

### **For Remote Public Comment:**

*During the Items from the Audience, public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2553 224 0640** and **Event Password: TracyCC**
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment via phone or in WebEx by typing “Anonymous” when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address. Join by phone by dialing +1-408-418-9388, enter 25532240640#8722922# Press \*3 to raise the hand icon to speak on an item
- *Protocols for commenting via WebEx:*
  - *If you wish to comment under “Items from the Audience/Public Comment” portion of the agenda:*
    - *Listen for the Mayor to open “Items from the Audience/Public Comment”, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the “Items from the Audience/Public Comment” will be accepted until the public comment period is closed.*

1. Call to Order
2. Roll Call
3. Items from the audience - *In accordance with Council Meeting Protocols and Rules of Procedure*, adopted by Resolution No. 2019-240, and last amended by Resolution No. 2021-049, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council.
4. Request to Conduct Closed Session
  - A. Conference with Legal Counsel – Anticipated Litigation (Gov. Code § 54956.9)
    - i. Significant exposure to litigation pursuant to § 54956.9, subd. (e)(3). (Three cases).
  - B. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9(d)(1))
    - i. Case Title: MARY MITRACOS, v. CITY OF TRACY, and SURLAND COMMUNITIES, LLC, CASE NO. C093383; COURT OF APPEAL, STATE OF CALIFORNIA THIRD APPELLATE DISTRICT
    - ii. Case Title: *City of Tracy v. Ronnoco Properties of Tracy II, L.P., et al.*, San Joaquin Superior Court Case No. STK-CV-UED-2020-0010706.
5. Reconvene to Open Session
6. Report of Final Action, if Any
7. Council Items and Comments
8. Adjournment



Mayor

**Posting Date: August 11, 2022**

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled to participate in employment, programs and facilities. Persons requiring assistance or auxiliary aids in order to participate, should contact the City Manager’s Office at (209) 831-6000 at least 24 hours prior to the meeting.



RAFII & ASSOCIATES, P.C.  
EXCELLENCE | COMMITMENT | RESULTS

ATTACHMENTS FOR ITEM 4.A

9100 WILSHIRE BOULEVARD, SUITE 465E  
BEVERLY HILLS, CALIFORNIA 90212  
TELEPHONE (310) 777-7877  
FACSIMILE (310) 777-7855

RECEIVED 2022 JUL 21 AM 11:23

2022 JUL 21 P 5:31  
July 20, 2022  
CITY OF TRACY  
HUMAN RESOURCES

Sent Via Federal Express

City of Tracy  
City Clerks Office  
333 Civic Center Plaza  
Tracy, CA 95376

Re: **Our Client:** The Estate Felipe De Jesus Barrera Lugo  
**Date of Loss:** 07/24/2021

Dear Sir/Madam:

Enclosed we have submitted a Claims for Damages Form for an accident that occurred within your jurisdiction.

**We would appreciate a courtesy conformed copy of the claim form for our records.**

Thank you for your cooperation and courtesy in this matter. Should you have any further questions, please do not hesitate to contact me.

Very Truly Yours,

RAFII & ASSOCIATES, P.C.

Sylvia Rose, Paralegal

RIVERSIDE  
11801 PIERCE ST.  
SUITE 200  
RIVERSIDE, CA 92505  
951.299.2570

SAN BERNARDINO  
473 E CARNEGIE  
SUITE 200  
SAN BERNARDINO, CA 92408  
951.299.2570

ORANGE  
4695 MACARTHUR COURT  
11<sup>TH</sup> FL.  
NEWPORT BEACH, 92660  
714.364.9715

SAN DIEGO  
501 W. BROADWAY  
SUITE 800  
SAN DIEGO, CA 92101  
619.329.4420

1 RAFII & ASSOCIATES, P.C.  
2 DANIEL J. RAFII, SBN 244174  
3 *daniel@rafiilaw.com*  
4 9100 Wilshire Boulevard, Suite 465E  
5 Beverly Hills, California 90212  
6 Telephone: 310.777.7877  
7 Facsimile: 310.777.7855

2022 JUL 21 AM 11:23  
CITY OF TRACY  
HUMAN RESOURCES

6 Attorneys for Claimants, FELIPE DE JESUS  
7 BARRERA RAMOS, a minor; ERIKA  
8 GUADALUPE RAMOS, an individual; and  
9 ESTATE OF FELIPE DE JESUS BARRERA  
10 LUGO

RECEIVED  
2022 JUL 21 P 5:31  
CITY OF TRACY  
HUMAN RESOURCES

12 FELIPE DE JESUS BARRERA RAMOS, a  
13 minor; ERIKA GUADALUPE RAMOS, an  
14 individual; and ESTATE OF FELIPE DE  
15 JESUS BARRERA LUGO

**CLAIMANT ESTATE OF FELIPE DE  
JESUS BARRERA LUGO'S  
APPLICATION FOR LEAVE TO  
PRESENT A LATE CLAIM FOR  
DAMAGES**

14 Claimants,

15 v.

*Government Code § 911.4, et seq.*

17 CITY OF TRACY, a public entity; COUNTY  
18 OF SAN JOAQUIN, a public entity; and  
19 STATE OF CALIFORNIA, a public entity

19 Respondents.

21 **TO THE BOARD OF SUPERVISORS OF THE CITY OF TRACY:**

22 Claimant, ESTATE OF FELIPE DE JESUS BARRERA LUGO, by through its administrator  
23 ERIKA GUADALUPE RAMOS, hereby applies to the CITY OF TRACY for leave to present a  
24 claim for damages against the CITY OF TRACY (hereinafter "CITY") pursuant to *Government*  
25 *Code § 911.4, et seq.*

26 1. The cause of action of Claimant, ESTATE OF FELIPE DE JESUS BARRERA  
27 LUGO, by through its administrator ERIKA GUADALUPE RAMOS, as set forth in the proposed  
28

1 claim attached to this application, accrued on July 24, 2021, a period within one year from the filing  
2 of this application.

