



OFFICE OF THE  
COUNTY COUNSEL

COUNTY OF SANTA CRUZ

GOVERNMENT CENTER  
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CHIEF ASSISTANTS

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda OCTOBER 27, 1998

ASSISTANTS

To: The Board of Supervisors

Re: Claim of CAROL EICHER, NO. 899-042

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 CAROL EICHER, NO. 899-042 and refer to County Counsel.

2. Deny 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: NOT COUNTY JURISDICTION

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elle Lewis

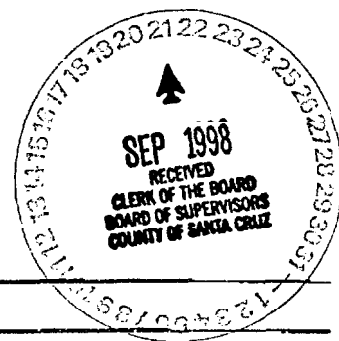
LTR9.WPT

PER 5107 Rev. 4/97

899-04820

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!! Board  
Governmental Center  
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: CAROL FISHER  
Address: 451 ISBEL DR  
S. C. 95060  
Phone No: 426 6057

P.O. Box to which notices are to be smt: \_\_\_\_\_

2. Occurrence: SEE ATTACHED  
Date: 3/22/98 Place: 322 ISBEL DR S.C.  
Circumstances of occurrence or transaction giving rise to claim: SEE ATTACHED

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:  
SEE ATTACHED

5. Name(s) of public employee(s) causing injury, damage or loss, if known: NONE

6. Amount claimed now ..... \$ \_\_\_\_\_  
Estimated amount of future loss, if known ..... \$ \_\_\_\_\_  
TOTAL \$ 450,000

7. Basis for above computations: MED. BILLS, PAIN & SUFFERING.

8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:  
\_\_\_\_\_ Municipal Court \_\_\_\_\_  Superior Court

CLAIMANT'S SIGNATURE: Carol Fisher

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 ADA Coordinator at 454-2962 (TDD 454-2123).

On March 23, 1998, at dawn, I was walking down the hill at 322 **Isbel** Drive. There was a patchwork of sidewalks. I was walking alongside the curb in the street, when a car approached; I got up on the sidewalk planning to walk there until after I came to an excavation site with yellow tape surrounding it (a distance of approximately 10 to 15 feet down the hill). While on the sidewalk, I tripped on a berm. The tips of my toes tripped simultaneously on the berm that had been placed in the middle of the sidewalk, causing me to fall head first into the excavation site, (right through the yellow tape) onto a cement **PG&E** utility box sticking about 10 to 12 inches above the excavated ground. The car continued on. I lay there wondering if something was broken, terrified, when I felt what seemed like water all over my hands. Since it was kind of dark, I didn't recognize it as blood, at first. I was able to pick myself up and somehow get back to my house up the street, where my husband heard me moaning, (he was still asleep) and he took me to Dominican Emergency Room. There were 17 stitches over my right eye, 6 or 7 extremely deep, (the doctor said it was cut open to the bone) and they also worked on my hands and knees. My clothes were tom.

The next few days my right eye was completely swollen closed and during the next month or so there was swelling on the right side of my face, along with the swollen eye. Sleeping habits were disturbed because I couldn't sleep on the right side for many weeks. I still have soreness on awakening each morning on my neck and shoulder. (See attached, Exhibit A). After six months, I cannot raise my arm higher than my shoulder without some pain.

My husband went down to talk to Mr. **Lowvorn**, homeowner, and talked briefly with his wife, who said she was late for an appointment and that Mr. Lowom was not available. When my husband was able to call him, he stated that the berm had been there for 20 to 30 years and he was not going to remove it and that I should watch where I am walking, and that since I have lived in the neighborhood 30 years, I should have known it was there, especially since I drive up and down the hill often. My response is: When I drive I keep my eyes on the road. I was not aware of the berm. I would never have gone within 10 feet had I known it was there. He also stated that I saw the yellow ribbon approximately 10 to 15 feet down the hill. I was aware of the yellow ribbon, planning to go out in the street around it, but I did not see the berm. (I would never have put myself in such a **trecherous** situation, had I known. I could have lost an eye, or been a paraplegic, or even lost my life.)

It was required that I make approximately six visits to Dominican Hospital, Santa Cruz Medical Clinic and approximately 6-8 visits to the physical therapist. I foresee more of those. I have listed those charges. My medical insurance has required me to sign a waiver for reimbursement of their costs in this matter, (so far, approximately).

In addition I am asking funds for future therapy, tom suit, pain and suffering. tom jogging suit.