

### CIVIL COVER SHEET

JS 44 (Rev. 12/07) (CAND Rev 1/10)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

**I. (a) PLAINTIFFS**  
*JOSEPH McINERNEY*

**DEFENDANTS**  
*CITY OF SAN JOSE*

**(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)**  
*SANTA CLARA*

**County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)**  
*SANTA CLARA*

**(c) Attorney's (Firm Name, Address, and Telephone Number)**  
*In Pio Se*

**NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.**

**Attorneys (If Known)**  
*SANTA CLARA*

**CV 11 80-127 MISC**

**RECEIVED**  
 JUN 03 2011  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

**JW**

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

PTF		DEF	
<input type="checkbox"/> 1 Citizen of This State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 Citizen of Another State	<input type="checkbox"/> 4 Incorporated and Principal Place of Business In Another State
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 5 Foreign Nation

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Product Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN (Place an "X" in One Box Only)**

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
*42 USC 11 1983, 1985, 1986, 1988, 1981, 1982*

Brief description of cause:  
*Illegal video surveillance from unreasonable search & seizure*

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ *09-06-0430 USW/24*

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".  
*09 0430 USW*

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)**

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA

DATE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

1 JOSEPH McINERNEY  
2 60 North Third Street #301  
3 San Jose, California 95112  
4 Telephone (408)292-1906

**RECEIVED**

JUN 03 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5 Plaintiff in Pro Se

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

**JW**

10  
11 JOSEPH McINERNEY,  
12 Plaintiff,

**CV 11 80 127 MISC**

13 vs.

14 CITY OF SAN JOSE,  
15 A Municipal Corporation,  
16 DOES 1 through 50, employees  
17 of Defendant CITY OF SAN JOSE,  
18 CITY AND COUNTY OF SAN FRANCISCO,  
19 A Municipal Corporation,  
20 DOES 50 through 100, employees of  
21 Defendant City and County of San  
22 Francisco, THE TIDES CENTER, DISH,  
23 JOHN STEWART COMPANY, Past and  
24 Present Independent Contractors  
25 to Defendant City and County of  
26 San Francisco, DOES 101 through  
27 151, employees of Defendants The  
28 Tides Center, DISH, and John  
Stewart Company, SEAN HUGHES,  
Former Tides Center employee  
NORTHERN CALIFORNIA PRESBYTERIAN  
HOMES & SERVICES (NCPHS) A non-  
profit Corporation, MARY L. GILLIAM,  
DOES 152 through 175, employees of  
Defendant Northern California Pres-  
byterian Homes & Services,  
SILICON VALLEY REAL ESTATE INVEST-  
MENTS and Its Successors in Interest,  
BRENTON GRAVES, LYNN VO, DOES 176,  
Owners of Defendant Silicon Valley  
Investments and Its Successors in  
Interest, U.S. SECURITY ASSOCIATES,

) COMPLAINT FOR DAMAGES  
) AND PRELIMINARY AND  
) PERMANENT INJUNCTIONS  
) 42 U.S.C. SS 1983, 1985,  
) 1986, 1988, 1981, 1982  
) ~~FOR CONSPIRACY TO DEFAME~~  
) FOR INVASION OF PRIVACY  
) FOR CONSPIRACY TO DEFAME  
) AND FOR PENDENT STATE  
) CAUSES OF ACTION FOR  
) INVASION OF PRIVACY,  
) CONSPIRACY, CONSPIRACY  
) TO DEFAME, VIOLATION  
) REGARDING GOVERNMENT RECORDS  
) CONSPIRACY TO FALSE  
) IMPERSONATE PLAINTIFF,  
) IDENTITY THEFT, NEGLIGENCE,  
) INTENTIONAL INFLICTION OF  
) EMOTIONAL DISTRESS,  
) FRAUD, UNLAWFUL SEARCH  
) AND SEIZURE

U.S. Constitutional Amend-  
ments, I, IV, V, ~~VIII~~ VIII  
VIII

1 INC., A California Corporation,  
2 DOES 176 through 186, employees  
3 of Defendant U.S. Security Asso-  
4 ciates, WALGREENS, A California  
5 Corporation, ETHEL GRACE an  
6 employee of Defendant Walgreens,  
7 DOES 187 through 200, employees  
8 of Defendant Walgreens

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DEMAND FOR JURY TRIAL

Plaintiff alleges:

1. This is an action brought under 42 U.S.C. §§ 1981, 1982  
1983, 1986, 1988, and U.S. Constitutional Amendments I, IV, V,  
VIII, the Health Informational Portability and Accountability  
Act and pendent state causes of actions for Invasion of Privacy,  
Conspiracy and Conspiracy to Defame, Violations regarding Governme  
ment Records, False Personation, Identity Theft, Negligence,  
Negligent Hiring, Supervision and Retention of Unfit Employees,  
Ratification, Intentional Infliction of Emotional Distress, Damages  
under Penal Code section 8 for California Penal Code violations,  
Interference with Prospective Economic Advantage, Statutory da-  
mages under California Welfare and Institutions Code section  
5330 for conspiracy to violate privileges under section 5328 under  
same Code, and Unlawful Search and Seizure under both State and  
Federal law and statutory damages for unlawful entry into plain-  
tiff's residence for the purposes of planting and undertaking  
illegal video and photographi/c surveillance. Plaintiff also seeks  
damages for maintaining a counterfeit internet site in plaintiff's  
name and the decimation and doctoring of scanned pictures among  
employees of defendants and the public at large and confidential