3 2. Claimant, ESTATE OF FELIPE DE JESUS BARRERA LUGO, by through its  
4 administrator ERIKA GUADALUPE RAMOS' failure to timely present its claim for damages  
5 against CITY was due to mistake, inadvertence, surprise, and excusable neglect.

6 3. Claimant, ESTATE OF FELIPE DE JESUS BARRERA LUGO, by through its  
7 administrator ERIKA GUADALUPE RAMOS did not, and does not, possess the specialized  
8 knowledge and skill necessary to properly investigate and pursue any potential claims for damages  
9 against CITY on theories of liability based on defective roadway conditions, maintenance, repair,  
10 and design.

11 4. Claimant ERIKA GUADALUPE RAMOS retained her counsel, RAFII &  
12 ASSOCIATES, P.C., on January 20, 2022, only four (4) days before the expiration of the statute of  
13 limitations to present her claims against CITY.

14 5. Following the sudden and untimely death of Claimant ERIKA GUADALUPE  
15 RAMOS' husband (FELIPE DE JESUS BARRERA LUGO), Claimant ERIKA GUADALUPE  
16 RAMOS suffered severe emotional stress which substantially interfered with her ability to function  
17 in daily life, including taking care of her personal and business affairs, and to seek out legal counsel.

18 6. Claimant ERIKA GUADALUPE RAMOS' counsel was not afforded the opportunity  
19 to properly and meaningfully investigate and pursue claims against CITY given the complexity of  
20 the incident giving rise to these claims, which involves multiple decedents, multiple heirs and issues,  
21 multiple governmental entities, multiple applicable insurance policies, and multiple potential civil  
22 litigants.

23 7. At all times mentioned herein, MacArthur Drive (35 feet north of Delta Avenue) is  
24 a public roadway located in the unincorporated area of the County of San Joaquin, California  
25 (hereinafter "Subject Location").

26 8. CITY will not be prejudiced by Claimant, ESTATE OF FELIPE DE JESUS  
27 BARRERA LUGO, by through its administrator ERIKA GUADALUPE RAMOS' failure to present  
28 her claims within the time required by *Government Code* § 911.2, as CITY has forty-five (45) days

1 to properly and meaningfully investigate the facts alleged in the proposed claim attached to this  
2 application. CITY will further avoid any prejudice since CITY has readily obtainable evidence  
3 regarding the Subject Location due to the recent comprehensive roadway maintenance and repair  
4 project at or near the Subject Location per CITY's "Effluent Pipeline Project."

5 9. All notices and communications concerning this claim should be sent to RAFII &  
6 ASSOCIATES, P.C., 9100 Wilshire Boulevard, Suite 465E Beverly Hills, California 90212.

7 WHEREFORE, Claimant, ESTATE OF FELIPE DE JESUS BARRERA LUGO, by through  
8 its administrator ERIKA GUADALUPE RAMOS asks that you grant this application, deem the  
9 attached claim to have been presented on your receipt of this application, and act on the claim as  
10 required by *Government Code* § 911.6.

11  
12 DATED: July 20, 2022

Respectfully submitted,

**RAFII & ASSOCIATES, P.C.**

13  
14  
15  
16 By: 

DANIEL J. RAFII, Esq.  
Attorneys for Claimants

**CLAIM FORM**

(Please Type or Print)

2022 JUL 21 AM 11:46

CLAIM AGAINST City of Tracy  
(Name of Entity)

Claimant's Name The Estate of Felipe De Jesus Barrera Lugo S.S #: [REDACTED]

Claimant's Date of Birth 09/05/1980 Telephone [REDACTED]

Claimant's Address [REDACTED] Gender: Male XXX Female     

Address where Notices and Claims are to be sent, if different from above:  
Rafii & Associates 9100 Wilshire Blvd #465E, Beverly Hills CA 90212

Date of Incident / Accident / Arrest: 07/24/2021

Date Injuries, Damages or Losses were discovered:     

Location of Incident / Accident / Arrest: Macarthur Drive & Delta Ave, San Joaquin County

What did Entity or Employee do to cause this Loss, Damage or Injury?

See attachment

(Use Back of this form or separate sheet if necessary to answer this question in detail)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

Unknown at this time

What specific Injuries, Damages or Losses did Claimant receive? Due to the wrongful death of Felipe De Jesus Barrera Lugo (Decedent) and other unpaid damages.

(Use Back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]  
Will Exceed \$100,000.00

(Use back of this form or separate sheet if necessary to answer this question in detail)

How was this amount calculated (please itemize)?     

See Attachment

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 7/20/2022 Signature: [Signature]

If signed by Representative:

Representative's Name: Daniel Rafii

Address: 9100 Wilshire Blvd, #465E, Beverly Hills, CA 90212

Telephone: 310 777 7877

Relationship to Claimant: Attorney

**Attachment: City of Tracy**  
**The Estate of Felipe De Jesus Barrera Lugo (Decedent)**  
**Date of Loss: 07/24/2021**

**What did Entity or Employee do to Cause this Loss, Damage or Injury?**

On July 24, 2021, at approximately 4:08 a.m., Mr. Felipe De Jesus Barrera Lugo (Decedent), was passenger in a Ford Fusion. A Ford F-150, driven by Lou Anthony Gutierrez Quejada, while traveling at high rate of speed in the northbound lane of MacArthur Drive, south of Delta Avenue, (hereinafter the "Subject Location") in the City of Tracy, California, veered off of the road, landing on top of the Ford Fusion, which was partially submerged in the canal located parallel to Delta Avenue. The impact crushed the roof of the Ford Fusion downward, killing the right front and right rear passengers of the vehicle, including Felipe De Jesus Barrera Lugo. Lou Anthony Gutierrez Quejada was found to be at fault for the subject collision by operating the subject Ford F-150 in violation of CVC 22350 during the subject incident, resulting in the collision and deaths. (See CHP Traffic Crash Report No. 9266-2021-10376).

