



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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Tamyra Rice	Dwight L. Herr
Pamela Fyfe	

## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda August 28, 2001

To: Board of Supervisors

Re: Claim of Michael Nieto and his parents Tom and Lorri Nieto, No. 102-005

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 Michael Nieto and his parents Tom and Lorri Nieto, No. 102-005 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.

### RISK MANAGEMENT

cc: Rama Khalsa, Administrator  
Health Services Agency

By Janet McKinley  
Janet McKinley, ARM, Risk Manager

### SAMUEL TORRES, JR., COUNTY COUNSEL

By Kim Elizabeth Baskett  
Kim Elizabeth Baskett, Assistant County Counsel

102.005

102-10

# FOLEY & LARDNER

ATTORNEYS AT LAW

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WRITER'S DIRECT LINE  
(415) 984-9830

EMAIL ADDRESS  
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CLIENT/MATTER NUMBER  
999450-0306

July 17, 2001

By Hand Delivery

Susan Fong  
Assistant Superintendent  
Scotts Valley Unified School District  
4444 Scott Valley Drive, # 5b  
Scott, Valley, CA 95066

Alan Hilton  
Director of Special Education  
Santa Cruz County Office of Education  
809 Bay Avenue, # H  
Capitola, CA 95010

By Hand Delivery

Kathy Cytron  
Program Manager  
Santa Cruz County Mental Health  
1400 Emeline Avenue, 2<sup>nd</sup> Floor  
Santa Cruz, CA 95060

Santa Cruz County Board of Supervisors  
701 Ocean Street, #500  
Santa Cruz, CA 95060

School Board  
Scott Valley Unified School District  
809 Bay Avenue, # H  
Capitola, CA 95010

Re: Personal Injury to Michael Nieto  
California Torts Claim Act

Ladies and Gentlemen:

Michael Nieto and his parents Tom and Lorri Nieto, by and through their legal counsel Foley & Lardner, ("Claimant") make this claim against Scotts Valley Unified School District, Santa Cruz County Mental Health, Santa Cruz County Office of Education, and Santa Cruz County for personal injury suffered on May 10, 2001 while in attendance at the Special Education classroom located at Bonny Doon Elementary School.

1. Beginning on August 1, 2001, Claimant's post office address is 4175 Court Drive, Santa Cruz, California.

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016.2-7383.1

2/7-23-01

ESTABLISHED 1842

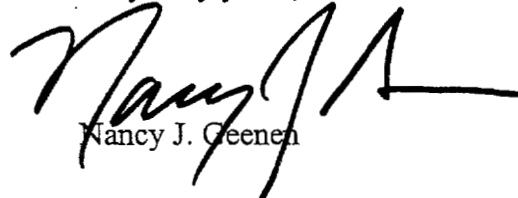
A MEMBER OF GLOBAL FOLEY WITH MEMBER OFFICES IN BERLIN BRUSSELS DRESDEN FRANKFURT LONDON SINGAPORE STOCKHOLM AND STUTTGART

Susan Fong  
Kathy Citron  
July 17, 2001  
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2. Notices concerning the claim should be sent to Nancy J. Geenen, Foley & Lardner, One Maritime Plaza, 6<sup>th</sup> Floor, San Francisco, California 94111.
3. Michael Nieto suffered a severed tendon on May 10, 2001 at approximately 2:30 p.m. in the Special Education Classroom located at Bonny Doon Elementary School.
4. At the above time and place, Michael Nieto was under the supervision of the classroom teacher - Susan Aumann, Michael's personal classroom aide - Garrett Conway, the occupational therapist - Cindy Brown, and the classroom therapist - Steve Rockhold. Michael is severely emotionally disturbed and known to be a danger to himself and others. During a classroom activity, Michael's was provided with a knife to cut fruit for fruit salad. Due to the negligent supervision of the adults charged with Michael's care, Michael cut his thumb and severely injured the tendon.
5. Michael's injuries include a severed tendon and emotional distress. Michael's mother suffered lost wages because she left work to take Michael to the emergency room. Michael's mother and father suffered emotional distress.
6. The names of the persons responsible for Michael's injuries include Susan Aumann, Steve Rockhold, Cindy Brown, and Garret Conway
7. The claim amount exceeds \$10,000 and is in an amount that would place the claim within the jurisdiction of the Superior Court for the County of Santa Cruz. The claim is based on the personal injury to Michael including permanent physical injury, pain and suffering, emotional distress, emotional distress to Michael's mother, expenses, loss of wages, and past and future medical expenses.

If any of the entities to whom this claim is presented have specific forms for filing a claim of this nature, please send the form to the undersigned within 7 days of receipt of this claim notification. If for any reason you believe this notice is insufficient for any reason, please provide the undersigned with written notice of the insufficiencies within 20 days of the date of this letter.

Very truly yours,



Nancy J. Geenen

cc: Howard Fulfroth, Esq.  
Julia Hill, Esq.