

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENT CENTER
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**'GOVERNMENT TORT CLAIM
RECOMMENDED ACTION**

ASSISTANTS

Agenda June 16, 1998

To: The Board of Supervisors

Re: Claim of Michael John Amaya, No. 798-151

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:

X 1. Deny the claim of Michael John Amaya, No. 798-151 and refer to County Counsel

Deny 2 the application to file a late claim on behalf of _____ and refer to County Counsel.

Grant 3 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: Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elaine Lewis

LTR9.WPT

PER 5107 Rev. 4/97

798-151

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CLAIM 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:** MICHAEL JOHN AMAYA
Address: 128 Hugues Santa Cruz, C.4 95060
Phone No.: (408) 471-2100

P.O. Box to which notices are to be sent: c/o Michael Thomas Horan, Esq., 125 Water Street, Suite C, Santa Cruz, CA 95060.

2. **Occurrence:** STUCK BY HYPODERMIC NEEDLE
Date: 12/3/1997 **Place:** Ocean Street Extension

3. **Circumstances of occurrence or transaction giving rise to claim:** While working for Rossi's towing Claimant responded to Sheriffs dispatch to tow impounded vehicle. Deputy Nielson, #94, advised he had found drugs and drug paraphernalia (needles, etc.) in the vehicle and told Claimant to wait until Deputy had finished searching vehicle so it would be safe to tow. Upon being advise vehicle was safe Claimant released emergency brake and was stuck with loaded (believed to be cocaine) and bloody hypodermic needle in the hand.

4. **General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:** When Claimant was dispatched to the scene, warned by Deputy Nielson that drugs and drug paraphernalia had been found, and advised that the vehicle would be secured an affirmative duty to protect Claimant was created. As a result of the Deputy's failure to properly secure the vehicle and Claimants' reliance that the vehicle was safe Claimant was stuck by the hypodermic needle and as a result suffered severe emotional distress and fear of contracting AIDS, hepatitis and other blood borne pathogens. He has also suffered from nightmares, has had numerous medical appointments and a 25 day + series of anti-viral prophylactic prescription medicines (AZT, EPIVIR, ETC.), administered by an infectious disease doctor, including a series of shots, H-BIG, which are still ongoing. Claimant is scheduled to receive another H-BIG shot June 17, 1998.

5. **Name(s) of public employee(s) causing injury, damage or loss, if known:** County of Santa Cruz Sheriffs department, including but not limited to Deputy Nielson (#94).

6. Amount claimed now	\$100,000.00
Estimated amount of future loss, if known	\$ unknown
TOTAL	\$100,000.00

7. **Basis for above computations:** Medical Bills, Loss of work and income, emotional distress.

8 **If the amount claimed is over \$10,000.00, indicate the court of jurisdiction:**
Santa Cruz Superior Court

C L A I M A N T ' S SIGNATURE: *[Handwritten Signature]*

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 AD.4 Coordinator at 454-2962 (TDD 454-2123).