1 alleged medical information allegedly of and about plaintiff, pro-  
2 tected from disclosure by the federal HIPAA Act, California wel-  
3 fare and Institutions Code section 5330 and the Confidentiality  
4 of Medical Information Act. Plaintiff also seeks treble damages  
5 under section 5330, supra for three times the amount of damages  
6 for conspiracy to interfere with plaintiff's prospective economic  
7 advantage for gainful employment and the enumeration therefrom  
8 as to lost income and prospective income back to the initiation  
9 of such interference by the false personation and identity theft  
10 to his prospective employer and other employment as would derive  
11 from such initial employment. Plaintiff also seeks a preliminary  
12 and permanent injunction against the continuation of all subject  
13 claims and causes of action embodied in this Complaint.

14       The action is brought under Section 1983 to redress viola-  
15 tions of plaintiff's free speech rights and to petition the govern-  
16 ment for a redress of grievances and to be free from intimidation  
17 in the exercise of these rights and to be free from cruel and un-  
18 usual punishment in the exercise of these rights guaranteed by the  
19 first, fourth, fifth eighth Amendments to the U.S. Constitution  
20 and all other relevant state and federal laws and Constitutional  
21 statutes.

22       2. The jurisdiction of this Court is predicated on 28 U.S.C.  
23 §§ 1331 and 1343.

24       3. Plaintiff, JOSEPH McINERNEY, is, and at all times mention  
25 tioned in this Complaint was, a citizen of the United States, and  
26 previously a resident of the City and County of San Francisco  
27 and presently a resident of the City of San Jose, County of Santa  
28 Clara.. Venue is therefore proper under 28 U.S.C. S. 1391.

1           4. Defendant CITY OF SAN JOSE is a Municipal Corporation  
2 organized and existing under the laws of the State of California  
3 and situated in the County of Santa Clara. Venue is therefor proper  
4 under 28 U.S.C. S 1991(b).

5           5. Defendants DOES 1 through 50 at all times herein mentio-  
6 ned in this Complaint, were employees of defendant CiTY OF SAN  
7 JOSE and in doing the acts hereinafter alleged were acting within  
8 the scope of their employment and with the permission and consent  
9 of their co-defendants.

10           6. Defendant CITY AND COUNTY OF SAN FRANCISCO, at all times  
11 herein mentioned, was a Municipal Corporation existing under the  
12 laws of the State of California .

13           7. Defendants DOES 50 through 100 were at all times herein  
14 mentioned in this Complaint were employees of Defendant CITY AND  
15 COUNTY OF SAN FRANCISCO and in doing the acts hereinafter alleged  
16 were acting in the scope of their employment with the consent  
17 and permission of their co-defendants.

18           8. Defendants THE TIDES CENTER, DISH and the JOHN STEWART  
19 COMPANY, at all times herein mentioned were independent contractors  
20 to defendant CITY AND COUNTY OF SAN FRANCISCO and in doing the  
21 acts hereinafter described were acting within the scope of their  
22 employment and with the permission and consent of their employer  
23 defendant CITY AND COUNTY OF SAN FRANCISCO.

24           9. Defendants DOES <sup>101</sup> 1 through 151 were employees of Defendan  
25 dants John STEWART COMPANY, THE TIDES CENTER, DISH with defendant  
26 SEAN HUGHES, a former employee of defendant THE TIDES CENTER, and  
27 in doing the acts hereinafter described were at all times acting wi  
28 within the scope of such employment and with the consent and per-

1 mission of their co-defendants.

2 10. Defendant NORTHERN CALIFORNIA PRESBYTERIAN HOMES & SERV-  
3 ICES was at all times herein mentioned, was a non-profit corporation  
4 operating under the laws of the State of California with offices  
5 located in the City of San Jose, County of Santa Clara.

6 11. Defendants, MARY E. GILLIAM, DOES 152 through 175, were  
7 at all times herein mentioned, were employees of defendant  
8 NORTHERN CALIFORNIA PRESBYTERIAN HOMES & SERVICES and in doing  
9 the acts hereinafter described, were acting within the scope of  
10 their employment and with the permission and consent of their  
11 co-defendants.

12 12. Defendant SILICON VALLEY REAL ESTATE INVESTMENTS and  
13 its SUCCESSORS IN INTEREST were at all times herein mentioned was  
14 a real estate investment corporation and/or a LLP existing under  
15 under the laws of the State of California and situated in the  
16 County of Santa Clara.

17 13. Defendants BRENTON GRAVES, LYNN VO DOE 176 were owners  
18 and operators of plaintiff's former residence in San Jose, located  
19 at 106 North Fifth Street #1, and in doing the acts hereinafter  
20 described were acting within the course and scope of their agency  
21 and with the consent and permission of their co-defendants.

22 14. Defendant U.S. SECURITY ASSOCIATES was at all times  
23 herein mentioned was a national company with offices located in  
24 Mountain View providing security for various businesses including  
25 defendant NORTHERN CALIFORNIA PRESBYTERIAN HOMES & SERVICES at  
26 plaintiff's current residence 60 North Third Street, San Jose,

27 15. Defendants DOES 176 through 186 were at all times here-  
28 in mentioned were employees of defendant U.S. SECURITY ASSOCIATES

1 and in doing the acts hereinafter described were acting within the  
2 scope of their employment and with thevpermission and consent of  
3 their co-defendants.

