

CLAIM AGAINST PUBLIC ENTITY:

CITY OF CALISTOGA

(City Use Only)

Date Received:	<u>June 13, 2014</u>
By:	<u>Kathy Hansen</u> City Clerk
Claim Number:	<u>2014-01</u>

THE UNDERSIGNED HEREBY PRESENTS THE FOLLOWING CLAIM AGAINST THE CITY OF CALISTOGA IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 910.

1. Name of Claimant: Nora Khishba Date of Birth: [REDACTED]

Address of Claimant: 11 Camellia Drive Calistoga, California 94515  
Street City, State, Zip

Social Security Number: [REDACTED]

Telephone Number: Cell Work: [REDACTED] Home: [REDACTED]

2. The address to which notices from the City are to be directed (if different than above):  
C/O Victor Peter Obninsky, Esq., Attorney at Law, 1101 Navarro Street, Santa Rosa, California 95401

3. Date of Incident: April 29, 2014 Time of Incident: 1:30 pm

4. Location of Incident: 11 Camellia Drive, Calistoga Springs Mobile Home Park, Calistoga, California

5. Description of Incident or Accident, including your reason for believing the City is liable for your damages: Indian Springs Resort and Spa LLC commenced extensive construction work on its premises nearly a year ago. Indian Springs borders on claimants' residence. Indian Springs is acting on a use permit granted by the city of Calistoga authorizing construction. The carrying out the project has caused both private and public nuisance to the claimants. Despite many telephone calls to Indian Springs and a designated agent to correct and respond to complaints, but have had no success. The phone calls are not answered. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted on individuals may be unequal Civ. Code § 3480 (emphasis added). A private person may maintain an action for a public nuisance if it is specially injurious to himself or herself, but not otherwise Civ. Code § 3493

**CLAIM AGAINST PUBLIC ENTITY:**

**CITY OF CALISTOGA**

6. Description of all damages you believe you have incurred as a result of the incident: The peaceful and quiet enjoyment of the premises has been shattered; the residence has been rendered structurally unsound and the plumbing has been broken. This has caused flooding of washing machine and sink and has in turn resulted in mold and rot; the latter has caused a permanent acrid and pungent odor. The claimants have spent a good deal of their lives moving through extremely serious earthquakes in the Caucasus Mountains which have cause first totality's and which have brought about diagnoses PTSD by a neuropsychologist and a psychiatrist. The remedial work will cost approximately \$40,000; this does not include a place for the claimants to do all the work is being undertaken and correct; it is also not include \$2,000+ of personal property damages, repair damages to the backyard or personal injury to health.

7. Name(s) of any public employee(s) causing the injury, damage or loss you are claiming:

Individual names are currently unknown, but it is assumed that whichever agency supervises construction and use permits is responsible and individuals in the city administration have rebuffed efforts by claimants for city intervention on their behalf with Indian Springs.

8. As of the date of the presentation of this claim, please indicate the following:

a)  The dollar amount of my claim is less than \$10,000 and I am claiming a total of \$ \_\_\_\_\_.

The dollar amount of my claim is more than \$10,000. The court that has jurisdiction over this claim is.

Municipal Court

Superior Court

9. If this is a claim for indemnity, on what date were you served with the underlying lawsuit?

\_\_\_\_\_

Victor Peter Obninsky, Esq. ,

Type or Print Signature of Claimant or Representative



Signature of Claimant or Representative

June 11, 2014

Date

JUN 13 2014

RECEIVED

VICTOR PETER OBNINSKY  
ATTORNEY AT LAW  
1101 NAVARRO STREET  
SANTA ROSA, CALIFORNIA 95401  
TELEPHONE (707)230-2271  
FACSIMILE (707) 843-5784  
E-MAIL: [vpobninsky@comcast.net](mailto:vpobninsky@comcast.net)  
[www.vpolaw.com](http://www.vpolaw.com)

June 11, 2014

Kathy Flamson, Deputy City Clerk,  
City of Calistoga,  
1232 Washington Street.  
Calistoga, California 94515

Re: Khishba, et al. v. City of Calistoga  
Claim number: 2014-01

Dear Ms. Flamson:

Please find enclosed herewith amended claims which I am filing on behalf of Nora Khishba, Kenneth, Manana Sutidze and David Sutidze.

