



County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda March 7, 2000

To: Board of Supervisors

Re: Class Claim of the class representatives Dave Kelley, Christopher St. Charles,
Oswaldo Pinto, No. 900-091A, Amended

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. Reject the class claim of the class representatives _____ and refer to County Counsel. Dave Kelley, Christopher St. Charles, Oswaldo Pinto, No. 900-091A, Amended
- _____ 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: Rama Khalsa, Administrator,
Health Services Agency
Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

By Janet McKinley

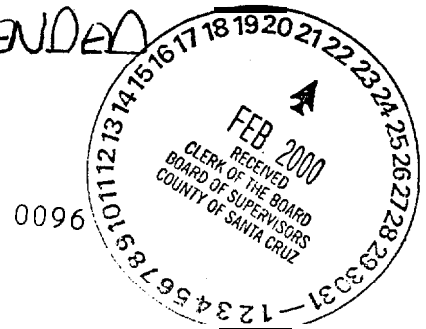
COUNTY COUNSEL

By Samuel Torres

900-091A
AMENDED

AMENDED
GOVERNMENT CODE CLAIM
Against:

COUNTY OF SANTA CRUZ
(Class Claim)



1. The claimant is the class of people similarly situated to the class representatives. The class representatives are:

Dave Kelley	Christopher St. Charles	Oswaldo Pinto
3350 San Marino	1430 Harper Street	239 Dutchman Rd.
San Jose, CA 95127	Santa Clara, CA 95062	Watsonville, CA 95076

2. Claimant desires notices and communications to be sent to:

Michael Mayron
HINKLE, JACHIMOWICZ & POINTER
2007 W. Hedding Street, Suite 100
San Jose, CA 95128

3. The date, place and other circumstances of the occurrence, which gave rise to this claim are as follows:

Claimant class were in the custody of Santa Cruz county and requested HIV/Aids testing. Under pretext and/or guise of the testing, a County of Santa Cruz employee performed conduct on claimant, date, place and circumstance as described in Exhibit "A", Second Amended Criminal Complaint #S000 11, counts 1 through 33. Such conduct was performed in a manner without regard to the safety and health of the claimant.

4. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of this claim is as follows:

Humiliation, embarrassment, emotional distress, unnecessary risk to disease, assault, battery, sexual battery, violation of civil rights.

5. The name of the public employee causing the injury, damage, or loss is:

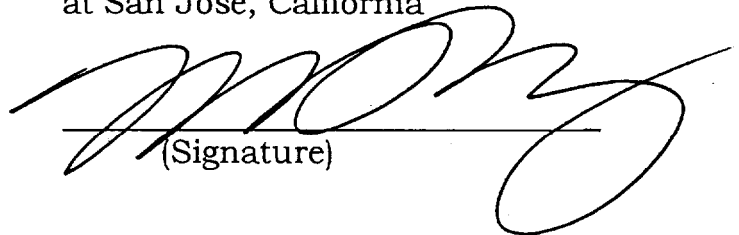
Ernesto Lopez

6. The **amount** claimed, including the estimated amount of any prospective or future loss, injury or damage is within the jurisdiction of the Superior Court.

Dated: February 16, 2000

at San Jose, California

By: MICHAEL MAYRON



(Signature)