



County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda May 9, 2000

To: Board of Supervisors

Re: Claim of Eugene Schoenfeld, M. D., No. 900-128B

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 claim of Eugene Schoenfeld, M.D., No. 900-128B 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: Mark Tracy, Sheriff-Coroner

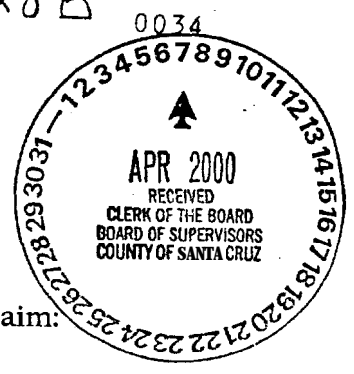
RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Samuel Torres Jr

900-128B



CLAIM FORM:
COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

Pursuant to the provisions of California Government Code Section 910 et seq., the undersigned submits the following information and claim:

Name of claimant: EUGENE SCHOENFELD, M.D.

Address to which notices are to be sent:
ATTORNEY BENJAMIN RICE
33 1 SOQUEL AVE
SUITE 110
SANTA CRUZ, CALIFORNIA

DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR INCIDENT WHICH GIVE RISE TO THE CLAIM ASSERTED:

On October 13, 1999 Sergeant James Hart of the Santa Cruz Sheriff's Office was present at the home of Jeff Rodriqs at 662 Sunset Drive in Capitola, California. Jeff Rodriqs suffers from Multiple Sclerosis and has been diagnosed with this condition for approximately ten years. Mr. Rodriqs has been treated by Dr. Schoenfeld for this illness and has recommended that Mr. Rodriqs use marijuana pursuant to Proposition 2 15. On the 13th, Sergeant Hart was advised by Mr. Rodriqs of his medical condition and was shown the recommendation by Dr. Schoenfeld. Sergeant Hart declared to Mr. Rodriqs that, "Dr. Schoenfeld is a quack". Thereafter, at Sergeant Hart's direction, Sergeant Hart and Capitola Police officers confiscated Mr. Rodriqs' medical marijuana.

NAMES OR NAMES OF PUBLIC EMPLOYEE(S) CAUSING INJURY, DAMAGE OR LOSS:
Sergeant Hart; Deputy Steve Christensen, and others not known at this time.

AMOUNT CLAIMED AS OF THIS DATE: Claimant wants a public apology by Sergeant Hart for his slanderous comment . If no acceptable apology is forthcoming claimant requests an amount as yet unascertained but in excess of the jurisdictional limit of the superior court of the state of California for general damages, special damages, punitive, exemplary or deterrent damages, and attorneys fees.

Dated: 4-7-00

Benjamin Rice, Attorney at Law

George Gigarjian, Attorney at Law
Attorneys for Dr. Eugene Schoenfeld