

CITY OF SPRINGFIELD

CLAIM FORM

Before completing this form, please read the Instructions.

If you intend to make a claim for personal injury or property damage under the Massachusetts Tort claims Act (found in Mass. General Laws Chapter 258) please note that before a civil action for damages may be brought against a public employer, the claimant must first present his claim in writing to the executive officer of the public employer, within two years of the occurrence of the cause of action.

If you intend to make a claim for personal injury or property damage based on a defect in the public way (found in Mass. General Laws Chapter 84) you have 30 days from the date of incident to comply with the statutory requirements.

If you are making a claim under some other legal provision, there may be other notice requirements that must be complied with. For further advise as to the procedure for filing your claim, you should consult a private attorney.

Submission of this form does not constitute compliance with statutory notice provisions unless presented within the time and notice requirements set forth in the statute.

1. CLAIMANT INFORMATION:

First Name _____ Initial _____ Last Name _____

Street Address _____

City _____ State _____ Zip _____ Phone _____

2. OFFICIAL REPRESENTATIVE (See Instructions):

First Name _____ Initial _____ Last Name _____

Street Address _____

City _____ State _____ Zip _____ Phone _____

3. DOB _____ 4. SSN _____

5. Date of Incident _____ 6. Time of Incident _____ AM PM

7. Location of Incident or Accident _____

8. License Plate Number, Claimant Vehicle _____

Year _____ Make _____ Model _____ Mileage _____

9. Basis of Claim (State in detail the known facts and circumstances attending the incident identifying the persons and City departments and property involved, and the cause thereof. Submit additional pages if necessary and attach photos if available. See Instructions).

10. a. Please list the following information:

Name of City employee, ID No. and Department

Type of City Vehicle _____

Vehicle License Number _____

Vehicle Number _____

11. Description of The Claimant's damage, injury, or loss.

12. Have you submitted a claim to any insurance company for damages arising from this incident? If so, state name, address and phone number of insurance company.

13. Value of Claimant's Loss or Injury and method of computation. See Instructions.

- a. _____ \$ _____
- b. _____ \$ _____
- c. _____ \$ _____
- d. _____ \$ _____

Total Amount

14. Witnesses (if any)

Name _____

Address _____ Telephone _____

Name _____

Address _____ Telephone _____

15. I understand that if my claim is successful, any monies owed me may be offset by any monies I may owe the City of Springfield for such items as traffic tickets, unpaid bills, excise taxes, etc.

I understand that submission of this does not constitute compliance with statutory notice provision.

By signing my name I affirm, verify, and declare, under penalty of perjury, that the statements made in this form and supporting materials are true and correct.

Date: _____ Signature: _____

CRIMINAL PENALTY FOR PRESENTING A FRAUDULENT CLAIM OR MAKING A FALSE STATEMENT CAN LEAD TO IMPRISONMENT OR FINE OR BOTH.

PLEASE PRINT OR TYPE ON THIS FORM.

Return completed and signed claim form to:
City of Springfield Law Department
Attn: Edward M. Pikula, City Solicitor
36 Court Street - Room 210
Springfield, MA, 01103.

INSTRUCTIONS FOR CLAIMS AND RELATED DOCUMENTATION

1. Claimant's Name and Home Address - Enter the full name and home address of the person(s) claiming damage or injury. Enter the street, city, state, zip code, and phone (with area code).

2. Official Representative - Enter the name, mailing address (including zip code), and phone(with area code) of the person to whom all official notices and other correspondence should be sent if other than the claimant.

3. Date of Birth - Enter the claimant's date of birth including month, day and year.

4. Social Security Number-Enter the claimant's social security number.

5. Day and Date of Incident-Enter the exact month, day and year of the incident which caused the alleged damage or injury.

6. Time of incident-Enter the exact time, including AM or PM, of the incident which caused the alleged damage or injury.

7. Location of Incident or Accident-Enter the city and street address or intersection where the damage or injury allegedly occurred.

8. Claimant Vehicle License Plate Number-Enter the claimant's vehicle license plate number with year, make, model and milage.

9. Basis of Claim-Provide a detailed description of the circumstances that led up to the incident. Provide all of the facts which support the claim. In the boxes provided for the information, enter the name, ID number and Department of City employee(s) who allegedly caused the damage; the type of City vehicle and the license number or City vehicle number.