4 16. Defendant WALGREENS, was at all times herein mentioned  
5 was a California corporation existing under the laws of the State  
6 of California with stores in the City of San Jose, County of San-  
7 ta Clara.

8 17. At all times herein mentioned defendant ETHEL GRACE  
9 ~~was/and~~ DOES 187 through 200 were employees of defendant WAL-  
10 GREENS and in doing the acts hereinafter described were acting  
11 within the couse of such employment and with the permission and  
12 consent of their co-defendants.

13 18. Plaintiff is ignorant of the true names ø and capaci-  
14 ties, whether individual, associate or corporate of defendants  
15 sued herein as Does 1 through 200 and therefore sues these defend-  
16 ants in such capacity. Plaintiff will move to ammend this Complai-  
17 int to state their true names when ascertained. Plaintiff alleges  
18 that these doe defendants were in some way connected with the  
19 events described in this Complaint and were in part responsible f  
20 for the damages incurred as a result of the events described.

21 19. On or about dates unknown to plaintiff but known to de-  
22 fendants CITY AND COUNTY OF SAN FRANCISCO, DOES 50 through 100,  
23 defendants, inclusive, illegally obtained plaintiff's alleged medi-  
24 cal records maintained by defendant City el al by its political  
25 subdivision San Francisco Community Mental health Services pur-  
26 suant to a conspiracy to illegally obtain these records of framing  
27 plaintiff as a mentally disordered sex offender for the purposes  
28 of incarcerating plaintiff in Atascadero State Hospital for the

1 criminally insane. Also for the purposes of stigmatizing plain-  
2 tiff and to create severe emotional distress for plaintiff these  
3 confidential medical records were incorporated into a dossier  
4 on plaintiff for the purposes of investigating plaintiff by the  
5 City's District Attorney's Office pursuant to a felony conspiracy  
6 to frame plaintiff a a sexually violent predator and to decimate  
7 this allegation together with plaintiff's psychia tric diagnosis  
8 to persons knowing plaintiff and to employees of businesses  
9 plaintiff was known to frequent and to residents of the surrounding  
10 community. Ultimately plaintiff alleges on information and belief  
11 that such diagnosis was incorporated into a counterfeit wel site  
12 maintained by defendant and its employees as part od a campaign  
13 to maintain an illegal video surveillance in plaintiff's last th  
14 three residences in his units and to scan photographs doctored to  
15 make plaintiff's activities in the privacy of his unit as taking  
16 place in public. And in an attempt to interfere with plaintiff's  
17 prospective employment defendant City and its employees published  
18 this slanderous diagnosis to Lucasfilm employees including his  
19 in house attorney(s) David Anderman who plaintiff alleges subse-  
20 quently re-published it to agents of the FBI investigating plain-  
21 tiff's accusations of the City employing and coaching a series  
22 of false impersonators of plaintiff to Lucasfilm employees incl-  
23 uding George Lucas himself for the purposes of impeding plaintiff's  
24 prospective employment and to obtain money from him under plain-  
25 tiff's name for the purposes of larceny by false pretense and to  
26 frame plaintiff for fraud, perjury by declaration and tax evas-  
27 ion having previously attempted to frame plaintiff for allegedly  
28 putting pornographic pictures of plaintiff on a web site accessi-



1 to minors on MySpace, the fruits of their conducting illegal vi-  
2 deo surveillance of plaintiff's last three residences in the units  
3 occupied by him. Defendant the City knows of the criminality of  
4 the acts of its employees by seeks the benefit of their actions  
5 by destroying evidence of their criminal and then continuing the  
6 illegal acts into the present including the continued false per-  
7 sonation, attendant larceny by false pretense and continuing the  
8 illegal video surveillance into plaintiff's present residence  
9 within the statute of limitations applicable to the allegations  
10 of this Complaint. In this regard defendant has been assisted in  
11 this regard at least as to the illegal video surveillance and  
12 the furthur decimation of plaintiff's alleged slanderous men-  
13 tal ~~health~~ health diagnosis to employees and fellow residents of  
14 plaintiff's two residences in San Jose including Town Park Towers  
15 and 106 North Fifth Street and to employees of surrounding business  
16 es plaintiff is known to frequent as in San Francisco including  
17 the allegations that plaintiff is a mentally disordered sex offender  
18 and an alleged convicted child molester, accusations defendant City  
19 and its employee defendants know is a false assertion of fact that  
20 neverthe less they continue to insist upon furthur decimation  
21 for the purposes of continued harassment of plaintiff for the exer-  
22 cise of his First Amendment rights to free speech and to petition  
23 the government corrupt as it is for a redress of grievances,  
24 and to subject plaintiff to continued unlawful searches and seizure  
25 of his property rights in his occupation of his residences and  
26 his liberty interests in his person, his peace of mind and his per-  
27 sonal property including his medical records.  
28 Defendant City and its employees in furthurance of their con-

