



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 950604068  
(831) 454-2040 FAX: (831) 454-2115

DANA McRAE, COUNTY COUNSEL

CHIEF ASSISTANT  
RAHN GARCIA

Deborah Steen

Harry A. Oberhelman III

Marie Costa

Jane M. Scott

Tamya Rice

### Assistants

Pamela Fyfe

Kim Elizabeth Baskett

Julia Hill

Dwight L. Herr

Shannon Sullivan

Sharon Carey-Stronck

Margaret M. Burks

David Kendig

Miriam L. Stompler

Ligi Coleen Yee

## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda January 29, 2002

To: Board of Supervisors

Re: Claim of Michelle McKinny, No. 102-065, Amended

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 Michelle McKinny, No. 102-065, Amended 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: Tom Bolich, Director  
Department of Public Works

### RISK MANAGEMENT

By Janet McKinley  
Janet McKinley, Risk Manager

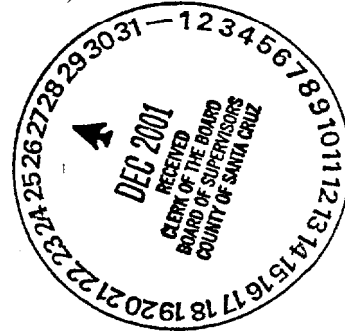
DANA McRAE, COUNTY COUNSEL

By Kim Elizabeth Baskett  
Kim Elizabeth Baskett, Assistant County Counsel

**AMENDED 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  
Government Center  
701 Ocean Street  
Santa Cruz, CA 95060



1. **Claimant's Name:** Michelle McKinny

**Address:** c/o Dennis P. Howell, Esq., Grunsky, Ebey, Farrar & Howell, 240 Westgate Drive, California 95076.

**Phone No.:** (831) 722-2444

2. **Occurrence:** Automobile accident on Graham Hill Road 39' north of Summit Avenue in an unincorporated area of the County of ~~Santa~~ Cruz on 9/1/00 at 3:44 p.m.

3. **Circumstances of occurrence or transaction giving rise to claim:** On the date of the occurrence listed in paragraph 2, above, Graham Hill Road was a dangerous and defective roadway in both design and construction. As a result of the dangerous roadway there were numerous accidents that occurred in this stretch of the roadway both for vehicular traffic going north and southbound. On the date of the occurrence listed above the claimant, Michelle McKinny, was operating a 1993 Toyota 4-Runner, traveling within the posted speed limit, but lost control of her vehicle, crossed the center line of the roadway and struck a 1997 Saturn in which Deborah Jane Johnson was the driver. As a result of the collision, Ms. Johnson received substantial injuries and her medical expenses are alleged to be over \$250,000.00. On December 17, 2001, Michelle McKinny was served with a Complaint by Deborah Johnson and her husband, John McDougall, for personal injuries including economic and non-economic loss and a claim for loss of consortium. In response to the Complaint the claimant, Michelle McKinny, believes that the fault of the accident lies with the County of Santa Cruz in maintaining a dangerous and defective roadway and she seeks indemnity and contribution from the County for all losses that Ms. McKinny may incur as a result of the lawsuit.

4. **General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:** This is claim that seeks indemnification and contribution from the County of Santa Cruz for maintaining a dangerous and defective roadway on Graham Hill Road near Summit Avenue.

5. **Name(s) of public employee(s) causing injury, damage or loss, if known:** Unknown at this time.

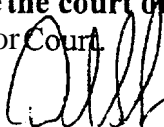
6. **Amount claimed now:** This is a claim for indemnity and contribution based on a percentage of fault of the County for injuries and damages sustained by Deborah Johnson and

John McDougall and for which they are seeking damages against the claimant, Michelle McKinny. The dollar amount will be based on plaintiffs' recovery, if any.

**7. Basis for above computations:** See number 6, above.

**8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:** Does exceed \$10,000.00 and venued in the Santa Cruz County Superior Court.

**CLAIMANT'S SIGNATURE:**

By  FOR DPH  
Dennis P. Howell, Attorneys  
for Claimant MICHELLE McKINNY

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