

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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GOVERNMENT TORT CLAIM
RECOMMENDED ACTION

Agenda June 16, 1998

ASSISTANTS

To: The Board of Supervisors

Unborn Baby Doe, by and through his parent and guardian,

Re: Claim of Angelica Macias, No. 798-153C

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 Unborn Baby Doe, by and through his parent and guardian, Angelica Macias, No. 798-153C 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
Director of Public Works

RISK MANAGEMENT

By Janet McKinley

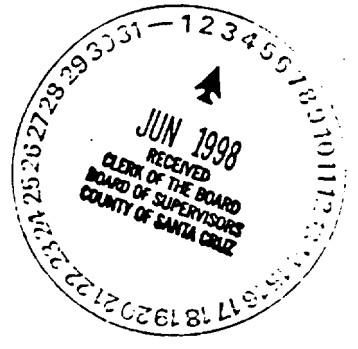
COUNTY COUNSEL

By [Signature]

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PER 5107 Rev. 4, 97

798-153C 52



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3 San Francisco, CA 94 114
Telephone (415) 621-2131
4 Attorneys for Claimant, Unborn Baby Doe

8 CLAIM AGAINST THE COUNTY OF SANTA CRUZ

10 UNBORN BABY DOE, BY AND THROUGH)
11 HIS PARENT AND GUARDIAN ANGELICA)
12 MACIAS,) PUBLIC ENTITY TORT CLAIM AGAINST
13 Claimant,) THE COUNTY OF SANTA CRUZ
14 vs.)
15 COUNTY OF SANTA CRUZ,)
16 Respondent.)

17 Pursuant to Government Code Sections 900, et seq., claimant Unborn Baby Doe, by and
18 through his parent and guardian **Angelica** Macias respectfully submits the following *Public Entity Tort*
19 *Claim Against the County of Santa Cruz.*

- 20 1. **Name of Claimant:** Unborn Baby Doe, by and through his parent and guardian
21 **Angelica** Macias.
- 22 2. **Address of Claimant:** 5 **Hatton** Street, Watsonville, CA 95076.
- 23 3. **Address for Notices:** Claimant may **be** contacted through the office of her
24 attorneys, WINSLOW & HURTUBISE, 230 Noe Street, San Francisco, CA. 94114 (415) 621-213 1.
- 25 4. **Date of Incident:** December 5, 1997.
- 26 5. **Location of Incident:** Freedom Blvd in unincorporated, approximately .3 miles
27 north of La Vida Rd. (private property), Santa **Cruz** County

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230 Noe St
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6. **Nature of Claim:** Claimant was *in utero* and claimant's mother was

passenger in single car collision on southbound Freedom Blvd. The car was driven by claimant's father, Rhandy Soto. Mr. Soto lost control of his vehicle and collided with a utility pole. Mr. Soto died as a result of the injuries he sustained in the crash.

The roadway and adjacent property constitutes a dangerous condition of public property, due negligent construction, maintenance, design and management of the roadway and the adjacent property.

7. **Nature of Injuries:** Although claimant is not yet born, it is believed that the

claimant sustained numerous psychological and personal injuries. Claimant further suffered the lost of a **parental** relationship with the decedent and his financial support. The claimant suffered general and special damages in an amount currently unknown, but within the jurisdiction of the Superior Court.

8. **Responsible Employees:** Unknown at this time.

9. **Amount of Claim:** The claim is within the jurisdiction of the Superior Court.

DATE: June 1, 1998

WINSLOW & HURTUBISE,

By: Gregory F. Winslow
Attorneys for Claimant

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