1   spiracy to harass plaintiff and to interfere with his right from  
2   unreasonable searches and seizures solicited defendant JOHN  
3   STEWART COMPANY through its employee to install a surveillance  
4   camera in plaintiff's unit at the LeNain motel, located at 730  
5   Eddy Street, San Francisco and then solicited defendant THE TIDES  
6   CENTER, DISH, SHAWN HUGHES, DOES 50 through 151 to continue to  
7   maintain such illegal surveillance of plaintiff through the con-  
8   tinued occupation of plaintiff through the time of his departure  
9   and then solicited the defendant CITY OF SAN JOSE, its police  
10   department and its officers and employees therein including defe-  
11   ndant DOES 1 through 50 to continue such illegal surveillance  
12   in the City of San Jose by similarly procuring these defendants  
13   to solicit plaintiff's landlords there to further install illegal  
14   surveillance cameras in plaintiff's units at 106 North Fifth Street  
15   #1 and at his present address 60 North Third Street #301. In  
16   this regard defendants NORTHERN CALIFORNIA PRESBYTERIAN HOMES &  
17   SERVICES through its employees defendants MARY L. GILLIAM DOES  
18   152 through 175 and SILICON VALLEY REAL ESTATE INVESTMENTS AND  
19   ITS SUCCESSORS IN INTEREST, and Owners defendants BRENTON GRAVES  
20   LYNN VO, DOE 176 cooperated and lent further assistance in con-  
21   tinuing the fruits of such conspiracy by permitting the installa-  
22   tion of such camera and the monitoring of these cameras to be  
23   scanned into a video recording device maintained by employees  
24   of defendant NCPHS at its Town Park Towers apartment building  
25   in San Jose, plaintiff's residence. Plaintiff is informed and be-  
26   lieves that defendant BRENTON GRAVES solicited resident defendant  
27   LARRY HUTTON to monitor the surveillance camera in plaintiff's  
28   unit at 106 North Fifth Street from his unit in number 9 at the  
    same residence.



1 Similarly plaintiff alleges that these video surveillance  
2 was monitored on site at 60 North Third Street by defendants  
3 DOES 152 through 175 including defendant MARY L. GILLIAM and  
4 then decimated among these defendants in the pictures scanned  
5 from the ~~the~~ video maintained in plaintiff's unit to and including  
6 security personnel employed by defendant U.S. SECURITY ASSOCIATES  
7 INC., defendants 176 through 186. Similarly plaintiff alleges  
8 that defendants LARRY HUTTON, BRENTON GRAVES showed scanned photo-  
9 graphs to fellow residents at 106 North Fifth Street.

10 It is not known whether the scanned photographs from his two  
11 San Jose residences were likewise doctored, but plaintiff alleges  
12 that these photographs were furnished to defendants CITY AND  
13 COUNTY OF SAN FRANCISCO, DOES <sup>50</sup> ~~1~~ through 100 and that they were  
14 further republished on an updated new web site on MySpace which  
15 was maintained up to at least a year ago. Plaintiff further be-  
16 lieves that a new web site may have been initiated by defendants  
17 on another social web site by another major ~~service~~ social web  
18 site having two sites removed by My Space.

19 Further plaintiff alleges that plaintiff's alleged medical  
20 records were furnished to defendant CITY OF SAN JOSE defendants  
21 DOES 1 through 50 and incorporated into a dossier maintained by  
22 them on plaintiff and likewise decimated to plaintiff landlords and  
23 and the surrounding community, without plaintiff's authorization

24 Defendant ETHEL GRACE Plaintiff alleges downloaded these  
25 illicit pictures from this counterfeit web site and showed them  
26 to her fellow employees at the walgreens store at First and Santa  
27 Clara Streets in San Jose, California, causing further republication  
28 among management and staff at this store.

1 allegations of Paragraphs 1 through 22 as though the same were  
2 fully set forth at this point.

3 24. Slander is a false and unprivileged communication  
4 subjecting the person aggrieved to defamation, inuendo, and damage  
5 to his reputation and character and has a natural consequence to  
6 cause damage to his person and personal relations and to cause  
7 him to be shunned.

8 26 The tort of invasion of privacy is an unwarranted intrusion  
9 upon a person's solitude and his right to be left alone by persons  
10 of which he does care to associate with. The false light cause of  
11 action is the subjecting a person to an unwarranted publicity placing  
12 in a false light as to false perceptions of alleged infimacies  
13 in his character.

14 27. An intentional infliction of emotional distress is an  
15 intentional tort not founded on negligence. Plaintiff was subjected  
16 to severe emotional distress resulting in incapacity, and a  
17 severe post-traumatic stress disorder resulting in a disability.  
18 as the result of the events described heretofore, supra.

19 28. Defendants CITY AND COUNTY OF SAN FRANCISCO CITY OF SAN  
20 JOSE, NORTHERN CALIFORNIA PRESBYTERIAN HOMES & SERVICES, U.S. SE  
21 CURITY ASSOCIATES, INC. and WALGREENS were negligent in the hiring, retention  
22 and supervision of unfit employees and retained such employees in  
23 conscious disregard of plaintiff's right to privacy thus ratifying  
24 the conduct of defendants DOES 1 through 200 and MARY L. GILLIAM.  
25 The conduct of these defendants was intentional, thus punitive da-  
26 are/warranted. violation of welfare and Institutions Code section

27 29. The violation of welfare and Institutions Code section  
28 5328 incurs the penalties of section 5330, three times the amount

1 of damages which are substantial in the form of lost income and  
2 attendant benefits in the hundreds of millions from lost income  
3 from unproduced screenplays with Lucasfilm and others. Plain-  
4 tiff will seek three times lost income, three times lost pro-  
5 duction costs. This complaint will be amended to allege this  
6 specific amount when ascertained.

