

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

ASSISTANTS

Agenda April 28, 1998

To: The Board of Supervisors

Re: Claim of Remijio Jaquez, No. 798-124

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:

- 1. Deny the claim of _____ and refer to County Counsel.
- X 2. Deny the application to file a late claim on behalf of Remijio Jaquez, No. 798-124 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 Dejevis

LTRQ.WPT

PER 5107 Rev. 4/97

198-124

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1 ALFRED LOMBARDO #66628
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4 245 West Laurel Drive
5 Salinas CA 93906
6 Telephone: (408) 443-1051

7 Attorneys for Claimant

8 REMIJIO JAQUEZ,) APPLICATION FOR LEAVE
9) TO PRESENT LATE CLAIM
10 Claimant,) ON BEHALF OF CLAIMANT
11 vs.) Gov. Code Sec., 911.4
12)
13 COUNTY OF SANTA CRUZ)

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14
15 To the County of Santa Cruz:

16 1. Application is hereby made, pursuant to Government
17 Code Section 911.4, for leave to present a late claim founded
18 on a cause of action for personal injury which occurred on or
19 about July 22, 1997, for which a claim was not presented
20 within the six-month period provided by Section 911.2 of the
21 Government Code. For additional circumstances relating to the
22 cause of action, reference is made to the proposed claim
23 attached to this application.
24

25 2. The failure to present this claim within the six-
26 month period specified by Section 911.2 of the Government Code
27 was due to the seriousness of the claimant's injuries and
28 resulting delay in consulting legal counsel. The County of

15.

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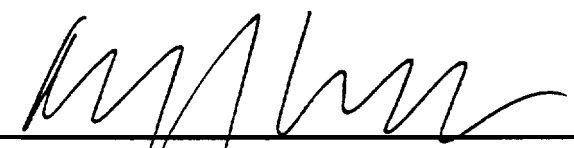
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Santa Cruz was not prejudiced by this failure, all as more particularly shown by the attached declaration of Alfred Lombardo.

3. This application is being presented within a reasonable time after accrual of this cause of action,' as more particularly shown by the attached declaration of Alfred Lombardo.

WHEREFORE, it is respectfully requested that this application be granted and that the attached proposed claim be received and acted on in accordance with Sections 912.4 through 913 of the Government Code.

Dated: April 7, 1998

BY 
ALFRED LOMBARDO,
Attorney for Claimant



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7 REMIJIO JAQUEZ,)
)
8 Claimant,)
)
9 vs.)
)
10 COUNTY OF SANTA CRUZ)
11)

DECLARATION OF ALFRED LOMBARDO IN SUPPORT OF APPLICATION FOR LEAVE TO PRESENT LATE CLAIM

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12 I, Alfred Lombardo, declare:

- 13 1. I am the attorney for claimant Remijio Jaquez.
- 14 2. Mr. Jaquez was seriously injured on July 22, 1997.

15 Following the accident, Mr. Jaquez was hospitalized for
16 approximately one week, and then confined in a hospital bed
17 in his home for another month.

18 3. Due to the serious nature of his injuries as
19 described in detail in the attached claim, and the ensuing
20 period of recovery, Mr. Jaquez did not immediately consult
21 with an attorney following his accident.

22 4. Mr. Jaquez originally retained my law firm in late
23 December 1997, to represent him in a workers' compensation
24 action against his employer, Granite Construction Co., arising
25 out of the same subject incident as this government tort
26 claim. The workers' compensation claim was filed on 12/29/97.

27 5. On March 18, 1998 I met with Mr. Jaquez to discuss
28 his workers' compensation case. It was during that meeting

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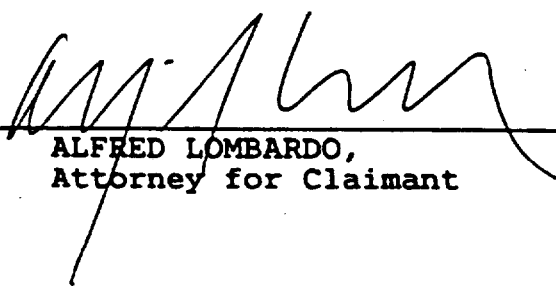
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that I first became aware of facts concerning the County of Santa Cruz's involvement in the supervision of the construction site as described in detail in the attached claim. This information tends to show that employees of the County of Santa Cruz knew that safety rules were not being followed at the subject construction site but said and did nothing to stop the work until such unsafe conditions could be corrected.

