



County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda March 6, 2001

To: Board of Supervisors

Re: Claim of Laird Eastman, No. 001-080

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 Laird Eastman, No. 001-080 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: CDF

RISK MANAGEMENT

BY Janet McKinley

COUNTY COUNSEL

By Kim Elizabeth L Baskett

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Rev 9/2000

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January 19, 2001

BOARD OF CONTROL, STATE OF CALIFORNIA
Government Claims Division
P.O. Box 3035
Sacramento, CA 95812-3035

PAJARO VALLEY FIRE PROTECTION DISTRICT
P.O. Box 1073
Freedom, CA 95019

SANTA CRUZ COUNTY FIRE DEPARTMENT
P.O. Drawer F2
Felton, CA 95018

CITY ATTORNEY, CITY OF WATSONVILLE
P.O. Box 50,000
Watsonville, CA 95077-5000

APTOS / LA SELVA FIRE PROTECTION DISTRICT
6934 Soquel Drive
Aptos, CA 95003



RE: **NOTICE OF CLAIM(S) AGAINST GOVERNMENTAL ENTITIES**

My client: Laird Eastman
Date of loss: July 25, 2000

Dear Sir/Madam:

I represent Laird Eastman in his claim for damages compensable outside the Workers Compensation system. Eastman was employed as firefighter for the APTOS/LA SELVA BEACH FIRE PROTECTION DISTRICT until he was injured in the incident that is the subject of this claim. On July 25, 2000 after 1 p.m, Mr. EASTMAN responded with Aptos/ La Selva Engine 3512 to provide mutual aid in extinguishing a residential structure fire at 125 Orchard Heights Lane in Corralitos, CA .

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Mr. Eastman's injuries were the proximate result of the negligence of agents and employees of the above-listed entities in the command, control, tactical organization, and methodology and techniques employed to fight the fire, and other aspects of the firefighting efforts at 125 Orchard Heights Lane. Though Laird Eastman was under contract with Aptos/La Selva Beach F.P.D, he was under the specific direction and command of agents and employees of the other above-listed entities. As such, said entities were "special employers" in this matter, and liability for his injuries suffered at their direction is outside the Worker's Compensation bargain.

Orchard Heights Lane is in an unincorporated area of Santa Cruz County. Santa Cruz County contracts with C.D.F. for its fire protection services for the Corralitos area. Said contract provides inadequate and substandard revenue to pay competitive salaries for the level of firefighting expertise reasonably necessary in Corralitos. As a result, C.D.F. personnel in this incident were inadequately trained, and ill-prepared to properly manage, coordinate, control and extinguish a structure fire. Said personnel and others in fact breached their duty of care in undertaking such efforts in the subject incident, which breach caused Mr. Eastman's injuries.

Aptos/La Selva Engine 3512 was the second engine to arrive at 125 Orchard Heights Lane; CDF personnel arrived there first and assumed incident command for the firefighting efforts. When engine 3512 arrived, the C.D.F. officer in charge of incident command was of the rank of Engineer. When Ben Evans of Watsonville Fire Department subsequently arrived on the scene, he should have taken over incident command due to his rank as Battalion Chief, but did not do so. Mr. Evans' expertise and competency was greater than the C.D.F. Engineer in charge at the time. Battalion Chief Evans of Watsonville did not accept command or make himself available for C.D. F. personnel to transfer command duties to him. Rich Seiple of C.D.F. eventually assumed the role of incident commander.

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The structure had been burning for over 20 minutes and flames had "vented", (penetrated the roof such that they were visible from the exterior) when Mr. Eastman was directed by C.D. F. personnel to go inside the structure and put water on the burning area. Mr. Eastman followed such orders.

The residence was a two-and -a -half or three story multi-level structure. The easternmost end of the residence had only a single story. The fire was apparent on the upper floor(s) at the western end and center of the structure. Mr. Eastman manned the nozzle; Floyd Redman (also of Aptos/La Selva) assisted him as "hoseman". They proceeded through clear air and low heat up a straight flight of stairs to the second floor. Laird Eastman used a pike pole to check behind the walls for flames.

Mr. Eastman entered the bedroom closest to the top of the stairs off the north side of the hallway . Although areas of the hallway were apparently burning behind the drywall, the bedroom was intact and had clear air and low heat. There was no indication whatsoever of structural instability in the bedroom. He walked across the room, opened the large rectangular window in the bedroom, and removed the mini-blinds. As he was walking out of the room, a section of the ceiling and roof measuring approximately 6 feet by 6 feet caved in and landed on his body with great force, injuring him and pinning him flat on his stomach to the second floor and hose.

Laird Eastman still held onto the nozzle of the hose. Floyd Redman had remained outside the room in the hallway. Although he lost sight of Laird behind a rubble of water-soaked timbers, drywall, and insulation, by retracting the fire hose he was able to assist Laird Eastman by indicating direction for egress so Laird could escape out from under the rubble. Just as Laird got to the hallway, a section of the room ceiling adjacent to the doorway caved in, including very heavy HVAC materials. This section fell inches away from Eastman and Redman.

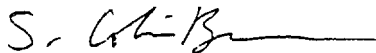
Mr. Eastman continued to fight the fire uneventfully for a short time. It was not immediately apparent to him in his fully adrenalized state that the blow from the roof had badly injured him. He realized he was badly hurt when he felt pain and had difficulty moving after taking an ordered rest break outside the structure.

Under C.D.F. direction, firefighters had applied water on the exterior of the burning structure while Mr. Eastman and Mr. Redman were in the interior. Said water soaked the insulation and other materials and caused the roof to cave in. During the time Mr. Eastman and Mr. Redman were inside the premises, there was no designated two-person team standing ready on the exterior of the premises to provide rescue efforts, had they become necessary. Command and other personnel outside the structure failed to mind the safety needs of personnel inside.

Mr. Eastman suffered two fractures and a bulged disc near his fifth lumbar vertebrae, and additional spinal and other damages including but not limited to: present and future medical expenses, loss of earnings and loss of future earning capacity, and general damages.

Jurisdiction of this matter is in the Superior Court. Mr. Eastman's current demand to settle this matter is \$ 2,000,000. Please address all correspondence to the above address and do not contact Mr. Eastman directly until it is agreed we have resolved this matter. I look forward to our further correspondence.

Very Truly Yours,



S. Colin Brown, Attorney for
Claimant LAIRD EASTMAN