



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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Samuel Torres, Jr.

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda May 18, 1999

To: **The Board** of Supervisors

Re: Claim of Benjamin N. Potkin, M.D., No. 899-119

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** Benjamin N. Potkin, M.D., No. 899-119 **and refer to County Counsel.**
- ☐ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- ☐ 3. 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 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

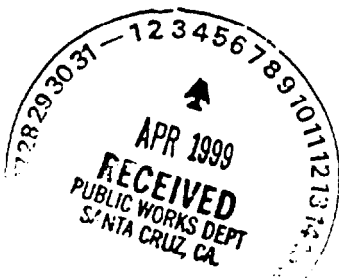
By Janet McKinley

COUNTY COUNSEL

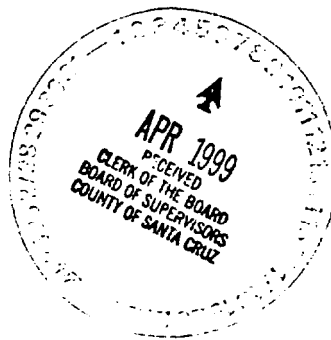
By Ellen Aldridge

899-119

Benjamin N. Potkin, M.D.
Robert F. Sprung, M.D.



Fellows of the American
 College of Cardiology
 Clinical & Interventional
 Cardiology



NO.	ROUTE DATA	COPY	ATT.
	DIRECTOR		
	ASST. DIR. OPR		
	CSA/CLAIMS		
	OPR. PROJ./PRKG		
	PERMITS/ENCR		
	RDS/DRAIN/ECF		
	SANIT/LANDF		
	ASST. DIR. PS.		
	CONSTRUCTION		
	DRAINAGE		
	SANIT. ENG		
	SOLID WASTE		
	ASST. DIR. RE.		
	DESIGN		
	R.D.A.		
	R.D. PLAN/TRAFF		
	SURVEY		
	CHIEF ADM. SVC		
	REAL PROPERTY		

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February 11, 1999

County of Santa Cruz
 Public Works Department
 701 Ocean Street, Suite 410
 Santa Cruz, CA 95060

Dear Sir or Madam:

I am writing this letter to notify you of an incident that I believe warrants your prompt and serious attention.

On January 24, 1999, while driving south on Highway 17 towards Santa Cruz, I exited at the Summit Road exit, headed east on Summit Road and entered southbound on Old Santa Cruz Highway. Not being familiar with this area, I was actually trying to get onto Old San Jose Road to come into Santa Cruz via Soquel. As I was driving on Old Santa Cruz Highway southbound, there was no traffic. It was cold but sunny and the paved road was completely dry. Several miles along this road I suddenly came across a wooden bridge that was wet and frozen with black ice since it was cold and had rained the past three days in Santa Cruz County. On the bridge my car became uncontrollable, went into a sideways spin and hit a redwood tree.

Since I grew up in Chicago I am generally familiar with the ordinary hazards of driving on black ice and under hazardous road conditions. When my car was on the bridge, I had the sensation completely that I was on black ice and I was trained and experienced not to apply my brakes so that I would not exacerbate this loss of vehicle control.

The car was completely totalled and I was fortunate not to have been fatally injured. I did suffer personal injuries in an amount which I have not yet been able to ascertain with full precision at this time. I would roughly estimate for the purposes of settlement only that my property damages and personal injuries total in excess of \$150,000.

One week later I returned to the scene of the accident. To my surprise, when driving northbound on Highway 17 I noticed there

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February 11, 1999

RE: Signage

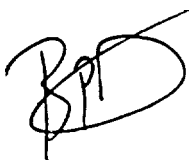
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was a sign that stated that the Old Santa Cruz Highway was closed. ~~When I drove in the southbound direction on Highway 17, there was no sign that mentioned that the Old Santa Cruz Highway was closed.~~ In fact, throughout the entire drive on southbound Old Santa Cruz Highway I did not find any sign that states that a bridge is present or a wooden bridge is slippery **when** wet, or that an old wooden bridge is present and is very slippery when wet.

As a concerned citizen, I am quite upset that this accident was preventable had proper precautions been undertaken. The road should at minimum be marked "closed" at both ends. **Signage** indicating that a wooden bridge is present and "Slippery when wet" would certainly be in the County's best interest for the safety of its citizens. You will note that I have sent a copy of this letter to my personal attorney, Donald S. Burris. I am not a lawyer but I am requesting that you treat this letter as a formal claim, and hereby demand a settlement of \$100,000 pursuant to the provisions of §911.2 of the California Government Code.

I look forward to your reply in this matter.

Sincerely,.



Benjamin N. Potkin, M.D.

Fellow of the American College of Cardiology

cc: Santa Cruz County Board of Supervisors
Franchesca Illia, Auto Reconsideration Coordinator
State Farm Insurance
P.O. Box 1487
Rohnert Park, CA 94927-1487
RE: Policy # CT89579-F1005
Donald S. Burris, Esq.

BNP:EL/e