City of Tracy and/or their employees on said date and place are liable for Felipe De Jesus Barrera Lugo (Decedent)'s death under the parameters of Government Code §§ 810-996.6 (The Govt Tort Claims Act) by failing to properly own, control, supervise, inspect, maintain, repair, design, operate and/or safeguard the Subject Location such that it was unsafe for motorists. Such culpable conduct included, by way of illustration and not by way of exhaustion:

- a. Failure to warn of, prevent, and/or correct a "dangerous condition" (a condition of property that creates a substantial [as distinguished from a minor, trivial, or insignificant] risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it would be used) on or immediately adjacent to, public property;
- b. Failure to provide and/or maintain adequate traffic crash protection devices and warning signs, including, but not limited to, a properly functioning crash attenuator guard and/or channelization to channel traffic away from the unprotected canal for as long a period as required to prevent collision with the unprotected canal;
- c. Failure to provide clear roadway instructions, markings, warnings markings, and signage, in light of the known dangerous roadway configuration and unprotected canal so as to advise motorists of its presence and potential fatal dangers:
- d. Creation of a trap for motorists traveling at the Subject Location;
- e. Creation of a roadway configuration that was unsafe and dangerous;
- f. Maintaining a confusing roadway area in terms of the unprotected canal without any speed advisories, signage, striping, or pavement markings to establish a zone of safety so that motorists would not inadvertently drive into the unprotected canal; and



- g. Failing to properly respond to the accident history in Subject Location, including prior accidents and collisions.

The above factors, both individually and in combination, created a dangerous condition of public property and presented a substantial risk of injury to members of the general public, including Decedent, who used the property and adjacent property in a reasonably foreseeable manner.

**What Specific Injuries, Damages or Losses did Claimant receive?**

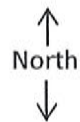
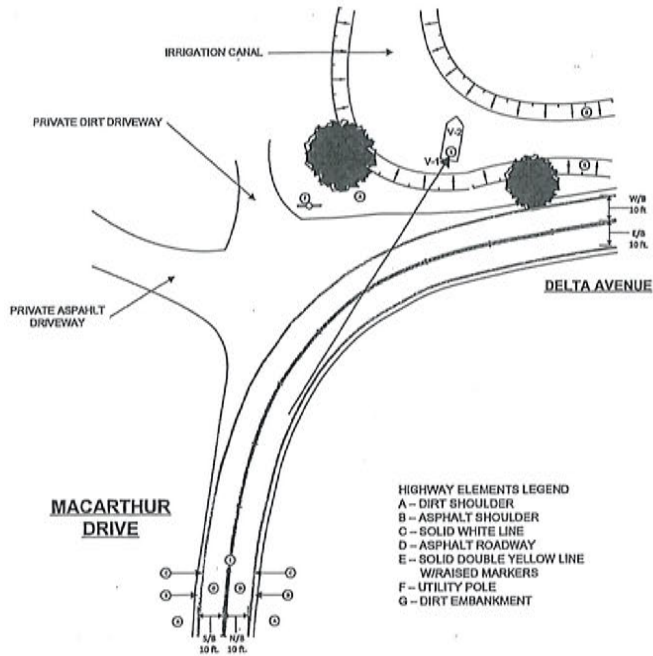
Damages incurred due to the wrongful death of Felipe De Jesus Barrera Lugo (Decedent). The Estate of Felipe De Jesus Barrera Lugo resulted in the loss of financial support, loss of gifts and benefits that The Estate of Felipe De Jesus Barrera Lugo would have expected to receive from Felipe De Jesus Barrera Lugo (Decedent) Funeral and burial expenses. Loss of Felipe De Jesus Barrera Lugo (Decedent) his love, companionship comfort, care, assistance, protection, affection, society, moral support, and the loss of Felipe De Jesus Barrera Lugo (Decedent's) training and guidance.