10. List any City employees involved in the claim.

11. Description of Damage or Injury-Enter a detailed description of the damage or injury that allegedly resulted from the incident. If the claimant's vehicle was involved, enter make, model and year.

12. Enter name, address and phone number of insurance company if you have made a claim to any insurance company for damages arising from this incident. In addition, if you have a claim number and contact information for an adjuster assigned to the claim, please provide.

13. Value of Loss and Method of Compensation-Enter the total amount that you are claiming as a result of the alleged damage or injury. Enter a breakdown of how the total amount that you are claiming was calculated. You may declare expenses incurred and/or future anticipated expenses. If available, attach to the claim copies of all bills, payment receipts, and if an automobile accident, provide two repair estimates.

14. Witnesses-Enter the names, addresses and daytime phone numbers of any persons who witnessed the accident.

15. Signature of Claimant or Representative-The claim must be signed by the claimant or by the official representative of the claimant under penalty of perjury. The City will *Not Accept* the claim without an original signature. A photostatic copy or facsimile transmittal copy will not be accepted. Enter the date the claim is filed to assure compliance with time limitations.

Claims for death or injury to persons or personal property due to a defect in a public way must be filed within 30 days of the incident. Tort claims must be filed within two years.

Claims are processed during regular business hours, Monday through Friday (excluding holidays). To receive a receipt of the claim, please provide a copy of the original claim and a self-addressed stamped envelope.

For information please call the Law Department at 787-6085 and ask to speak to an investigator. Other appropriate numbers are listed below:

City of Springfield Citizens Service Center, simply dial	311
Law Department	(413) 787 – 6085
Police Department	(413) 787 - 6363
Department of Public Works	(413) 787 - 6224
Park Department	(413) 787 - 6441
Mayor’s Office	(413) 787 - 6100
School Department	(413) 787 - 7100

The Law Department **does not** review claims for the following entities:

Springfield Housing Authority, 25 Saab Court, P.O. Box 1609, Springfield, MA 01101	413-785-4500
Pioneer Valley Transit Authority, 2808 Main St. 01107	413-732-6284
Springfield Area Transit Company, 2840 Main St. 01107	413-732-2161
The Springfield Water & Sewer Commission, 250 “M” Street, 01101	413-787-6256

MASSACHUSETTS TORT CLAIMS ACT

Mass. Gen. Law. C. 258

Section 2. Liability; exclusiveness of remedy; cooperation of public employee; subsequent actions; representation by public attorney

Public employers shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment, in the same manner and to the same extent as a private individual under like circumstances, except that public employers shall not be liable to levy of execution on any real and personal property to satisfy judgment, and shall not be liable for interest prior to judgment or for punitive damages or for any amount in excess of one hundred thousand dollars. The remedies provided by this chapter shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the public employer or, the public employee or his estate whose negligent or wrongful act or omission gave rise to such claim, and no such public employee or the estate of such public employee shall be liable for any injury or loss of property or personal injury or death caused by his negligent or wrongful act or omission while acting within the scope of his office or employment; provided, however, that a public employee shall provide reasonable cooperation to the public employer in the defense of any action brought under this chapter. Failure to provide such reasonable cooperation on the part of a public employee shall cause the public employee to be jointly liable with the public employer, to the extent that the failure to provide reasonable cooperation prejudiced the defense of the action. Information obtained from the public employee in providing such reasonable cooperation may not be used as evidence in any disciplinary action against the employee. Final judgment in an action brought against a public employer under this chapter shall constitute a complete bar to any action by a party to such judgment against such public employer or public employee by reason of the same subject matter.

Notwithstanding that a public employee shall not be liable for negligent or wrongful acts as described in the preceding paragraph, if a cause of action is improperly commenced against a public employee of the commonwealth alleging injury or loss of property or personal injury or death as the result of the negligent or wrongful act or omission of such employee, said employee may request representation by the public attorney of the commonwealth. The public attorney shall defend the public employee with respect to the cause of action at no cost to the public employee; provided, however, that the public attorney determines that the public employee was acting within the scope of his office or employment at the time of the alleged loss, injury, or death, and, further, that said public employee provides reasonable cooperation to the public employer and public attorney in the defense of any action arising out of the same subject matter. If, in the opinion of the public attorney, representation of the public employee, under this paragraph would result in a conflict of interest, the public attorney shall not be required to represent the public employee. Under said circumstances, the commonwealth shall reimburse the public employee for reasonable attorney fees incurred by the public employee in his defense of the cause of action; provided, however, that the same conditions exist which are required for representation of said employee by the public attorney under this paragraph.

