

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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DWIGHT L. HERR
COUNTY COUNSEL

DEBORAH STEEN
SAMUEL TORRES, JR.
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

Agenda OCTOBER 27, 1998 ASSISTANTS

To: The Board of Supervisors

Re: Claim of CAROL M. GOVEA, ET AL, NO. 899-048

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 CAROL M. GOVEA, ET AL, and refer to County Counsel. NO. 899-048

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: Not County Jurisdiction

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

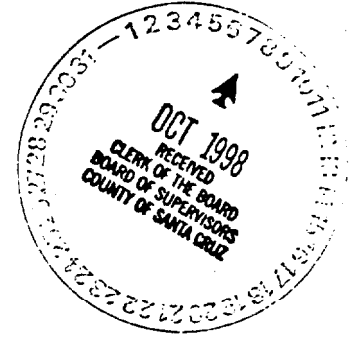
By [Signature]

LTR9.WPT

PER 5107 Rev. 4/97

THE GERHARDT LAW FIRM
 JOHN S. GERHARDT - STATE BAR #35443
 1901 SOUTH BASCOM AVENUE, SUITE 1414
 CAMPBELL, CA 95008
 TELEPHONE: (408) 371-4980
 FAX: (408) 371-7270

Attorney for Claimants



CAROL M. GOVEA; STEPHEN GOVEA,
 3 minor; TIMOTHY P. GOVEA, a
 minor; JOSEPH D. GOVEA, a minor;
 MARY LOU PEREIRA; HALEY SCOTT, a
 minor; KATHY BRIGGS; MICHAEL
 BRIGGS, a minor; WHITNEY AKERS,
 a minor; ASHLEY DUARTE, a minor;
 and BRIAN DUARTE; a minor

GOVERNMENTAL
 TORT CLAIM

Claimants

vs.

STATE OF CALIFORNIA; CALIFORNIA
 DEPARTMENT OF TRANSPORTATION;
 STATE OF CALIFORNIA DIVISION OF
 HIGHWAYS; CALIFORNIA HIGHWAY
 COMMISSION; COUNTY OF SANTA CRUZ

Respondent

TO THE STATE OF CALIFORNIA; CALIFORNIA DEPARTMENT OF
 TRANSPORTATION; STATE OF CALIFORNIA DIVISION OF HIGHWAYS;
 CALIFORNIA HIGHWAY COMMISSION; AND THE COUNTY OF SANTA CRUZ:

You are hereby notified that CAROL M. GOVEA; STEPHEN GOVEA,
 a minor; TIMOTHY P. GOVEA, a minor and JOSEPH D. GOVEA, a minor;
 whose address is 1174 Norval Way, San Jose, CA 95125; MARY LOU
 PEREIRA and HALEY SCOTT, a minor, whose address is 220 Lincoln

1 Avenue, San Jose, CA 95126; KATHY BRIGGS and MICHAEL BRIGGS, a
2 minor, whose address is 6110 Heather Creek Way, San Jose, CA
3 95123 ; WHITNEY AKERS, a minor, whose address is 3210 Pearl Avenue
4 #118, San Jose, CA 95136; ASHLEY DUARTE, a minor; and BRIAN
5 DUARTE, a minor, whose address is 1761 Bagpipe Way, San Jose, CA
6 95121, claim damages from the State of California; California
7 Department of Transportation; State of California Division of
8 Highways; California Highway Commission; and the County of Santa
9 Cruz in the amount computed as of the date of presentation of
10 this claim of \$2,500,000.00 in the aggregate (amount for each
11 claimant is. set forth separately hereafter).

12
13
14 This claim is based on the personal injuries sustained by
15 the claimants on April 8, 1997, in an unincorporated area of the
16 County of Santa Cruz on the northbound SR #17 approximately 0.1
17 miles north of the Pasatiempo overcrossing.

18
19 At approximately 3:15 p.m. all of the claimants were riding
20 in a vehicle driven by claimant CAROL GOVEA when a utility
21 service line fell across the roadway hitting her vehicle and
22 causing it to go out of control with resulting impacts into
23 another vehicle and into a roadside barrier, proximately causing
24 the injuries of each of the respective claimants as hereinafter
25 set forth. Claimants contend that the STATE OF CALIFORNIA;
26 CALIFORNIA DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA
27 DIVISION OF HIGHWAYS; CALIFORNIA HIGHWAY COMMISSION; AND THE
28

COUNTY OF SANTA CRUZ designed, engineered, constructed and maintained said roadway and roadside area in a careless and unsafe manner causing it to be a dangerous condition of public property and proximately causing the injuries as hereinafter set forth.