**How was the amount calculated (please itemize)?**

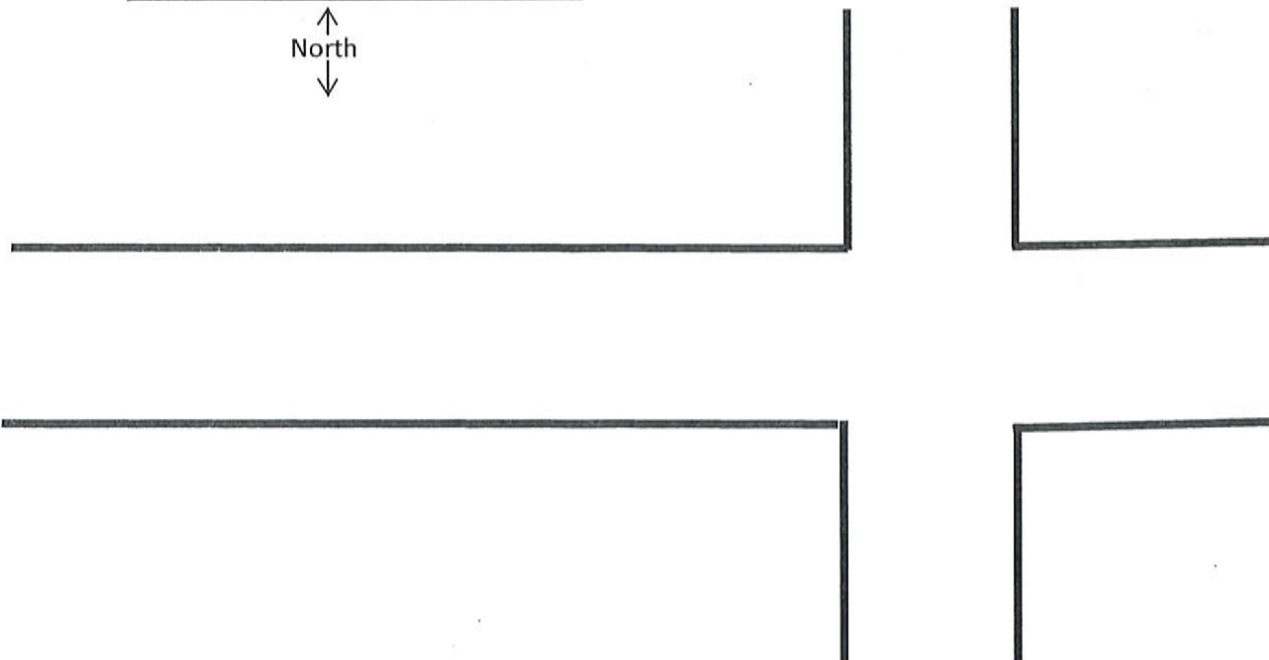
Funeral Expenses, out of pocket expenses and other damages and losses will be forthcoming.

# DIAGRAMS

General Diagram



Street Incidents





RAFII & ASSOCIATES, P.C.  
EXCELLENCE | COMMITMENT | RESULTS

9100 WILSHIRE BOULEVARD, SUITE 465E  
BEVERLY HILLS, CALIFORNIA 90212  
TELEPHONE (310) 777-7877  
FACSIMILE (310) 777-7855

RECEIVED

2022 JUL 21 AM 11:24

2022 JUL 21 P 5:31  
July 20, 2022  
CITY OF TRACY  
HUMAN RESOURCES

CITY OF TRACY  
TRACY, CA

Sent Via Federal Express

City of Tracy  
City Clerks Office  
333 Civic Center Plaza  
Tracy, CA 95376

Re: **Our Client:** Felipe De Jesus Barrera Ramos, Minor  
**Date of Loss:** 07/24/2021

Dear Sir/Madam:

Enclosed we have submitted a Claims for Damages Form for an accident that occurred within your jurisdiction.

**We would appreciate a courtesy conformed copy of the claim form for our records.**

Thank you for your cooperation and courtesy in this matter. Should you have any further questions, please do not hesitate to contact me.

Very Truly Yours,

RAFII & ASSOCIATES, P.C.

Sylvia Rose, Paralegal

RIVERSIDE  
11801 PIERCE ST.  
SUITE 200  
RIVERSIDE, CA 92505  
951.299.2570

SAN BERNARDINO  
473 E CARNEGIE  
SUITE 200  
SAN BERNARDINO, CA 92408  
951.299.2570

ORANGE  
4695 MACARTHUR COURT  
11<sup>TH</sup> FL.  
NEWPORT BEACH, 92660  
714.364.9715

SAN DIEGO  
501 W. BROADWAY  
SUITE 800  
SAN DIEGO, CA 92101  
619.329.4420

1 RAFII & ASSOCIATES, P.C.  
2 DANIEL J. RAFII, SBN 244174  
3 daniel@rafiilaw.com  
4 9100 Wilshire Boulevard, Suite 465E  
5 Beverly Hills, California 90212  
6 Telephone: 310.777.7877  
7 Facsimile: 310.777.7855

2022 JUL 21 AM 11:24  
CITY OF TRACY

6 Attorneys for Claimants, FELIPE DE JESUS  
7 BARRERA RAMOS, a minor; ERIKA  
8 GUADALUPE RAMOS, an individual; and  
9 ESTATE OF FELIPE DE JESUS BARRERA  
10 LUGO

10 FELIPE DE JESUS BARRERA RAMOS, a  
11 minor; ERIKA GUADALUPE RAMOS, an  
12 individual; and ESTATE OF FELIPE DE  
13 JESUS BARRERA LUGO

13 Claimants,

14 v.

15 CITY OF TRACY, a public entity; COUNTY  
16 OF SAN JOAQUIN, a public entity; and  
17 STATE OF CALIFORNIA, a public entity

17 Respondents.

**CLAIMANT FELIPE DE JESUS  
BARRERA RAMOS' APPLICATION FOR  
LEAVE TO PRESENT A LATE CLAIM  
FOR DAMAGES**

*Government Code § 911.4, et seq.*

21 **TO THE BOARD OF SUPERVISORS OF THE CITY OF TRACY:**

22 Claimant, FELIPE DE JESUS BARRERA RAMOS, a minor, (hereinafter "Claimant"),  
23 hereby applies to the CITY OF TRACY for leave to present a claim for damages against the CITY  
24 OF TRACY (hereinafter "CITY") pursuant to *Government Code § 911.4, et seq.*

25 1. The cause of action of Claimant, as set forth in his proposed claim attached to this  
26 application, accrued on July 24, 2021, a period within one year from the filing of this application.

27 2. Claimant is a minor, date of birth April 13, 2006.

28 ///

1           3.       Per Government Code 911.6(b)(2), “The board shall grant the application if . . . [t]he  
2 person who sustained the alleged injury, damage, or loss was a minor during all of the time specified  
3 in Section 911.2 for the presentation of the claim.”

