



County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda JUNE 15, 1999

To: The Board of Supervisors

Re: Claim of KATHLEEN GOLDSMITH AND SCOTT GOLDSMITH NO. 899-147

Original document and associated materials are on file at the Cleric 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 KATHLEEN GOLDSMITH AND SCOTT GOLD SMITH, NO. 899-147 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
DEPT. OF PUBLIC WORKS

RISK MANAGEMENT

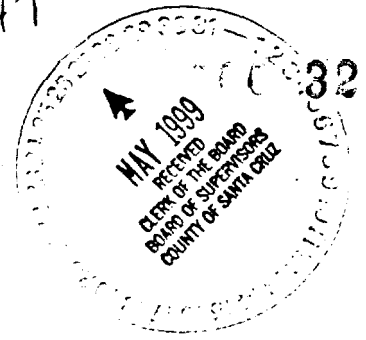
BY Janet McKinley

COUNTY COUNSEL

By Ellen aldrige

895-147

TO: CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
701 OCEAN STREET, ROOM 500
SANTA CRUZ, CA 95060



KATHLEEN GOLDSMITH and SCOTT GOLDSMITH hereby make a claim against the County of Santa Cruz, and make the following statements in support of the claim:

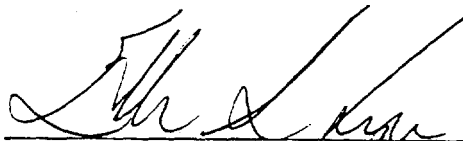
1. Claimants' address is 1680 Franke Court, Santa Cruz, California 95065.
2. Notices concerning this claim should be sent to Ellen S. Lyons, Esq., Fitzpatrick, Patane & Giffen, 838 South Main Street, Suite F, Salinas, California 93901.
3. Ms. Lyons' telephone number is (831) 771-0118.
4. The date and place of the occurrence giving rise to this claim are October 1997, on property located at 3445 Mission Drive, Santa Cruz, California 95065, in the County of Santa Cruz, California. Plaintiffs RICHARD PEASE and BRENDA PEASE seek damages for personal injuries and property damage as a result of water intrusion onto their subject property.
5. On or about November 24, 1998, defendants KATHLEEN GOLDSMITH and SCOTT GOLDSMITH were served with a Summons and Complaint in the above-named matter.
6. Claimants seek indemnification from the County of Santa Cruz for all damages and losses alleged by RICHARD PEASE and BRENDA PEASE.
7. Claimants are unaware at this time of all facts surrounding plaintiffs' claim.
8. Claimants KATHLEEN GOLDSMITH's and SCOTT GOLDSMITH's claim against the County of Santa Cruz is based upon the County's construction of a storm water drainage system located uphill from the property of plaintiffs RICHARD PEASE and BRENDA PEASE which allegedly has caused water to be diverted onto plaintiffs' property and allegedly caused damage including diminution in value of the subject property.
9. Claimants KATHLEEN GOLDSMITH and SCOTT GOLDSMITH are unaware of the name of the Santa Cruz employee or employees causing plaintiffs' injuries and damages.
10. The amount of the claim by plaintiffs RICHARD PEASE and BRENDA PEASE is unknown by claimants; claimants seek indemnification from Santa Cruz County for all damages and losses.

11. Claimants KATHLEEN GOLDSMITH and SCOTT GOLDSMITH intend to file a cross-complaint for indemnity . Jurisdiction for this matter shall rest in the Superior Court of the County of Santa Cruz.

Dated: May 24, 1999

FITZPATRICK, PATANE & GIFFEN

By:



ELLEN S. LYONS, ESQ.

Attorneys for Defendants/Claimants

KATHLEEN GOLDSMITH and SCOTT GOLDSMITH