

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

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GOVERNMENT TORT CLAIM
RECOMMENDED ACTION

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RAHN GARCIA
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PAMELA FYFE
ELLEN LEWIS
KIM BASKETT
LEE GUI-LIVER
DANA McRAE

ASSISTANTS

Agenda November 24, 1998

To: The Board of Supervisors

Re: Claim of Lenora Hope Silva, No 899-056

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 Lenora Hope Silva, No. 899-056 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: Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elaine Lewis

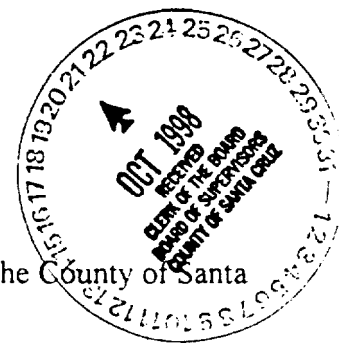
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PER 5 107 Rev. 4/ 97

Governmental Claim
(Government Code 9900, et seq.)

To: County of Santa Cruz, California

You are hereby notified of the claim of Lenora Silva for damages against the County of Santa Cruz, among others.



1. Name and address of Claimant:

Lenora Hope Silva, P. O. Box 66706, Scotts Valley, CA 95067

2. Notices:

All notices concerning this claim should be sent to Jeffrey J. Bosshard, Attorney at Law, 2425 Porter Street, Suite 6, Soquel, CA 95073. Phone No. (83 1) 462-9112. Fax No (83 1) 462-9115.

3. Description of Occurrence:

A. Date: On or about May 21, 1998, and continuing thereafter.

B. Place: Home of the claimant at 1770 17th Avenue #7, Santa Cruz, California, and the surrounding grounds.

C. Names of public employees: The names of the public employees who contributed to the occurrence are not presently known to the claimant. Claimant is informed and believes and therefore alleges that all of the responsible employees are employees of the Santa Cruz County Sheriffs office, including Deputy M. Rains and Sergeant R. MacAulay.

D. Circumstances: On or about May 21, 1998, without probable cause, the aforementioned employees of the Santa Cruz County Sheriffs office, among others, came upon claimant's property, in force, and in full uniform, and proceeded to assault the claimant physically and in a threatening manner. They falsely claimed that the claimant was in violation of a court

restraining order. Without notifying the claimant that she was under arrest, the County employees proceeded to assault and batter the claimant, throw her to the ground, twist her neck, strain her back, aggravate a pre-existing injury to her right shoulder and arm, and other areas of her body, put her in physical restraints, transport her to the Santa Cruz County Jail, with a stop-over at a medical facility where she was physically accosted, abused, and battered, assaulted by the willful taking of bodily fluids without her permission, and incarcerated for a period of time until she was able to make bail. In the process, they also entered the claimant's residence, without permission or warrant, and upon lack of exigent circumstances that would justify such an entry, made a search and seizure of claimant's personal property.

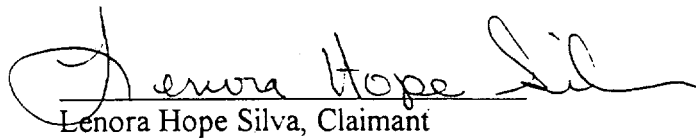
4. Description of Injury and Damage:

Claimant's losses and damages include personal injury, emotional distress, invasion of privacy, illegal search and seizure, among others.

5. Amount of Claim:

The amount of damages to date of each claim for personal injury is not yet known to the claimant, but is within the jurisdictional limits of the California Superior Court

Dated: October 21, 1998


Lenora Hope Silva, Claimant