4           4.       All notices and communications concerning this claim should be sent to RAFII &  
5 ASSOCIATES, P.C., 9100 Wilshire Boulevard, Suite 465E Beverly Hills, California 90212.

6           WHEREFORE, Claimant asks that you grant this application, deem the attached claim to  
7 have been presented on your receipt of this application, and act on the claim as required by  
8 *Government Code* § 911.6.

9  
10 DATED: July 20, 2022

Respectfully submitted,  
**RAFII & ASSOCIATES, P.C.**

11  
12  
13  
14 By:   
15 DANIEL J. RAFII, Esq.  
16 Attorneys for Claimants  
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**CLAIM FORM**

(Please Type or Print)

2022 JUL 21 AM 11:42

CLAIM AGAINST City of Tracy  
(Name of Entity)

Claimant's Name Felipe De Jesus Barrera Ramos, Minor S.S #: \_\_\_\_\_

Claimant's Date of Birth 04/13/2006 Telephone [REDACTED]

Claimant's Address [REDACTED] Gender: Male XXX Female \_\_\_\_\_

Address where Notices and Claims are to be sent, if different from above:  
Rafii & Associates 9100 Wilshire Blvd #465E, Beverly Hills CA 90212

Date of Incident / Accident / Arrest: 07/24/2021

Date Injuries, Damages or Losses were discovered: \_\_\_\_\_

Location of Incident / Accident / Arrest: Macarthur Drive & Delta Ave, San Joaquin County

What did Entity or Employee do to cause this Loss, Damage or Injury?

See attachment

(Use Back of this form or separate sheet if necessary to answer this question in detail)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

Unknown at this time

What specific Injuries, Damages or Losses did Claimant receive? Due to the wrongful death of Felipe De Jesus Barrera Lugo (Decedent) and other unpaid damages.

(Use Back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]  
Will Exceed \$100,000.00

(Use back of this form or separate sheet if necessary to answer this question in detail)

How was this amount calculated (please itemize)? \_\_\_\_\_

See Attachment

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 7/20/2022 Signature: [Signature]

If signed by Representative:

Representative's Name: Daniel Rafii

Address: 9100 Wilshire Blvd #465E, Beverly Hills, CA 90212

Telephone: 310-777 7877

Relationship to Claimant: Attorney

**Attachment: City of Tracy**  
**Felipe Barrera Ramos, Minor**  
**Date of Loss: 07/24/2021**

**What did Entity or Employee do to Cause this Loss, Damage or Injury?**

**Erika Ramos represents the Guardian Ad Litem for Felipe De Jesus Barrera Ramos (Claimant)**

On July 24, 2021, at approximately 4:08 a.m., Mr. Felipe De Jesus Barrera Lugo (Decedent), was passenger in a Ford Fusion. A Ford F-150, driven by Lou Anthony Gutierrez Quejada, while traveling at high rate of speed in the northbound lane of MacArthur Drive, south of Delta Avenue, (hereinafter the "Subject Location") in the City of Tracy, California, veered off of the road, landing on top of the Ford Fusion, which was partially submerged in the canal located parallel to Delta Avenue. The impact crushed the roof of the Ford Fusion downward, killing the right front and right rear passengers of the vehicle, including Felipe De Jesus Barrera Lugo. Lou Anthony Gutierrez Quejada was found to be at fault for the subject collision by operating the subject Ford F-150 in violation of CVC 22350 during the subject incident, resulting in the collision and deaths. (See CHP Traffic Crash Report No. 9266-2021-10376).

City of Tracy and/or their employees on said date and place are liable for Felipe De Jesus Barrera Lugo (Decedent)'s death under the parameters of Government Code §§ 810-996.6 (The Govt Tort Claims Act) by failing to properly own, control, supervise, inspect, maintain, repair, design, operate and/or safeguard the Subject Location such that it was unsafe for motorists. Such culpable conduct included, by way of illustration and not by way of exhaustion:

- a. Failure to warn of, prevent, and/or correct a "dangerous condition" (a condition of property that creates a substantial [as distinguished from a minor, trivial, or insignificant] risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it would be used) on or immediately adjacent to, public property;
- b. Failure to provide and/or maintain adequate traffic crash protection devices and warning signs, including, but not limited to, a properly functioning crash attenuator guard and/or channelization to channel traffic away from the unprotected canal for as long a period as required to prevent collision with the unprotected canal;
- c. Failure to provide clear roadway instructions, markings, warnings markings, and signage, in light of the known dangerous roadway configuration and unprotected canal so as to advise motorists of its presence and potential fatal dangers:
- d. Creation of a trap for motorists traveling at the Subject Location;
- e. Creation of a roadway configuration that was unsafe and dangerous;

- f. Maintaining a confusing roadway area in terms of the unprotected canal without any speed advisories, signage, striping, or pavement markings to establish a zone of safety so that motorists would not inadvertently drive into the unprotected canal; and
- g. Failing to properly respond to the accident history in Subject Location, including prior accidents and collisions.

The above factors, both individually and in combination, created a dangerous condition of public property and presented a substantial risk of injury to members of the general public, including Decedent, who used the property and adjacent property in a reasonably foreseeable manner.

