

# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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SAMUEL TORRES, JR., COUNTY COUNSEL

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### Assistants

Deborah Steen	Pamela Fyfe
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Marie Costa	Kim Baskett
Jane M. Scott	Lee Gulliver
Tamara Rice	Kathleen Pacheco

## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

March 6, 2001  
Agenda \_\_\_\_\_

To: Board of Supervisors

Re: Claim of Alan Johnson, No. 001-082

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 Alan Johnson, No. 001-082 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: Kate Canlis, District Attorney

RISK MANAGEMENT

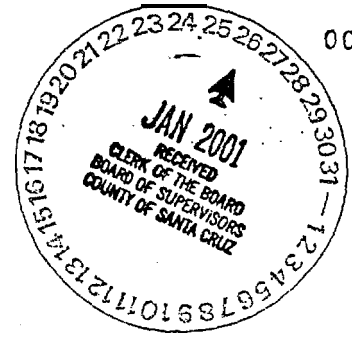
BY Janet McKinley

COUNTY COUNSEL

BY Kim Elizabeth L Baskett

**CLAIM AGAINST THE COUNTY OF SANTA CRUZ**  
(pursuant to Section 910 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS  
COUNTY OF SANTA CRUZ  
ATTN: Clerk of the Board  
Governmental Center  
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: Alan Johnson  
 Address: Please send all notices and correspondence to Mr. Johnson's attorney  
Justin B. Lighty, 123 Jewell Street, Santa Cruz, CA 95060  
 Phone No : 831-426-7547, (Fax) 831-426-1095  
 P.O. Box to which notices are to be sent: \_\_\_\_\_
2. Occurrence: Wrongful termination of employment  
 Date: January 3, 2001 Place: County Government Center, Santa Cruz, California
3. Circumstances of occurrence or transaction giving rise to claim: Claimant was wrongfully terminated  
from his position as an employee of the County of Santa Cruz.  
 \_\_\_\_\_  
 \_\_\_\_\_
4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:  
See Attachment.  
 \_\_\_\_\_  
 \_\_\_\_\_
5. Name(s) of public employee(s) causing injury, damage or loss, if known: Ms. Kathryn Canlis in her  
capacity as District Attorney, County of Santa Cruz, and as an individual.
6. Amount claimed now ..... \$ 500,000  
 Estimated amount of future loss, if known ..... \$ unknown  

TOTAL \$1,500,000
7. Basis for above computations: See Attachment.  
 \_\_\_\_\_
8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:  
 \_\_\_\_\_ Municipal Court proper jurisdiction \_\_\_\_\_ Superior Court

CLAIMANT'S SIGNATURE: \_\_\_\_\_

ALAN JOHNSON, Claimant

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2 123).

**ATTACHMENT TO CLAIM AGAINST COUNTY OF SANTA CRUZ**  
**RE: ALAN JOHNSON**

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:

Mr. Johnson's wrongful termination gives rise to the following claims and/or causes of action against the County of Santa Cruz, County District Attorney Kate Canlis in her capacity as District Attorney and as an individual:

1. Breach of express contract.
2. Breach of implied contract.
3. Breach of the covenant of good faith and fair dealing.
4. Negligent interference with contractual relationships.
5. Intentional interference with contractual relationships.
6. Employment termination in violation of California Labor Code Sections 110 1, 1102 et sec.
7. Wrongful termination of employment in violation of public policy.
8. Intentional infliction of emotional distress.
9. Negligent infliction of emotional distress.
10. Fraud and deceit.
11. Defamation.

**ATTACHMENT TO CLAIM AGAINST COUNTY OF SANTA CRUZ**  
**RE: ALAN JOHNSON**

7. Basis for above computations:

Mr. Johnson has been wrongfully terminated resulting in a breach of his contract of employment with the County of Santa Cruz. Mr. Johnson's termination was tortious and in violation of public policy as set forth by the California Labor Code and California Constitution. The wrongful termination has caused Mr. Johnson to suffer economic damages, general damages, pain and suffering, humiliation and emotional distress. Mr. Johnson will seek punitive damages against those responsible. Mr. Johnson's economic damages are based upon his loss of past and future earnings and are in excess of \$1,500,000. Mr. Johnson will seek non economic damages and punitive damages according to proof.

**PROOF OF SERVICE**  
**CCP §1013(a)**

I, the undersigned, declare that:

I am employed in the County of Santa Cruz, California; I am over the age of eighteen years and not a party to the within cause and my business address is 121 Jewell Street, Santa Cruz, California.

On this CLAIM day of January 2001, I served the within AGAINST  
~~THE~~ COUNTY OF SANTA CRUZ AND MS. KATHRYN CANALIS.

on the interested parties in said cause, by placing the original thereof addressed as follows:

CLERK OF THE BOARD OF SUPERVISORS SANTA CRUZ COUNTY AND  
OFFICE OF THE SANTA CRUZ COUNTY COUNSEL, BOTH LOCATED AT 701 OCEAN STREET  
SANTA CRUZ, CA.

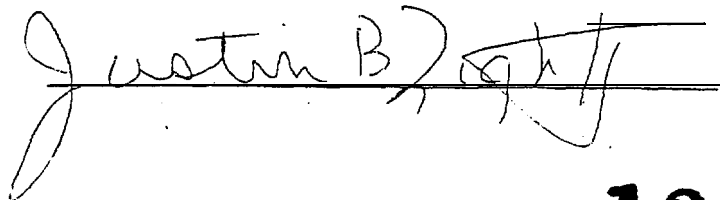
☐ **BY MAIL** Having full knowledge of the outgoing mail system of this firm, in that all mail in the outgoing mail basket is deposited each evening in the United States Mail, in the City and County of Santa Cruz, State of California, I enclosed a true copy of said document(s) in a sealed envelope, with fully-paid postage thereon in the outgoing mail basket.

☒ **BY PERSONAL SERVICE** I caused each such envelope to be delivered by hand to the addressee(s) noted above.

☐ **BY FACSIMILE** I caused the said document to be transmitted by facsimile machine to the number indicated above.

☐ **BY EXPRESS MAIL** I caused each such envelope to be deposited into a designated Federal Express mail box for pick-up on the date of execution of this declaration.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on this 25th day of January, 2001, at Santa Cruz, California.



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