

August 4, 2023

**VIA UPS NEXT DAY DELIVERY**

Clerk, Secretary, Auditor, or Governing Body  
c/o Jennifer Blackman, General Manager  
Bollinas Community Public Utility District  
270 Elm Road  
Bollinas, CA 94924

*Re: McCormick v. CalPERS et al.*

Dear Jennifer Blackman:

As you know, my firm represents Cari McCormick. Thank you for your letter dated July 27, 2023. I respond to each of the points you raised in your letter.

As a preliminary matter, I note that your Agency is estopped from requiring compliance with the claim presentation protections of the Government Claims Act, because it has failed to register as a public entity with the California Secretary of State, as required by section 53051. *See*, California Roster 2022 (listing no entity by name of “Bollinas Community Public Utility District”); § 946.4; *Wilson v. San Francisco Redevelopment Agency* (1977) 19 Cal.3d 555, 560.

Notwithstanding that issue, your contention that Ms McCormick failed to substantially comply with section 910 is mistaken. Indeed, it appears you neglected to review Exhibit B to her claim, which is captioned, “Required Claim Information (Gov. Code § 910),” and which is reproduced in relevant part below:



**Exhibit B – Required Claim Information (Gov. Code § 910)**

<b>Name of Claimant:</b>	Cari McCormick
<b>Address of Claimant, and Address Where Notices re Claim Should Be Sent:</b>	Cari McCormick c/o Brent A. Robinson Aiman-Smith & Marcy, PC 7677 Oakport Street, Suite 1150 Oakland, CA 94621
<b>Date, Place, and Other Circumstances of the Occurrence or Transaction which Gave Rise to the Claim Asserted:</b>	Following a decision in favor of Ms McCormick by the First District Court of Appeal in 2019, CalPERS granted Ms McCormick ordinary disability retirement. For additional information about facts giving rise to claim asserted, see Exhibit A.
<b>A General Description of the Loss Incurred:</b>	See Exhibit A for detailed factual narrative.
<b>The Name or Names of the Public Employees Causing the Injury, Damage, or Loss, if Known:</b>	Unknown.
<b>The Amount Claimed If Less than \$10k:</b>	The amount claimed exceeds \$10k.

**Note:** This Claim is presented on behalf of a class of similarly situated persons. Claimant is the proposed representative claimant. The class description is provided in Exhibit A.

As you can see, and contrary to what you state in your letter, Ms McCormick’s claim states all the information required by section 910. That includes stating the date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted, as required by section 910(c). Her claim also stated a “general description” of the indebtedness, obligation, injury, damage, or loss incurred “so far as it may be known at the time of presentation” within the meaning of section 910(d), with the referenced Exhibit A (captioned “Claim Narrative”) containing a detailed four-page description of the same. Her claim also stated the name or names of the public employees causing the injury, damage, or loss, “if known,” as required by section 910(e). Finally, her claim stated that the amount claimed exceeds \$10,000 and expressly includes class action claims brought on behalf of thousands of other public employees, which necessarily precludes proceeding via a limited civil case. *See*, § 910(f).

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For those reasons, Ms McCormick's position is that she has complied with the presented a timely claim in compliance with the requirements of the Government Claims Act, such that your entity must now take action on Ms McCormick's claim as required by the same.

Regards,

AIMAN-SMITH & MARCY  
PROFESSIONAL CORPORATION

/s/ Brent A. Robinson

Counsel for Plaintiff Cari McCormick

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