**What Specific Injuries, Damages or Losses did Claimant receive?**

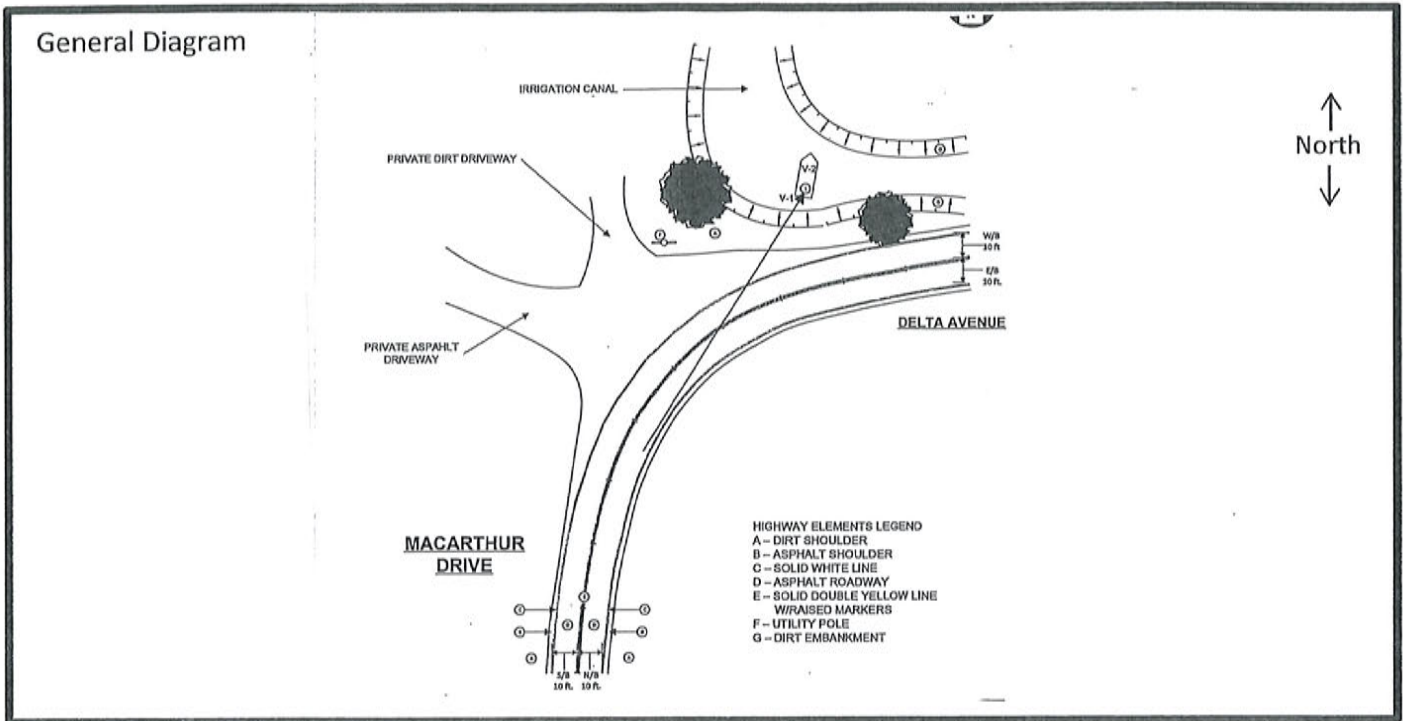
Damages incurred due to the wrongful death of Felipe De Jesus Barrera Lugo (Decedent). Felipe De Jesus Barrera Ramos (Claimant) resulted in the loss of financial support, loss of gifts and benefits that Felipe De Jesus Barrera Ramos (Claimant would have expected to receive from Felipe De Jesus Barrera Lugo (Decedent) Funeral and burial expenses. Loss of Felipe De Jesus Barrera Lugo (Decedent) his love, companionship comfort, care, assistance, protection, affection, society, moral support, and the loss of Felipe De Jesus Barrera Lugo (Decedent's) training and guidance.

**How was the amount calculated (please itemize)?**

Funeral Expenses, out of pocket expenses and other damages and losses will be forthcoming.

