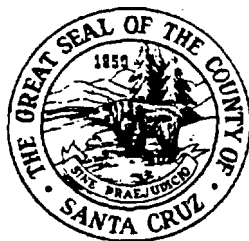


OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENT CENTER
(408)454-2040
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ. CALIFORNIA 95060-4068

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KIM BASKETT
LEE GULLIVER
DANA McRAE

GOVERNMENT TORT CLAIM
RECOMMENDED ACTION

Agenda April 28, 1998

ASSISTANTS

To: The Board of Supervisors

Re: Claim of USAA Insurance Company As Insurance Carrier for Richard E. Zscheile,
No. 798-118A

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

USAA Insurance Company as Insurance
Carrier for Richard E. Zscheile, No. 798-118A

- 1. Deny the claim of _____ and refer to County Counsel.
- 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- 3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.
- 4. Approve the claim of _____ in the amount of _____ and reject it as to the balance, if any, and refer to County Counsel.
- 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: John Fantham, Director
Department of Public Works

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

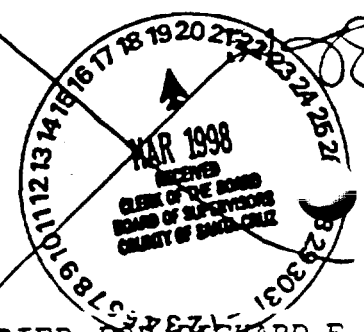
By [Signature]

LTR9.WPT

PER 5 107 Rev. 4/97



110 1107
CL. AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 910 et Seq., Govt. Code)



TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060

1. Claimant's Name: USAA INSURANCE COMPANY AS INSURANCE CARRIER FOR RICHARD E. ZSCHEILE
Address: c/o Law Offices of Stephen N. Cole, 3050 Beacon Blvd., Ste 101
West Sacramento, CA 95691
Phone No: (916) 371-5041

P.O. Box to which notices are to be sent: N/A

2. Occurrence: _____

Date: 2-6-96 Place: 3211 Fairway Drive, Soquel, California

Circumstances of occurrence or transaction giving rise to claim: defendant County of Santa Cruz failed to properly trim Eucalyptus trees it owned adjacent to the road. One of the Eucalyptus trees fell and struck Zscheile's property, causing damage to the structure, contents and causing additional rental expenses.

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
Insurance payments made to Zscheile are estimated to be \$100,000.

5. Name(s) of public employee(s) causing injury, damage or loss, if known: Russ Albrecht in the Encroachment and Driveway division of the Santa Cruz Co. Public Works

6. Amount claimed now \$ _____

Estimated amount of future loss, if known \$ _____

TOTAL \$ approximately \$100,000

7. Basis for above computations: Claimant has yet to complete repairs to the Zscheile residence. Claimant will claim the total amount when the repairs are completed.

8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction: _____

_____ Municipal Court _____ Superior Court

CLAIMANT'S SIGNATURE [Signature] /STEPHEN N. COLE

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2123).