MASSACHUSETTS TORT CLAIMS ACT

Mass. Gen. Law c. 258

Section 4. Instituting claims; final denial; limitation of actions

A civil action shall not be instituted against a public employer on a claim for damages under this chapter unless the claimant shall have first presented his claim in writing to the executive officer of such public employer within two years after the date upon which the cause of action arose, and such claim shall have been finally denied by such executive officer in writing and sent by certified or registered mail, or as otherwise provided by this section. The failure of the executive officer to deny such claim in writing within six months after the date upon which it is presented, or the failure to reach final arbitration, settlement or compromise of such claim according to the provisions of section five, shall be deemed a final denial of such claim. No civil action shall be brought more than three years after the date upon which such cause of action accrued. Disposition of any claim by the executive officer of a public employer shall not be competent evidence of liability or amount of damages.

Notwithstanding the provisions of the preceding paragraph, in the case of a city or town, presentment of a claim pursuant to this section shall be deemed sufficient if presented to any of the following: mayor, city manager, town manager, corporation counsel, city solicitor, town counsel, city clerk, town clerk, chairman of the board of selectmen, or executive secretary of the board of selectmen; provided, however, that in the case of the commonwealth, or any department, office, commission, committee, council, board, division, bureau, institution, agency or authority thereof, presentment of a claim pursuant to this section shall be deemed sufficient if presented to the attorney general.

The provisions of this section shall not apply to such claims as may be asserted by third-party complaint, cross claim, or counter-claim, or to small claims brought against housing authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen; provided however, that no small claim shall be brought against a housing authority more than three years after the date upon which the cause of action arose.

**PUBLIC WAYS AND WORKS CHAPTER 84.
REPAIR OF WAYS AND BRIDGES DAMAGES FOR DEFECTS IN WAYS INJURIES
CAUSED BY DEFECTS IN PUBLIC STREETS OR SIDEWALKS**

Mass. Gen. Law c. 84

Section 15. Personal injuries or property damage from defective ways

If a person sustains bodily injury or damage in his property by reason of a defect or a want of repair or a want of a sufficient railing in or upon a way, and such injury or damage might have been prevented, or such defect or want of repair or want of railing might have been remedied by reasonable care and diligence on the part of the county, city, town or person by law obliged to repair the same, he may, if such county, city, town or person had or, by the exercise of proper care and diligence, might have had reasonable notice of the defect or want of repair or want of a sufficient railing, recover damages therefor from such county, city, town or person; but he shall not recover from a county, city, town or local water and sewer commission more than one fifth of one per cent of its state valuation last preceding the commencement of the action nor more than five thousand dollars; nor shall a county, city or town be liable for an injury or damage sustained upon a way laid out and established in the manner prescribed by statute until after an entry has been made for the purpose of constructing the way, or during the construction and repairing thereof, provided that the way shall have been closed, or other sufficient means taken to caution the public against entering thereon. No action shall be maintained under this section by a person the combined weight of whose carriage or vehicle and load exceeds six tons.

Mass. Gen. Laws c. 84

Section 18. Notice of injury; contents; limitation of action

A person so injured shall, within thirty days thereafter, give to the county, city, town or person by law obliged to keep said way in repair, notice of the name and place of residence of the person injured, and the time, place and cause of said injury or damage; and if the said county, city, town or person does not pay the amount thereof, he may recover the same in an action of tort if brought within three years after the date of such injury or damage. Such notice shall not be invalid or insufficient solely by reason of any inaccuracy in stating the name or place of residence of the person injured, or the time, place or cause of the injury, if it is shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. The words "place of residence of the person injured", as used in this and the two following sections, shall include the street and number, if any, of his residence as well as the name of the city or town thereof. Failure to give such notice for such injury or damage sustained by reason of snow or ice shall not be a defense under this section unless the defendant proves that he was prejudiced thereby.