The torts which my clients are alleging against Indian Springs Resort & Spa started in August, 2013, and were greatly exacerbated during the first week of October, 2013. At this point the torts include property damage, personal injury and private nuisance. Approximately 5 weeks ago Mr. Marvin Braun, another resident of Calistoga Springs Mobile Home Park, was speaking with Mrs. Sutidze about the problems that he was having at his home and were caused by Indian Springs Resort & Spa. He stated that he had complained three times to Indian Springs, but had received no reply. My client discussed the matter with me and I determined this could very well be a public nuisance. This lies within their parameters of Calistoga's duty to its citizens to have any public nuisances abated immediately. This, rather than the individual tort claims against Indian Springs Resort & Spa, gives rise to the present claim against you

I hope that this will cure deficiencies set forth in your notice and that the claims will be accepted for filing as amended. Please advise me what I may do to assist the city in acquiring more knowledge about the nature of the claim. Should it be desirable, my clients would gladly accede to a request for inspection by you or your agents

I hope to work with your administration as well as with Indian Springs Resort & Spa to cure the situation without proceeding to court. I look forward to receive word in the near future of the status of the claims and to work with you towards resolution.

With best wishes, I remain,

Very truly yours,



Victor P. Obhinsky

cc: clients,  
Marvin Braun  
Travelers Casualty Company

VPO: tmr \

**CLAIM AGAINST PUBLIC ENTITY:**

**CITY OF CALISTOGA**

**(City Use Only)**

<b>Date Received:</b> <u>June 13, 2014</u>
<b>By:</b> <u>Kathy Flannum</u> City Clerk
<b>Claim Number:</b> <u>2014-02</u>

THE UNDERSIGNED HEREBY PRESENTS THE FOLLOWING CLAIM AGAINST THE CITY OF CALISTOGA IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 910.

1. Name of Claimant: Manana Sutidze Date of Birth: [REDACTED]  
Address of Claimant: 11 Camellia Drive Calistoga, California 94515  
Street City, State, Zip  
Social Security Number: [REDACTED]  
Telephone Number: Work: [REDACTED] Home: [REDACTED]

2. The address to which notices from the City are to be directed (if different than above):  
C/O Victor Peter Obninsky, Esq., Attorney at Law, 1101 Navarro Street, Santa Rosa, California 95401

3. Date of Incident: April 29, 2014 Time of Incident: 1:30 pm

4. Location of Incident: 11 Camellia Drive, Calistoga Springs Mobile Home Park, Calistoga, California

5. Description of Incident or Accident, including your reason for believing the City is liable for your damages: Indian Springs Resort and Spa LLC commenced extensive construction work on its premises nearly a year ago. Indian Springs borders on claimants' residence. Indian Springs is acting on a use permit granted by the city of Calistoga authorizing construction. The carrying out the project has caused both private and public nuisance to the claimants. Despite many telephone calls to Indian Springs and a designated agent to correct and respond to complaints, but have had no success. The phone calls are not answered. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted on individuals may be unequal Civ. Code § 3480 (emphasis added). A private person may maintain an action for a public nuisance if it is specially injurious to himself or herself, but not otherwise Civ. Code § 3493

**CLAIM AGAINST PUBLIC ENTITY:**

**CITY OF CALISTOGA**

6. Description of all damages you believe you have incurred as a result of the incident: The peaceful and quiet enjoyment of the premises has been shattered; the residence has been rendered structurally unsound and the plumbing has been broken. This has caused flooding of washing machine and sink and has in turn resulted in mold and rot; the latter has caused a permanent acrid and pungent odor. The claimants have spent a good deal of their lives moving through extremely serious earthquakes in the Caucasus Mountains which have cause first totality's and which have brought about diagnoses PTSD by a neuropsychologist and a psychiatrist. The remedial work will cost approximately \$40,000; this does not include a place for the claimants to do all the work is being undertaken and correct; it is also not include \$2,000+ of personal property damages, repair damages to the backyard or personal injury to health.

7. Name(s) of any public employee(s) causing the injury, damage or loss you are claiming:

Individual names are currently unknown, but it is assumed that whichever agency supervises construction and use permits is responsible and individuals in the city administration have rebuffed efforts by claimants for city intervention on their behalf with Indian Springs.

