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COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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## GOVERNMENT TORT CLAIM RECOMMENDED ACTION

Agenda September 22, 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. X Deny the claim of Remijio Jaquez, No. 798-124 and refer to County Counsel.

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

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 Deborah Steen

LTR9.WPT

PER 5 107 Rev. 4/97

A circular stamp from the Board of Supervisors, County of Santa Cruz. The outer ring contains numbers 1 through 31. The center features the date "APR 1998" above an upward-pointing arrow. Below the arrow, the text "RECEIVED" is printed, followed by "CLERK OF THE BOARD", "BOARD OF SUPERVISORS", and "COUNTY OF SANTA CRUZ".

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 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.

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Jurisdiction over this claim would rest in the superior court.

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

Dated: 4-7-98

By   
ALFRED LOMBARDO,  
Attorney for Claimant