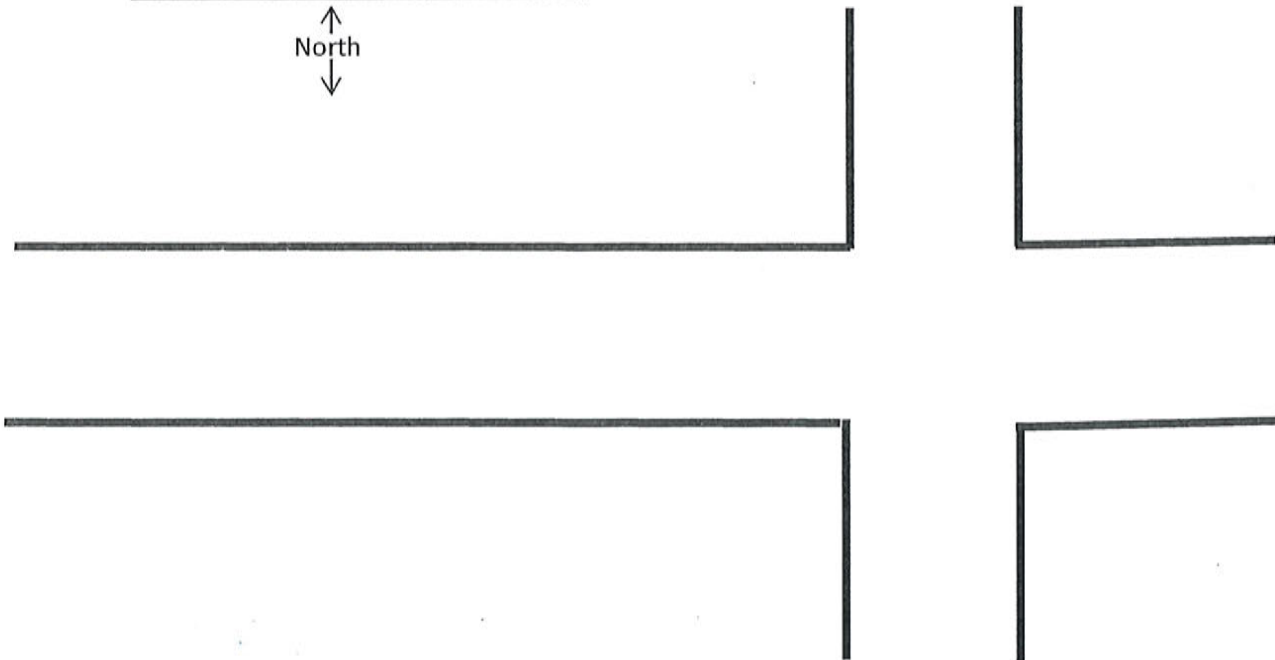


# DIAGRAMS



## Street Incidents

North





RAFII & ASSOCIATES, P.C.  
EXCELLENCE | COMMITMENT | RESULTS

9100 WILSHIRE BOULEVARD, SUITE 465E  
BEVERLY HILLS, CALIFORNIA 90212  
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HUMAN RESOURCES

Sent Via Federal Express

City of Tracy  
City Clerks Office  
333 Civic Center Plaza  
Tracy, CA 95376

Re: **Our Client:** Erika Ramos  
**Date of Loss:** 07/24/2021

Dear Sir/Madam:

Enclosed we have submitted a Claims for Damages Form for an accident that occurred within your jurisdiction.

**We would appreciate a courtesy conformed copy of the claim form for our records.**

Thank you for your cooperation and courtesy in this matter. Should you have any further questions, please do not hesitate to contact me.

Very Truly Yours,

RAFII & ASSOCIATES, P.C.

Sylvia Rose, Paralegal

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8 Attorneys for Claimants, FELIPE DE JESUS  
9 BARRERA RAMOS, a minor; ERIKA  
10 GUADALUPE RAMOS, an individual; and  
11 ESTATE OF FELIPE DE JESUS BARRERA  
12 LUGO

13 FELIPE DE JESUS BARRERA RAMOS, a  
14 minor; ERIKA GUADALUPE RAMOS, an  
15 individual; and ESTATE OF FELIPE DE  
16 JESUS BARRERA LUGO. by and through its  
17 Administrator, ERIKA GUADALUPE  
18 RAMOS

19 Claimants,

20 v.

21 CITY OF TRACY, a public entity; COUNTY  
22 OF SAN JOAQUIN, a public entity; and  
23 STATE OF CALIFORNIA, a public entity

24 Respondents.

**CLAIMANT ERIKA GUADALUPE  
RAMOS' APPLICATION FOR LEAVE TO  
PRESENT A LATE CLAIM FOR  
DAMAGES**

*Government Code § 911.4, et seq.*

**TO THE BOARD OF SUPERVISORS OF THE CITY OF TRACY:**

25 Claimant, ERIKA GUADALUPE RAMOS, (hereinafter "Claimant"), hereby applies to the  
26 CITY OF TRACY for leave to present a claim for damages against the CITY OF TRACY  
27 (hereinafter "CITY") pursuant to *Government Code § 911.4, et seq.*

28 1. The cause of action of Claimant, as set forth in her proposed claim attached to this  
application, accrued on July 24, 2021, a period within one year from the filing of this application.

///

1           2.       Claimant’s failure to timely present her claim for damages against CITY was due to  
2 mistake, inadvertence, surprise, and excusable neglect.

3           3.       Claimant did not, and does not, possess the specialized knowledge and skill  
4 necessary to properly investigate and pursue any potential claims for damages against CITY on  
5 theories of liability based on defective roadway conditions, maintenance, repair, and design.

6           4.       Claimant retained her counsel, RAFII & ASSOCIATES, P.C., on January 20, 2022,  
7 only four (4) days before the expiration of the statute of limitations to present her claims against  
8 CITY.

9           5.       Following the sudden and untimely death of her husband (FELIPE DE JESUS  
10 BARRERA LUGO), Claimant suffered severe emotional stress which substantially interfered with  
11 her ability to function in daily life, including taking care of her personal and business affairs, and to  
12 seek out legal counsel.

13          6.       Claimants’ counsel was not afforded the opportunity to properly and meaningfully  
14 investigate and pursue claims against CITY given the complexity of the incident giving rise to these  
15 claims, which involves multiple decedents, multiple heirs and issues, multiple governmental  
16 entities, multiple applicable insurance policies, and multiple potential civil litigants.

17          7.       At all times mentioned herein, MacArthur Drive (35 feet north of Delta Avenue) is  
18 a public roadway located in the unincorporated area of the County of San Joaquin, California  
19 (hereinafter “Subject Location”).

20          8.       CITY will not be prejudiced by Claimant’s failure to present her claims within the  
21 time required by *Government Code* § 911.2, as CITY has forty-five (45) days to properly and  
22 meaningfully investigate the facts alleged in the proposed claim attached to this application. CITY  
23 will further avoid any prejudice since CITY has readily obtainable evidence regarding the Subject  
24 Location due to the recent comprehensive roadway maintenance and repair project at or near the  
25 Subject Location per CITY’s “Effluent Pipeline Project.”

26          9.       All notices and communications concerning this claim should be sent to RAFII &  
27 ASSOCIATES, P.C., 9100 Wilshire Boulevard, Suite 465E Beverly Hills, California 90212.

28 //

1           WHEREFORE, claimant asks that you grant this application, deem the attached claim to  
2 have been presented on your receipt of this application, and act on the claim as required by  
3 *Government Code* § 911.6.