7 30. Plaintiff is informed and thereon believes and alleges  
8 that defendants and each of them are continuing to reproduce and  
9 distribute the photographs of plaintiff taken under color of law  
10 and authority and well as decimating plaintiff's alleged medical  
11 records among themselves and each other and the public at large  
12 unless enjoined by law by this court.. If defendants are not res-  
13 trained, plaintiff will continue to suffer humiliation and idig-  
14 nity resultinh from the deprivation of his right to privacy and to  
15 suffer great physical and mental pain and suffering as a result o  
16 of the continuing deprivation of his rights.

17 31. Plaintiff filed claims against defendants ~~of~~ CITY OF SAN  
18 JOSE, CITY AND COUNTY OF SAN FRANCISCO for the damages and claims  
19 heretofore alleged. Defendants rejected the claims in their en-  
20 tirety A copy of these claims are attached as Exhibits A and B.

21 WHEREFORE, plaintiff requests judgment as follows:

22 1. For a temporary and permanent restraining order, requi-  
23 ring defendants and each of them to ashow cause why they should not  
24 be enjoined from reproducing, distributinh or otherwise showing  
25 said photographs or copies of photographs of said photographs  
26 and return said copies to plaintiff and all medical records in t  
27 their possession and retrained from decimating them to all per-  
28 sons in their employ in in the public in general;



# CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

Before completing this form, please read the instructions on the back. You have only 6 months from the date of incident to submit this form and supporting documentation to the Controller or the Clerk of the Board of Supervisors.

**1. Claimant's Name and Home Address** (Please Print Clearly)

JOSEPH McINERNEY  
 60 North Third Street #103  
 City San Jose, Calif. Zip 95112  
 Telephone Daytime (408)292-1906 Evening

**2. Send Official Notices and Correspondence to:**

\_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone Daytime \_\_\_\_\_ Evening \_\_\_\_\_

**3. Date of Birth**

June 25, 1943

**4. Social Security Number**

\_\_\_\_\_

**5. Date of Incident**

Cumulative-discovery on April 24, 2010

**6. Time of Incident (AM or PM)**

Ongoing-cumulative

**7. Location of Incident or Accident**

On the internet-MySpace

**8. Claimant Vehicle License Plate #, Type and Year**

\_\_\_\_\_

**9. Basis of Claim.** State in detail all facts and circumstances of the incident. Identify all persons, entities, property and City departments involved. State why you believe the City is responsible for the alleged injury, property damage or loss.

~~The City and County of San Francisco through its elected officials and supervisory personnel and employees is continuing a custom and policy of harassing this claimant by continuing a conspiracy to maintain a counterfeit web site in claimant's name and likeness (see attached pages Name, I.D. Number and City Department of City Employee who allegedly caused injury or loss Type of City Vehicle Vehicle License Number and Bus or Train Number Unknown but presutably District Attorney personnel and other City employees~~

**10. Description of Claimant's injury, property damage or loss**

Violation of civil rights involving invasion of privacy, intentional infliction of emotional distress, false personation, fraud, breach of mandatory duty, conspiracy, libel per quod, statutory, compensatory, punitive damages, ratification slander, libel per se, other unknown damage and theft by picturing me as Hayes in context

**11. Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. (See instructions)**

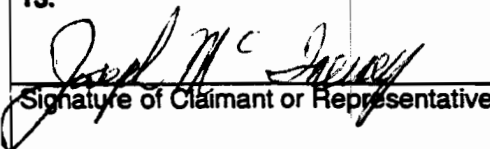
ITEMS	
SEE LEFT SIDE	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL AMOUNT</b> in excess of	\$ _____

Court Jurisdiction: Limited Civil  Unlimited Civil

**12. Witnesses (if any) Name Address Telephone**

1. \_\_\_\_\_  
 2. \_\_\_\_\_

**13.**

  
 Signature of Claimant or Representative Date October 24, 2010  
 JOSEPH McINERNEY  
 Print Name Relationship to Claimant 12

**Do Not Write In This Space**

9629  
 6 W 32 100 761  
 10 OCT 25 PM 4:47  
 CAFORM 2, 201



1 (Claim of Joseph McInerney, October 26, 2010 continued)  
2 clear  
3 a continuation of a clara pattern of harassment and intimidation  
4 and to stigmatize claimnant and to continue the activity previous-  
5 ly the subject of an earlier claim. (See Claim of April 10, 2009.  
6 Claimnant incorporates these claims herein as though the same were  
7 fully set forth at this point). As a conspiracy extends to the last  
8 overt upon which the cause of action accrues, defendants have re-  
9 vived the earlier claims and created a new statute of limitations.