8. As of the date of the presentation of this claim, please indicate the following:

a)  The dollar amount of my claim is less than \$10,000 and I am claiming a total of \$ \_\_\_\_\_.

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Municipal Court

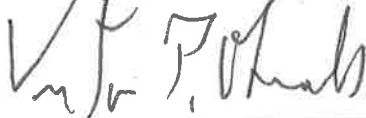
Superior Court

9. If this is a claim for indemnity, on what date were you served with the underlying lawsuit?

---

Victor Peter Obninsky, Esq.

Type or Print Signature of Claimant or Representative



Signature of Claimant or Representative

June 11, 2014

Date

JUN 13 2014

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VICTOR PETER OBNINSKY  
ATTORNEY AT LAW  
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SANTA ROSA, CALIFORNIA 95401  
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[www.vpolaw.com](http://www.vpolaw.com)

June 11, 2014

Kathy Flamson, Deputy City Clerk,  
City of Calistoga,  
1232 Washington Street.  
Calistoga, California 94515

Re: Khishba, et al. v. City of Calistoga  
Claim number: 2014-01

Dear Ms. Flamson:

Please find enclosed herewith amended claims which I am filing on behalf of Nora Khishba, Kenneth, Manana Sutidze and David Sutidze.


The torts which my clients are alleging against Indian Springs Resort & Spa started in August, 2013, and were greatly exacerbated during the first week of October, 2013. At this point the torts include property damage, personal injury and private nuisance. Approximately 5 weeks ago Mr. Marvin Braun, another resident of Calistoga Springs Mobile Home Park, was speaking with Mrs. Sutidze about the problems that he was having at his home and were caused by Indian Springs Resort & Spa. He stated that he had complained three times to Indian Springs, but had received no reply. My client discussed the matter with me and I determined this could very well be a public nuisance. This lies within their parameters of Calistoga's duty to its citizens to have any public nuisances abated immediately. This, rather than the individual tort claims against Indian Springs Resort & Spa, gives rise to the present claim against you.

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Very truly yours,



Victor P. Obninski

cc: clients,  
Marvin Braun  
Travelers Casualty Company

VPO: tmr \



**CLAIM AGAINST PUBLIC ENTITY:**

**CITY OF CALISTOGA**

(City Use Only)

Date Received: June 13, 2014

By: Kathy Heaman  
City Clerk

Claim Number: 2014-03

THE UNDERSIGNED HEREBY PRESENTS THE FOLLOWING CLAIM AGAINST THE CITY OF CALISTOGA IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 910.

1. Name of Claimant: David Sutidze Date of Birth: [REDACTED]

Address of Claimant: 11 Camellia Drive Calistoga, California 94515  
Street City, State, Zip

Social Security Number: [REDACTED]

Telephone Number: Cell Work: [REDACTED] Home: [REDACTED]

2. The address to which notices from the City are to be directed (if different than above):  
C/O Victor Peter Obninsky, Esq., Attorney at Law, 1101 Navarro Street, Santa Rosa, California 95401

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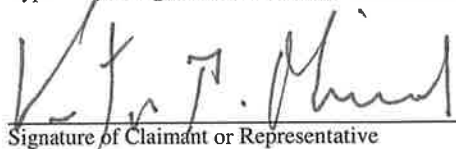
Municipal Court

Superior Court

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Victor Peter Obrinsky, Esq.  
Type or Print Signature of Claimant or Representative

  
Signature of Claimant or Representative

June 11, 2014  
Date

JUN 13 2014

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VICTOR PETER OBNINSKY  
ATTORNEY AT LAW  
1101 NAVARRO STREET  
SANTA ROSA, CALIFORNIA 95401  
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[www.vpolaw.com](http://www.vpolaw.com)

June 11, 2014

Kathy Flamson, Deputy City Clerk,  
City of Calistoga,  
1232 Washington Street.  
Calistoga, California 94515

Re: Khishba, et al. v. City of Calistoga  
Claim number: 2014-01

Dear Ms. Flamson:

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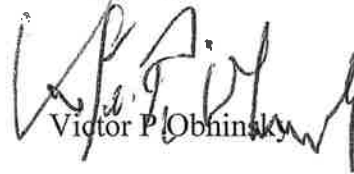
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