4  
5 DATED: July 20, 2022

Respectfully submitted,

**RAFII & ASSOCIATES, P.C.**

6  
7  
8  
9 By: \_\_\_\_\_

DANIEL J. RAFII, Esq.  
Attorneys for Claimants

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**CLAIM FORM**  
(Please Type or Print)

2022 JUL 21 AM 11:24

CLAIM AGAINST City of Tracy  
(Name of Entity)

Claimant's Name Erika Guadalupe Ramos S.S #: \_\_\_\_\_

Claimant's Date of Birth 07/20/1978 Telephone # [REDACTED]

Claimant's Address [REDACTED] Gender: Male \_\_\_\_\_ Female XX

Address where Notices and Claims are to be sent, if different from above:  
Rafii & Associates - 9100 Wilshire Blvd, #465E Beverly Hills CA 90212

Date of Incident / Accident / Arrest: 07/24/2021

Date Injuries, Damages or Losses were discovered: \_\_\_\_\_

Location of Incident / Accident / Arrest: Macarthur Dr and Delta Ave, San Joaquin County

What did Entity or Employee do to cause this Loss, Damage or Injury?  
See Attachment

(Use Back of this form or separate sheet if necessary to answer this question in detail)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?  
Unknown at this time

What specific Injuries, Damages or Losses did Claimant receive? Due to the wrongful death of Felipe De Jesus Barrera Lugo (Decedent) and other unpaid damages.

(Use Back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

Will exceed \$100,000.00

(Use back of this form or separate sheet if necessary to answer this question in detail)

How was this amount calculated (please itemize)?  
See Attachment

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 7/20/2022 Signature: [Signature]

If signed by Representative:  
Representative's Name: Daniel Rafii  
Address: 9100 Wilshire Blvd #465E, Beverly Hills CA 90212  
Telephone: 310 777 7811  
Relationship to Claimant: Attorney

**Attachment: City of Tracy**  
**Erika Ramos (Next of Kin) for Felipe De Jesus Barrera Lugo (Decedent)**  
**Date of Loss: 07/24/2021**

**What did Entity or Employee do to Cause this Loss, Damage or Injury?**

***Erika Guadalupe Ramos is the surviving wife of Felipe De Jesus Barrera Lugo (Decedent). Erika Ramos is the successor-in-interest (as defined in California Code of Civil Procedure 377.11) and succeeds to the decedent's interest in the action or proceeding.***

On July 24, 2021, at approximately 4:08 a.m., Mr. Felipe De Jesus Barrera Lugo (Decedent), was passenger in a Ford Fusion. A Ford F-150, driven by Lou Anthony Gutierrez Quejada, while traveling at high rate of speed in the northbound lane of MacArthur Drive, south of Delta Avenue, (hereinafter the "Subject Location") in the City of Tracy, California, veered off of the road, landing on top of the Ford Fusion, which was partially submerged in the canal located parallel to Delta Avenue. The impact crushed the roof of the Ford Fusion downward, killing the right front and right rear passengers of the vehicle, including Felipe De Jesus Barrera Lugo. Lou Anthony Gutierrez Quejada was found to be at fault for the subject collision by operating the subject Ford F-150 in violation of CVC 22350 during the subject incident, resulting in the collision and deaths. (See CHP Traffic Crash Report No. 9266-2021-10376).

City of Tracy and/or their employees on said date and place are liable for Felipe De Jesus Barrera Lugo (Decedent)'s death under the parameters of Government Code §§ 810-996.6 (The Govt Tort Claims Act) by failing to properly own, control, supervise, inspect, maintain, repair, design, operate and/or safeguard the Subject Location such that it was unsafe for motorists. Such culpable conduct included, by way of illustration and not by way of exhaustion:

- a. Failure to warn of, prevent, and/or correct a "dangerous condition" (a condition of property that creates a substantial [as distinguished from a minor, trivial, or insignificant] risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it would be used) on or immediately adjacent to, public property;
- b. Failure to provide and/or maintain adequate traffic crash protection devices and warning signs, including, but not limited to, a properly functioning crash attenuator guard and/or channelization to channel traffic away from the unprotected canal for as long a period as required to prevent collision with the unprotected canal;
- c. Failure to provide clear roadway instructions, markings, warnings markings, and signage, in light of the known dangerous roadway configuration and unprotected canal so as to advise motorists of its presence and potential fatal dangers:
- d. Creation of a trap for motorists traveling at the Subject Location;
- e. Creation of a roadway configuration that was unsafe and dangerous;

- f. Maintaining a confusing roadway area in terms of the unprotected canal without any speed advisories, signage, striping, or pavement markings to establish a zone of safety so that motorists would not inadvertently drive into the unprotected canal; and
- g. Failing to properly respond to the accident history in Subject Location, including prior accidents and collisions.

The above factors, both individually and in combination, created a dangerous condition of public property and presented a substantial risk of injury to members of the general public, including Decedent, who used the property and adjacent property in a reasonably foreseeable manner.

**What Specific Injuries, Damages or Losses did Claimant receive?**

Damages incurred due to the wrongful death of Felipe De Jesus Barrera Lugo (Decedent). Erika Ramos (Next of Kin) resulted in the loss of financial support, loss of gifts and benefits that Erika Ramos would have expected to receive from Felipe De Jesus Barrera Lugo (Decedent) Funeral and burial expenses. Loss of Felipe De Jesus Barrera Lugo (Decedent) his love, companionship comfort, care, assistance, protection, affection, society, moral support, and the loss of Felipe De Jesus Barrera Lugo (Decedent's) training and guidance.

**How was the amount calculated (please itemize)?**

Funeral Expenses, out of pocket expenses and other damages and losses will be forthcoming.



