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CITY OF COSTA MESA  
BY GG

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8 Attorneys for Claimant  
ROBERT SHARPNACK  
9

10 STATE OF CALIFORNIA, COUNTY OF ORANGE  
11 GOVERNMENT CLAIM - CITY OF COSTA MESA  
12

13 IN THE MATTER OF THE CLAIM OF  
ROBERT SHARPNACK, an Individual

CASE NO.: Unknown

14  
15 Claimant,

CLAIMANT ROBERT SHARPNACK'S  
GOVERNMENT CLAIM FOR DAMAGES  
PURSUANT TO CALIFORNIA GOVERNMENT  
CODE §§ 905 AND 910, ET SEQ.

16  
17 vs.

18  
19 CITY OF COSTA MESA, an entity of unknown  
20 origin; and DOES 1 - 50, Inclusive,  
21  
22

23 Respondents.  
24

25 Please be advised that Claimant Robert Sharpnack ("Claimant") hereby submits a Government Claim  
26 pursuant to, *inter alia*, Government Code Sections 905 and 910, *et seq.*, as follows:  
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**GOVERNMENT CLAIM**

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3 **1. NAME AND ADDRESS OF CLAIMANT:**

4 Robert Sharpnack, c/o (1) Lawrence J. Lennemann, Law Office of Lawrence J. Lennemann, APC, 2550 Via  
5 Tejon, Suite 3A, Palos Verdes Estates, CA 90274; (424) 206-5335; and (2) John A. Girardi, Girardi|Keese,  
6 1126 Wilshire Boulevard, Los Angeles, CA 90017; (213) 977-0211.

CITY OF COSTA MESA  
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8  
9 **2. ADDRESS TO SEND ALL CLAIMS AND OTHER NOTICES:**

10 Lawrence J. Lennemann, Law Office of Lawrence J. Lennemann, APC, 2550 Via Tejon, Suite 3A, Palos  
11 Verdes Estates, CA 90274; (424) 206-5335; and John A. Girardi, Girardi|Keese, 1126 Wilshire Boulevard,  
12 Los Angeles, CA 90017; (213) 977-0211.

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14  
15 **3. THE DATE, LOCATION AND CIRCUMSTANCES SURROUNDING CLAIM:**

16 **Date:** Continuing up through and including today, November 8, 2019.

17 **Place:** City of Costa Mesa (primarily.)

18  
19 **Facts:** Chief Sharpnack has been employed with the City of Costa Mesa for approximately twenty-six years  
20 and has risen through the ranks, being promoted from an officer to Chief of Police. He has an  
21 exemplary employment history with no discipline. However, in or about late May/June 2019, when  
22 he complained to the City about the City Council's improper interference into the affairs of the City  
23 Police Department and about the budget process, the City: (1) discriminated and retaliated against  
24 Chief Sharpnack (and tried to force him out on "leave") due to a perceived disability [DFEH  
25 Complaint has been filed]; and (2) discriminated and retaliated against him, in violation of *Labor*  
26 *Code* §1102.5, in response to his disclosure of statutory violations. Most recently, on Friday, October  
27 18, 2019, the City ordered Chief Sharpnack to return to the City after hours and, *inter alia*, breached  
28 the terms of his Offer of Employment by improperly threatening to terminate him and threatening  
him with a retaliatory "investigation" in order to manufacture entirely non-existent "cause" in an  
attempt to force him to immediately "retire" and/or to force him out on immediate "leave." On  
October 28, 2019, Chief Sharpnack informed the City he was ready, willing and able to return to  
work and the City informed him that it did not want him to do so and, if he did, he would be  
"investigated." When Chief Sharpnack complained that the City was violating, *inter alia*, Section  
3304(c) of the *Government Code*, the City threatened yet another retaliatory "investigation."

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**4. GENERAL DESCRIPTION OF INJURY:**

The City's acts and omissions set forth above have resulted in and/or will result in Chief Sharpnack suffering general damages (i.e., being/was forced to "retire" and to forfeit, *inter alia*, five years of potential pension earnings via threats of a retaliatory "investigation") and special damages (including, but not limited, to emotional distress and attorneys' fees.) While Chief Sharpnack had planned and desired to end his law enforcement career with the City (until well past the age of fifty), the City's actions and omissions have made/are making this extremely difficult if not impossible. The City's acts and omissions may also result in additional significant future damage in potentially precluding Chief Sharpnack from obtaining future employment. See, also, Section 7 below re "Amount Claimed."

**5. NAME AND ADDRESS OF EMPLOYEE CAUSING INJURY, IF KNOWN.**

Kimberly Hall Barlow, Lori Ann Farrell Harrison and other City of Costa Mesa employees and/or the City of Costa Mesa Mayor and City Council members.

**6. KNOWN WITNESSES:**

Claimant is informed and believes that the following persons may be witnesses: Dan Baker, Kimberly Hall Barlow, Dane Bora, Keith Davis, Tony Dodero, Katrina Foley, Roxi Fyad, Bryan Glass, Lori Ann Farrell Harrison, Josh Kuo, Tammy Letourneau, Lance Nakamoto, Valerie Sorenson, Dan Stefano, John Stephens, Kelly Telford, Jan Wang, Geoff West, and other additional witnesses from the City of Costa Mesa and the Costa Mesa Police Department.

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7. AMOUNTS CLAIMED:

The claimed amount in controversy (compensatory and other damages) exceeds \$10,000.00 and will lie within the unlimited jurisdiction of the Orange County Superior Court.

DATED: November 8, 2019

LAW OFFICE OF LAWRENCE J. LENNEMANN

By: s/ Lawrence J. Lennemann

LAWRENCE J. LENNEMANN

Attorneys for Claimant ROBERT SHARPBACK

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PROOF OF SERVICE

1 STATE OF CALIFORNIA )  
2 ) SS  
3 COUNTY OF ORANGE )

4 I reside in the county of Orange, State of California. I am over the age of 18 and not  
5 a party to the within action; my address is 10051 Jon Day Dr.  
6 Huntington Beach, CA 92646

7 On November 8, 2019, I served the foregoing document described as **CLAIMANT ROBERT**  
8 **SHARPBACK'S GOVERNMENT CLAIM FOR DAMAGES PURSUANT TO CALIFORNIA**  
9 **GOVERNMENT CODE §§ 905 AND 910, ET SEQ.** on the interested parties in this action as follows:

10 City Clerk  
11 City of Costa Mesa  
12 77 Fair Drive  
13 Costa Mesa, CA 92626

14        (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and  
15 processing correspondence for mailing. Under that practice it would be deposited with U.S. postal  
16 service on that same day with postage thereon fully prepaid at Los Angeles, California in the  
17 ordinary course of business. I am aware that on motion of the party served, service is presumed  
18 invalid if postal cancellation date or postage meter date is more than one day after date of deposit  
19 for mailing in affidavit.

20 X (BY PERSONAL SERVICE) I delivered such envelope by hand to the above addressee.

21        (BY EMAIL) By transmitting a true copy thereof via email to the email address listed above. The  
22 transmission was reported as sent (completed) and without error.

23        (BY FEDEX OVERNIGHT DELIVERY) By delivering to a FEDEX Agent to deliver to the counsel  
24 of record the next business day.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that the  
26 foregoing is true and correct.

27 Executed on November 8, 2019, at Costa Mesa, California.

*[Handwritten Signature]*

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