10 However, it appears that The City has involved the San Jose  
11 Police Department ~~in~~ its personnel and District Attorney staff,  
12 supervisory personnel and elected officials to extend the jurisdic-  
13 tion of this conspiracy to San Jose, by indiscriminately, con-  
14 ducting its conspiracy to harass claimnant to include soliciting  
15 through them directly and/or indirectly to likewise plant surveil-  
16 lance cameras in the two San Jose addresses which were my resi-  
17 dences here by interferring with claimnant's beneficial contract  
18 with his landlords by soliciting them to allow the placement of  
19 said surveillance cameras in his unit and scanning said pictures  
20 onto the aforementioned Myspace counterfeit web site for the pur-  
21 pose of invading plaintiff's privacy, but to publy stigmatize  
22 plaintiff and to include confidential information on said cite  
23 subject to the the confidentiality of Medical Information Act and  
24 welfare and Institutions Code section 5328. Thus the claim for  
25 libel and slander as these Behavioral health employees involved  
26 in falsifying claimnant's so-called medical records are degener-  
27 ates, perverts and psychotics in themselves. F

28 Furthur all City and County of San Francisco and City of  
San Jose city employees are likewise in this capacity as regards

1 the allegations of this claim are nothing but common criminals,  
2 unadjudged perverts and filthy degenerates which includes manage-  
3 ment and certain personnel therein and employees of the two ;  
4 landlords herein as well as certain tenants therein. The conspirators  
5 are liable for the foreseeable acts of the decimation of this  
6 material by both verbal and physical republication of the respec-  
7 tives republications. Each republications incurs separate penal-  
8 ties of \$10,000 or three times the amount of damages in addition  
9 to all other damages and statutory damages embodied in relevant  
10 statutes pertaining to this claim. For purposes of the accrual of  
11 these causes of action Government Code section states:

12 "For the purposes of computing the time limi-  
13 tations prescribed by sections 911.2, 911.4, 912  
14 and 945.6, the date of the accrual of a cause of  
15 action to which a claim relates is the date upon  
16 which the cause of action would be deemed to have  
17 accrued within the meaning of the statute of limit a-  
18 tions which would be applicable thereto if there  
19 were no requirement that a claim be presented to  
20 and be acted upon by the public entity before an  
21 action could be commenced thereon."

22 Wyatt v. Union Mortgage Co. (1979) 24 Cal.3d 773, 157 Cal.  
23 ptr. 392 stated:

24 "... the trial judge correctly noted that  
25 when a civil conspiracy is properly alleged and proven,  
26 the statute of limitations does not begin to run  
27 on any part of a plaintiff's claims until the 'last  
28 overt act pursuant to the conspiracy has been com-  
29 pleted. (Schessler v. Beck (1954) 125 Cal.App.2d 827,  
30 832-833 (271 P.2d 588).)

31 "As long as two or more persons agree to perform  
32 a wrongful act, the law places civil liability for  
33 the resulting damage on all regardless of whether they  
34 actually commit the tort themselves. (Unruh v.  
35 Truck Insurance Exchange (1972) 7 Cal. 3d 616, 631 'The  
36 effect of charging...conspiratorial conduct is to im-  
37 plicate all...who agree to the plan to commit the  
38 wrong as well as those who actually carry it out  
(Citations)' Black v. Sullivan (1975) 48 Cal.App.  
39 3d 557, 566 (122 Cal.Rptr. 1191 at 784.

1 ~~would not have believed that Edgerly had violated~~  
2 ~~that Edgerly had~~

3 (Claim of Joseph McInerney, October 26, 2010 continued)

4 "....furthurmore, the requisite concurrence and  
5 knowledge "" may be inferred from the nature of the  
6 acts done, the relation of the parties, the interests  
7 of the alleged conspirators, and other circumstances""  
8 (Chicago Title Ins. Co. v. Great Western Financial Corp  
9 (1968) 69 Cal.2d 305, 316 (70 Cal.Rptr. 849.. Tacit  
10 consent as awell as express approval will suffice to  
11 hold a person liable as a coconspirator. (Holder v.  
12 Home Sav. & Loan Assn. (1968) 267 Cal.App.2d 91, 108  
13 (72 Cal.Rptr. 704.  
14 as the earlier claim states:

15 " TheCity through its various employees the Department  
16 of Public Health, the City Attorneys Office, the  
17 Police Department and the District Attorney's Office  
18 (both in supervisory and official elected and appointed  
19 positions) have instituted a campaign of harassment in-  
20 cluding deciminatingamong themselves and to the public  
21 at large false accusations that claimnant is a convic-  
22 ed child molester, that he is "crazy" as to a specific di-  
23 agnosis named by them, used my alleged medical records  
24 illegally obtained to compile a dossier upon claimnant  
25 and to decimate it to the public at large particular-  
26 ly among places of business claimnant is known to fre-  
27 quent. An extension of this policy is maintaining a coun-  
28 terfeit web site which posted pictures scanned (and  
doctored to make them look ~~like~~ like they were taken in  
public) from a surveillance camera illegally planted  
in claimnant's former residence in San Francisco, a  
hotel operated under an independent contractor to the  
City's Department of Public Health.. for the purpose  
of framing claimnant for ob scenity on a web site ac-  
cessible to minors."

29 The City is of course, liable for the subsequent down-  
30 loading of these pictures and for their republications in-  
31 definitely, being they were intended to be downloaded by  
32 the City and furthur republished as the reasonable foresee-  
33 able consequences of the original publication.

