



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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### GOVERNMENT TORT CLAIM

#### RECOMMENDED ACTION

Agenda October 24, 2000

To: Board of Supervisors

Re: Claim of Sarah Newcomb, No. 001-030

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. Reject the claim of Sarah Newcomb, No. 001-030 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.

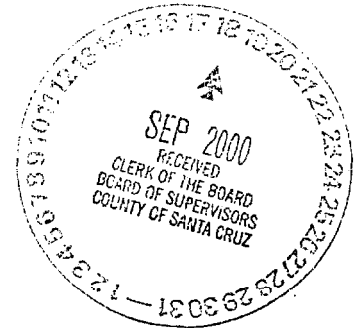
cc: John Rhoads, Chief Probation Officer RISKMANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Kim Elizabeth Baskett

Lyn A. Woodward  
Attorney at Law  
245 Foam Street, Suite 220  
Monterey, California 93940  
(831) 375-1 191  
Counsel for Sarah Newcomb



Claim of )

Sarah Newcomb )

v. )

County of Santa Clara, County of Santa )  
Cruz, City of Scotts Valley, Scotts )  
Valley Police Department; Doe Public )  
Employees 1-10. )

) **CLAIM FOR PERSONAL INJURIES**  
) **AND MONEY DAMAGES ON BEHALF**  
) **OF SARAH NEWCOMB (Government**  
) **Code Section 911.4 et seq.)**

\_\_\_\_\_

To the governing board of the County of Santa Cruz:

You are hereby notified that Sarah Newcomb, whose address is by and through her counsel, Lyn A. Woodward, Esq., 245 Foam Street, Suite 220, Monterey, California 93940, (831) 375-1 191, claims damages from the County of Santa Cruz in an amount exceeding \$50,000, for injuries and damage suffered as a result of the County of Santa Cruz's misconduct, negligence, and civil rights violations. Claimant currently resides at 5547 Russo Drive, San Jose, California 95 118.

### **DESCRIPTION OF THE INCIDENT**

This claim arises from an incident that occurred on April 1, 2000 in which claimant was wrongfully seized and held on an unlawful warrant in Docket No. 93503 issued by Judge Love on behalf of the County of Santa Clara on April 17, 1996, when claimant was a minor. The County of Santa Cruz wrongfully, negligently, and erroneously held claimant and detained her over night, despite the fact that it knew, or through reasonable diligence would have discovered, that the warrant was erroneous and that there existed no lawful basis upon which to hold claimant and detain her.

### **BASIS FOR LIABILITY**

Claimant's theories of recovery against the County of Santa Cruz and its employees include: negligence, violation of mandatory duties, false arrest, and civil rights violations pursuant to 42 USC 1983.

### **INJURIES AND DAMAGES**

The injuries to claimant include loss of income, emotional distress, embarrassment, and humiliation. Claimant's general damages are expected to exceed \$45,000, and her special damages are expected exceed \$5,000. Her total claim thus exceeds \$50,000. The exact nature and amount of her damages will be calculated by experts and/or medical professionals.

### **WITNESSES**

Witnesses include Scotts Valley Police Department, 1 Civic Center Drive, Scotts Valley, California 95066; Judge Love, County of Santa Clara; Santa Clara Juvenile Hall, Dorothy Holmes, P.O. Box 1812, Santa Cruz, California 95061.

**JURISDICTION**

Jurisdiction over the claim rests in the Superior Court of the County of Santa Cruz.

**NOTICE**

All notices or other communications with regard to this claim should be sent Lyn A. Woodward, Esq., 245 Foam Street, Suite 220, Monterey, California, 93940, 831/375-1191.

DATED: September 15, 2000

By: 

LYN A. WOODWARD  
Counsel for Sarah Newcomb