

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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GOVERNMENT TORT CLAIM RECOMMENDED ACTION

Agenda September 22, 1998

ASSISTANTS

To: The Board of Supervisors

Re: Claim of Mario Sarrato, No. 899-023

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 Mario Sarrato, No. 899-023 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: Roy Holmberg, Director
Department of General Services

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Ellen Lewis

LTR9.WPT

PER 5 107 Rev. 4/97



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(714) 750-1010

Attorneys for Claimant
MARIO SARRATO

BEFORE THE STATE OF CALIFORNIA; THE COUNTY OF SANTA CRUZ;
THE CITY OF SANTA CRUZ AND DOES 1 through 100, INCLUSIVE

MARIO SARRATO,)	IN THE MATTER OF THE CLAIM OF
)	MARIO SARRATO AGAINST THE
Claimant,)	STATE OF CALIFORNIA; THE
)	COUNTY OF SANTA CRUZ; THE CITY
vs.)	SANTA CRUZ
)	
STATE OF CALIFORNIA, a government)	
entity; THE COUNTY OF SANTA CRUZ,)	
a government entity; THE CITY OF)	
SANTA CRUZ, individually and)	
DOES 1 through 50, inclusive,)	
)	
)	
Respondents.)	
)	

TO THE STATE OF CALIFORNIA; THE COUNTY OF SANTA CRUZ; THE CITY OF
SANTA CRUZ AND DOES 1 THROUGH 100:

Claimant, MARIO SARRATO makes a claim against the STATE OF
CALIFORNIA, the COUNTY OF SANTA CRUZ, the CITY OF SANTA CRUZ and DOES 1
through 100, and makes the following statements in support of his claim:

1. Claimant's address is 2301 W. Monica Lane, Santa Ana, California 92706, his
telephone number is (714) 663-2908

2. The address to which any and all notices are to be sent regarding this claim is:

Alan K. Nicolette, Esq.
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3. The circumstances giving rise to this claim occurred on April 22, 1998 at the basement of the Santa Cruz Courthouse located at 701 Ocean Street in the city of Santa Cruz, California. At all times mentioned herein, claimant is informed and believes and thereon alleges that the STATE OF CALIFORNIA; the COUNTY OF SANTA CRUZ, the CITY OF SANTA CRUZ and DOES 1 through 100, inclusive, were the owners of the courthouse where the incident occurred involving the claimant herein and further, were responsible for the entrustment, management, maintenance, operation, supervision and repair of said building including, but not limited to, the circuit breakers, the wiring and each and every electrical component of the buildings. It is claimant's information and belief that respondents STATE OF CALIFORNIA; the COUNTY OF SANTA CRUZ, the CITY OF SANTA CRUZ and DOES 1 through 100, inclusive, hired, entrusted, trained, employed and instructed other individuals, group or entities to maintain, operate, supervise, repair and manage said building and each and every appurtenant parts thereto.

4. At said time and place, claimant MARIO SARRATO sustained serious injuries and damages when a circuit breaker located at the basement of the courthouse where claimant was working exploded.

5. It is claimant's information and belief that respondents were responsible in some manner for the events and happenings herein referred to and negligently caused injuries and damages to claimant as hereinafter alleged. Claimant has at this time just commenced

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discovery and is not fully aware of the acts or omissions of the STATE OF CALIFORNIA; the COUNTY OF SANTA CRUZ. THE CITY OF SANTA CRUZ and DOES 1 through 100, inclusive. Presently.. Claimant is informed and believes and thereon alleges that respondents so negligently entrusted, managed, maintained, operated, controlled. repaired and supervised the courthouse including, but not limited to the electrical wiring, the circuit breakers and each and every appurtenant part of the building so as to directly and proximately. cause a circuit breaker to explode thereby proximately causing the injuries and damages to the claimant herein.

Claimant contends the respondents knew or should have known that failure to ensure that the circuit breakers and/or similar electrical component parts were fully operational and that failure to make efficient, effective and 'safe repairs on said premises, including the circuit breakers were likely to create a peculiar risk of harm unless special precautions were taken, in that circuit breakers, if inadequately maintained, repaired and managed and not fully operational would constitute a hazard to persons on the premises.

Claimant is further informed and believes and thereon alleges that respondents negligently- and carelessly hired, entrusted, trained, employed and instructed certain individuals, groups or entities, thereby proximately causing injuries and damages to the claimant as alleged.

6. As a result of the accident, claimant sustained injuries, including but not limited to, severe facial burns as well as burns to the right shoulders, right arm and right ear requiring grafting and surgery.

7. The names of all the employees and/or agents of the STATE OF CALIFORNIA; the COUNTY OF SANTA CRUZ; the CITY OF SANTA CRUZ and DOES 1 through 100 who caused the injuries are unknown to claimant at this time. Discovery and investigation are continuing.

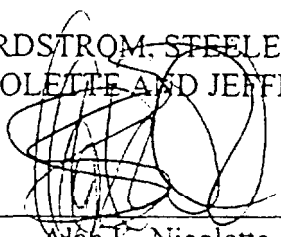
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8. The injuries sustained by claimant as of the date of this claim are in an amount that would place it within the jurisdiction of the Superior Court. The claim is based on the extent of claimant's physical and emotional injuries, damages and loss in an amount to be proved later. The amount of medical expenses are unascertained at this time.

9. Discovery and investigation is continuing as to the existence and address of witnesses.

Dated : August 13, 1998

NORDSTROM, STEELE,
NICOLETTE AND JEFFERSON
By: 
Alan K. Nicolette, Esq.
Attorneys for Claimant
MARIO SARRATO