6. I have acted with reasonable diligence in investigating this case and uncovering facts not previously known by claimant to support a claim of liability against the County of Santa Cruz.

7. Following the accident, the County of Santa Cruz sent an inspector to speak with Mr. Jaquez and thus had the opportunity to fully investigate the facts surrounding this accident. Therefore, I believe that the County of Santa Cruz has not been prejudiced in any way by the slight delay in making this claim.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 7, 1998, at Salinas, California.

By 
ALFRED LOMBARDO,
Attorney for Claimant



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Attorneys for Claimant

7 REMIJIO JAQUEZ,)
8 Claimant,) CLAIM FOR PERSONAL
9 vs.) INJURIES
10) Gov. Code Sec. 910
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To the County of Santa Cruz:

You are hereby notified that Remijio Jaquez, whose address is 296 Manfre Road, **Watsonville**, claims **damages** from the County of Santa Cruz.

The amount of damages claimed exceeds **\$10,000.00**.

This claim is based on personal injuries sustained by claimant in an accident on or about July 22, 1997 at a construction site in the vicinity **of** 2400 Valencia Road, Aptos, California, under the following circumstances:

At the time **of** his accident, claimant was an employee of Granite Construction Company and was acting within the course and scope of said employment. Granite Construction Company was **under** a contract with the County of Santa Cruz to repair a bridge that had been washed out in the vicinity of 2400 Valencia Road in Aptos, California. Claimant, who was working on a scaffolding without any protective railing, was removing-d large sheets **of** plywood "concrete forms" off the completed

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1 **walls** when a scaffold plank **he was** standing on cracked and
2 broke causing claimant to fall into a dry creek bed
3 approximately fifteen (15) feet below.

4 Claimant is informed and believes that throughout the
5 course of the construction project, employees **of** the County of
6 Santa Cruz were on-site and acting in a supervisory capacity
7 over the project on **a** daily basis. Claimant contends that
8 these county employees had a duty to ensure that all safety
9 **rules**, regulations and procedures were followed on the project
10 and that said county employees knowingly and/or negligently
11 permitted "uncertified" scaffolding **planks** to be used on the
12 job and also knowingly and/or negligently permitted workers to
13 work on the scaffolding fifteen (15) feet above the ground
14 without any type of safety harness or safety railing, all of
15 which are in violation of safety regulations, and all of which
16 contributed to claimant's injuries.

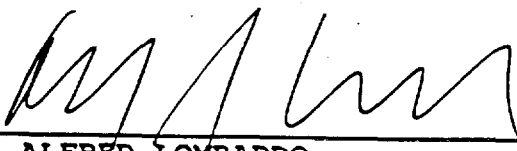
17 The names of the public employees causing claimant's
18 injuries under the described circumstances are not known to
19 claimant.

20 The injuries sustained **by** claimant, as far as known, as
21 of the date of presentation of this claim, consist of **a**
22 compression fracture of his lumbar spine at **L1**; a fracture
23 of his right wrist; injuries to **his** right shoulder and right
24 **knee**; chest and neck injuries; and a significant **head injury**.
25 As a result of these injuries, the claimant **has** undergone
26 surgery to his right wrist, **right shoulder, and right knee**,
27 and **has** required treatment by **both a** neuropsychologist and a
28 psychiatrist **because of his head injury**.

1 Jurisdiction over this claim would rest in the superior
2 court.

3 All notices or other communications with regard to this
4 claim should be sent to Alfred Lombardo at the law offices of
5 Rucka, O'Boyle, Lombardo & McKenna, 245 West laurel Drive,
6 Salinas, CA 93906.

7 Dated: 4 - 7 - 98

8 By 
9 ALFRED LOMBARDO,
10 Attorney for Claimant

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