34 furthur the continuing acts of this unlawful degenerate  
35 conspiracy is claimnant believes being sanctioned by the present  
36 District Attorney Kamala as seeing police officers being  
37 involved in the p anting of these surveillance cameras presuppose  
38 high-level District Attorney Office complicity in it and the cover  
up. furthur picturing claimnant as the convicted child molester  
John Lindsay Hayes is intended to incite violence against me.  
Dated: October 26, 2010

JOSEPH MCINERNEY

16

4

*Joseph M. McInerney*

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

Michael D. Haase  
Assistant Chief of Claims

DIRECT DIAL: (415) 554-5845  
E-MAIL: MIKE.HAASE@SFGOV.ORG

October 28, 2010

Joseph McInerney  
60 North Third St., #103  
San Jose, CA 95112

RE: Claim of Joseph McInerney / Claim Number 11-01017

Department: DATTY District Attorney (04)  
Incident Date: April 24, 2010  
Claim Filed: October 25, 2010

NOTICE OF ACTION UPON CLAIM

PLEASE TAKE NOTICE THAT

An investigation of your claim filed with the City and County of San Francisco has revealed no indication of liability on the part of the City and County. Accordingly, your claim is DENIED.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a state court action on this claim. See Government Code section 945.6. This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Claims Act, Government Code sections 900 et. seq. Other causes of action, including those arising under federal law, may have shorter time limitations for filing.

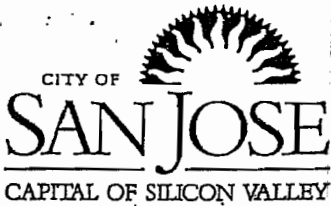
You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

Michael D. Haase  
Assistant Chief of Claims

19



**CLAIM AGAINST THE CITY OF SAN JOSE, CA**

(For Damages to Persons or Personal Property)

Office of the City Clerk Timestamp

RECEIVED  
San Jose City Clerk  
2010 OCT 25 A 10:01

COPY

# \_\_\_\_\_

Office of the City Clerk  
200 East Santa Clara Street  
San Jose, CA 95113

Received by: \_\_\_\_\_  
Via: U.S. Mail \_\_\_\_\_  
Interoffice Mail \_\_\_\_\_  
Over the Counter

(Please do not write above this line - for City use only)

Generally, a claim against the City of San José for damages to persons or personal property must be filed with the City Clerk of the City of San José within six months after the incident occurred. See Government Code 9112. Completed claims must be mailed or delivered to: Office of the City Clerk, City of San José, 200 E. Santa Clara Street, San José, CA 95113. The office is located on the second floor of the City Hall Wing; (408) 535-1260. PLEASE PROVIDE THE ORIGINAL AND ONE COPY OF THIS CLAIM FORM. Attach copies of any receipts or other documentation to the original claim form and to the copy.

I, THE CITY CLERK of the City of San José, California:

hereby undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

NAME OF CLAIMANT: JOSEPH McINERNEY DATE OF BIRTH: June 25, 1943  
ADDRESS OF CLAIMANT: #301 60 North Third Street #301 CITY San Jose STATE CA ZIP CODE 95112  
PHONE: (408) 292-1906 WORK PHONE: \_\_\_\_\_ DRIVER'S LICENSE STATE AND NUMBER: 61967631

SEND NOTICES REGARDING THIS CLAIM TO: (List name, mailing address and phone number if not same as above.)  
SAME AS ABOVE

DATE OF INCIDENT: Cumulative PLACE (Exact and specific location): 106 North Fifth Street #1 both San Jose and 30 North Third St. #301

USING CLAIM: ing April 24, 2010 MySpace web site  
CIRCUMSTANCES (Specify the occurrence, event, act, or omission which you claim caused the injury or damage for which you are submitting this claim. Where space is insufficient, attach an additional page with the claimant's name on the page.)

Claimant alleges on information and belief that supervisory and high police department and District Attorney staff have been cooperating with San Francisco City officials in continuing and maintaining an illegal surveillance of claimant by soliciting both of claimant's landlords in San Jose in placing surveillance cameras in claimant's residences here and scanning and doctoring said photographs onto a counterfeit web site in claimant's name on MySpace. Claimant alleges that San Jose city officials and employees have decimated confidential medical records obtained improperly through businesses claimant is known to frequent and to neighbors and fellow tenants of claimant and management personnel at Town Park Towers and 106 North Fifth Street as an official policy of harassment in conjunction with their conspiracy with the City and County of San Francisco to take action against claimant.

CITY'S ACTION (Specify action by City or its employees which caused alleged damage or injury.)  
As described above.

Claimant alleges on information and belief that the false accusation of claimant being an alleged convicted child molester has been likewise decimated among the San Jose community to neighbors and staff of residences.

CITY EMPLOYEES' NAMES OR CITY DEPARTMENT INVOLVED IN ALLEGED ACCIDENT OR INCIDENT.  
District Attorney's Office; Police Department

CITY ATTORNEY  
CITY OF SAN JOSE  
OCT 25 2010  
RECEIVED

CLAIM AGAINST THE  
CITY OF SAN JOSE, CA

Page 2

DESCRIPTION OF LOSS (Describe injury, property damage or loss, so far as is known at this time. If there were no injuries, state "NO INJURIES.")

