

OFFICE OF THE  
COUNTY COUNSEL



# COUNTY OF SANTA CRUZ

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CHIEF ASSISTANTS

## GOVERNMENT TORT CLAIM RECOMMENDED ACTION

HARRY A. OBERHELMAN III  
MARIE COSTA  
JANE M. SCOTT  
RAHN GARCIA  
TAMYRA CODE  
PAMELA FYFE  
ELLEN LEWIS  
KIM BASKETT  
LEE GULLIVER  
DANA McRAE

ASSISTANTS

Agenda June 16, 1998

To: The Board of Supervisors

Re: Claim of Anita Rivard, No. 798-154

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. X Deny the claim of Anita Rivard, No. 798-154 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. X 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

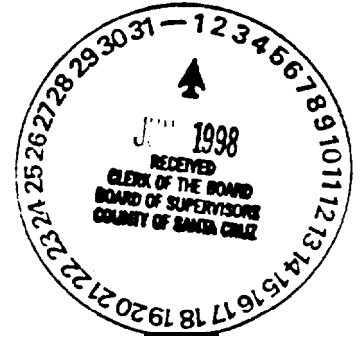
COUNTY COUNSEL

BY Elaine

LTR9.WPT

PER 5 107 Rev. 4/97

Law Office of Gregory Reeve-Wilson  
 540 Bird Ave #200  
 San Jose, California 95125  
 (408) 998-2968



Attorney for Claimant, ANITA RIVARD

Claim of ANITA RIVARD	)	CLAIM FOR PERSONAL INJURY
	)	
against	)	
	)	
COUNTY OF SANTA CRUZ	)	
	)	

To THE BOARD OF SUPERVISORS of the COUNTY OF SANTA CRUZ:

1. Claimant, ANITA RIVARD, whose address is 26220 Ventura Ave., Hayward, CA. 94544, claims damages from the County of Santa Cruz in an amount that exceeds \$10,000 .for personal injury to olaimant.

2. Jurisdiction over this claim would rest in Superior Court.

3. This claim is based on a personal injury to claimant which occurred on December 11, 1997 at about 7pm, near 257 Center in Aptos, Santa Cruz County under the following circumstances:

Claimant Rivard had exited Kim's on Center and she was walking toward her car. She stepped off the sidewalk curb and she tripped over a tire berm that was in front of the curb. It was dark, so Mrs. Rivard did not see the berm. She did not anticipate a tire berm, since the sidewalk had a curb.

The County of Santa Cruz knew or should have known that this was a dangerous condition. They knew or should have known that people walking to their cars from the sidewalk in the dark would be able to see a tire berm, nor would they expect there to be a

1 tire berm when there is a sidewalk with a curb.

2 But for the County's negligence in failing to remove these  
3 tire berms before Mrs. Rivard's fall, Mrs. Rivard would not have  
4 been injured.

5 4. Claimant does not know the name of the public employee  
6 who caused claimant's injury.

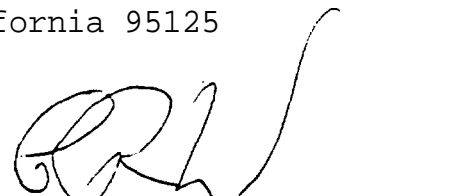
7 5. The injury sustained by claimant consists of a broken  
8 wrist, broken ribs, chipped teeth, a split chin and a split lip  
9 and an injury to the back. She is receiving medical treatment  
10 for these injuries.

11 6. The damage expected to be incurred in the future  
12 includes further medical treatment for the above described  
13 injury.

14 7. All notices and communications concerning this claim  
15 should be sent to :

16 Law Office of Gregory Reeve-Wilson  
17 540 Bird Ave #200  
18 San Jose, California 95125

19 Date: May 27, 1998

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21 Gregory Reeve-Wilson  
22 Attorney for Claimant  
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