The amount claimed as of the date of presentation of this claim is computed as follows:

CAROL GOVEA, suffered the following injuries:

Injuries to the neck, left shoulder, right elbow, low and mid back, abdomen and TMJ, and post traumatic stress disorder, for that the amount claimed as of the date of presentation is computed as follows:

Medical expenses incurred to date, less than	\$ 5,000.00
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Future medical expenses	Unknown
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Total special and general damages	\$500,000.00
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STEPHEN GOVEA, a minor, suffered the following injuries:

Injuries to the spine, ribs, groin/abdomen, and post traumatic stress disorder, for that the amount claimed as of the date of presentation is computed as follows:

Medical expenses incurred to date, less than	\$1,000.00
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Future medical expense	Unknown
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Total special and general damages	\$100,000.00
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TIMOTHY P. GOVEA, a minor, suffered the following injuries:

Injuries to the spine, ribs, groin/abdomen, and post
traumatic stress disorder, for that the amount claimed as of the
date of presentation is computed as follows:

Medical expenses incurred to date, less than	\$1,000.00
Future medical expense	Unknown
Total special and general damages	\$100,000.00

JOSEPH D. GOVEA, a minor, suffered the following injuries:

Injuries to the spine, ribcage, groin/abdomen, and post
traumatic stress disorder, for that the amount claimed as of the
date of presentation is computed as follows:

Medical expense incurred to date, less than	\$1,000.00
Future medical expense	unknown
Total special and general damages	\$100,000.00

MARY LOU PEREIRA, suffered the following injuries:

Injuries consist of a fractured nose, injuries to the ribs,
left shoulder, neck, back, and post traumatic stress disorder,
for that the amount claimed as of the date of presentation is
computed as follows:

Medical expenses incurred to date, less than	\$2,000.00
Future medical expense	Unknown
Total special and general damages	\$500,000.00

1 HALEY SCOTT. a minor, suffered the following injuries:

2 Injuries to the spine, abdomen, legs, TMJ, and post
3 traumatic stress disorder, for that the amount claimed as of the
4 date of presentation is computed as follows:

5
6 Medical expenses incurred to
 date, less than \$1,000.00

7 Future medical expense unknown

8 Special and general damages \$100,000.00

9
10 KATHY RRIGGS, suffered the following injuries:

11 Injuries to the right foot, right arm, right hand, neck,
12 back, ribs, abdomen, knee, and post traumatic stress disorder,
13 for that amount claimed as of the date of presentation is
14 computed as follows:

15
16 Medical expenses incurred to
 date, less than \$2,000.00

17 Future medical expenses Unknown

18 Special and general damages \$500,000.00

19
20 MICHAEL BRIGGS. a minor, suffered the following injuries:

21 Injuries to the neck, back, ribs, right knee, and post
22 traumatic stress disorder, for that the amount claimed as of the
23 date of presentation is computed as follows:

24
25 Medical expenses incurred to
 date, less than \$1,000.00

26 Future medical expenses Unknown

27 Total special and general damages \$100,000.00

1 WHITNEY AKERS, a minor, suffered the following injuries:

2 Injuries to the neck, back, abdomen, ears, and post
3 traumatic stress disorder, for that amount claimed as of the date
4 of presentation is computed as follows:

5 Medical expenses incurred to
6 date, less than \$1,000.00

7 Future medical expenses Unknown

8 Total special and general damages \$100,000.00

9 ASHL. UARTE, a minor, suffered the following injuries:

10 Injuries to the spine, abdomen and post traumatic stress
11 disorder, for that the amount claimed as of the date of presen-
12 tation is computed as follows:

13 Medical expenses incurred to
14 date, less than \$1,000.00

15 Future medical expense Unknown

16 Total special and general damages \$100,000.00

17 BRIAN DUARTE, a minor, suffered the following injuries:

18 Injuries to the spine, abdomen, and post traumatic stress
19 disorder, for that the amount claimed as of the date of presen-
20 tation is computed as follows:

21 Medical expenses incurred to
22 date, less than \$1,000.00

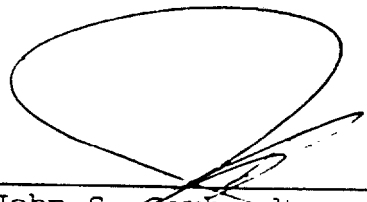
23 Future medical expense Unknown

24 Total special and general damages \$100,000.00

25 All notices or other communications with regard to these
26 claimants are to be sent to said claimants in care of JOHN S.

GERHARDT, THE GERHARDT LAW FIRM, 1901 South Bascom Avenue, Suite
11414, Campbell, CA 95008.

Dated: October 5, 1998.



John S. Gerhardt
Attorney for Claimants