~~Violation of civil rights, involving invasion of privacy, identity theft by conspiring to maintain counterfeit web site in plaintiff's name and to identify claimant as a convicted child molester John Lindsay Hayes, fraud, intentional infliction of emotional distress, negligence, false personation breach of mandatory duty, conspiracy, slander, slander per se, libel per se~~  
OTHER INJURED PERSONS (list names and addresses)

OWNER OF PROPERTY DAMAGED (if different from claimant)

AMOUNT CLAIMED: in conjunction with San Francisco City liability  
Amount claimed as of this date: (in \$ in excess of \$10 billion, as to all damages  
Estimated amount of future costs: \$ unknown at this point  
Total amount claimed: \$ in excess of \$10 billion

(claim may include conspiracy to interfere with Lucasfilm employment  
basis for computation of amounts claimed (include copies of bills, invoices, estimates, etc.):

The basis lies in various statutory enactments including Welfare and Institutions Code section 5330, Penal Code section 9 preserving civil remedies for violations of the Penal Code including false personation, PHYSICIANS, HOSPITALS, DOCTORS, ETC. (list names and addresses):

ADDITIONAL INFORMATION (List any additional information that might be helpful in considering your claim.):

Since claimant alleges on information and belief that San Francisco Police officials are not within the jurisdiction of San Jose, then obviously said conduct in the illegal surveillance of claimant must have come from San Jose officials and Police Department personnel and originated there in the conduct described.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code Section 72)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to the extent that the foregoing is TRUE and CORRECT.

There is no requirement under the Government Code that a claimant verify "under penalty of perjury" a claim. The State has preempted any such requirement by this City under the Torts Claim Act. It is an impermissible alteration or amendment of a statute to express an intent not expressed therein. Furthermore it is an attempt to intimidate claimants from not filing a claim under the implied threat that if you don't prove your claim we will prosecute you for perjury.

Claimant's Signature

Requirement by this City under the Torts Claim Act. It is an impermissible alteration or amendment of a statute to express an intent not expressed therein. Furthermore it is an attempt to intimidate claimants from not filing a claim under the implied threat that if you don't prove your claim we will prosecute you for perjury.

sed 8/2010

perjury 22.  
21



COPY

Office of the City Attorney  
RICHARD DOYLE, CITY ATTORNEY

**RETURN OF CLAIM NOT TIMELY FILED**

October 28, 2010

Joseph McInerney  
60 North Third Street, #301  
San Jose, CA 95112

Re: Claim No.: C-21476-10  
DOI: 4/24/2010  
Claimant: Joseph McInerney

NOTICE IS HEREBY GIVEN that the claim which you presented to the City Clerk on 10/25/2010 is being returned because it was not presented within six (6) months after the event or occurrence as required by law. See Sections 901 and 911.2 of the California Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

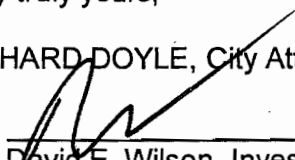
**WARNING**

Your only recourse at this time is to apply without delay to the City of San José, Office of the City Clerk, for leave to present a late claim. See Sections 911.4 and 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,


RICHARD DOYLE, City Attorney

By:   
David E. Wilson, Investigator

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred. I caused to be served a copy of the above notice by MAIL, by depositing it into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated below. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 10/28/10 at San Jose, California

  
Cecilia McDaniel

Enclosure: Claim

**RETURN OF CLAIM NOT TIMELY FILED  
AMENDED**

December 2, 2010

Joseph McInerney  
60 North Third Street, #301  
San Jose, CA 95112

COPY

Re: Claim No.: C-21476-10  
DOI: 4/24/2010  
Claimant: Joseph McInerney

NOTICE IS HEREBY GIVEN that the claim which you presented to the City Clerk on 10/25/2010 is being returned for incidents that occurred prior to April 22, 2010 because it was not presented within six (6) months after the event or occurrence as required by law. See Sections 901 and 911.2 of the California Government Code. Because portions of the claim were not presented within the time allowed by law, no action was taken on those claims.

**WARNING**

Your only recourse at this time is to apply without delay to the City of San José, Office of the City Clerk, for leave to present a late claim. See Sections 911.4 and 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

RICHARD DOYLE, City Attorney

By:   
David E. Wilson, Investigator

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred. I caused to be served a copy of the above notice by MAIL, by depositing it into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated below. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

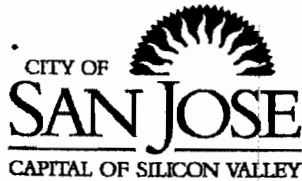
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 12/2/10, at San Jose, California.

  
Cecilia McDaniel

Enclosure: Claim

23





Office of the City Attorney

RICHARD DOYLE, CITY ATTORNEY

**NOTICE OF REJECTION OF CLAIM**

March 9, 2011

Mr. Joseph McInerney  
60 North Third Street, #301  
San Jose, CA 95112

COPY

Re: Claim No.: C-21476-10  
DOI: 4/24/2010

NOTICE IS HEREBY GIVEN that the claim which you presented to the City Clerk of the City of San José on 10/25/2010, was rejected by the City of San José.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the United States mail to file a court action on the stated causes of action contained within this claim. See California Government Code Section 945.6. This warning does not apply to federal causes of action and does not extend any statutes of limitations for federal causes of action.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

RICHARD DOYLE, City Attorney

By

  
David E. Wilson, Investigator

**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a party to the within action. My business address is 200 East Santa Clara Street, San Jose, California 95113-1905, and is located in the county where the service described below occurred. I caused to be served a copy of the above notice by MAIL, by depositing it into a sealed envelope, with postage fully prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated below. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Said correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 3/9/11, at San Jose, California

  
J. Pereda