



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda March 5, 2002

To: Board of Supervisors

Re: Claim of San Lorenzo Valley Unified School District, No. 102-095

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 San Lorenzo Valley Unified School District and refer to County Counsel. No. 102-095
- 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

102-095

San Lorenzo Valley Unifed
Schl.
District
T. Volkm

NOTICE OF CLAIM

0008



TO: COUNTY OF SANTA CRUZ
c/o COUNTY COUNSEL
701 Ocean Street, Room 505
Santa Cruz, CA 95060-4068

You are hereby notified that San Lorenzo Valley Unified School District, whose address is c/o Timothy Volkmann, Esq., BURTON, VOLKMANN & SCHMAL, LLP, 133 Mission Street, Suite 102, Santa Cruz, California 95060, claims indemnity from the County of Santa Cruz, in relationship to the claims of Deborah Johnson and John Dougall as described in their Complaint, attached hereto as **EXHIBIT A.**

This claim is based on personal injuries sustained by Plaintiffs DEBORAH JOHNSON and JOHN DOUGALL on or about September 1, 2000, and continuing to the present time, arising out of an accident in the vicinity of Felton, California, on Graham Hill Road.

Plaintiff DEBORAH JOHNSON was injured in an automobile accident with MICHELLE MARIE MCKINNY, who is the principal of San Lorenzo Valley Junior High School. The accident took place on Graham Hill Road, at a location in the County of Santa Cruz. Apparently, in the vicinity of the accident, there is an uphill curve and, as a result of its construction, it may have caused or contributed to Ms. MCKINNY losing control of her vehicle, thus impacting the plaintiff.

As a result of this accident, Plaintiff Johnson sustained

1-31-01 11

multiple fractures, has undergone numerous surgeries, wage loss, and has severe continuing disability. It is unknown at this juncture the extent of special and general damages alleged.

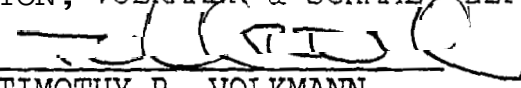
The claimant, San Lorenzo Valley School District, is informed and believes, based on the information to date, that the County of Santa Cruz may be responsible for the injuries sustained by the plaintiff, DEBORAH JOHNSON, as a result of the construction of the particular area of Graham Hill Road where the accident occurred.

It is unknown who at the County of Santa Cruz may be responsible for causing or contributing to DEBORAH JOHNSON'S injuries.

The exact amount of damages to Plaintiff JOHNSON is unknown at this time.

All notices or other communications with regard to this claim should be sent to Timothy R. Volkmann, Attorney for San Lorenzo Valley Unified School District, at Burton, Volkmann & Schmal, LLP, 133 Mission Street, Suite 102, Santa Cruz, California 95060.

DATED: January 28 2002

BURTON, VOLKMANN & SCHMAL, LLP
BY: 
TIMOTHY R. VOLKMANN,
Attorneys for SAN LORENZO
VALLEY UNIFIED SCHOOL
DISTRICT

4. Plaintiff (name) :
is doing business under the fictitious name (specify) :

0011

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name) :

- San Lorenzo Valley Unified School District
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe) :
 - (4) a public entity (describe) :
school district
 - (5) other (specify) :

c. except defendant (name) :
istrict

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe) :
- (4) a public entity (describe) :
- (5) other (specify) :

b. except defendant (name) :

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe) :
- (4) a public entity (describe) :
- (5) other (specify) :

d. except defendant (name) :

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe) :
- (4) a public entity (describe) :
- (5) other (specify) :

Information about additional defendants who are not natural persons is contained in Complaint-Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiffs.

7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- e. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. plaintiff has complied with applicable claims statutes, or
- b. plaintiff is excused from complying because (specify):

(Continued on page three)

Burton
Volkman
& Schmal
LLP • ATTORNEYS AT LAW

0013

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John S. Burton
Timothy R. Volkman
Timothy J. Schmal
Thomas P. Dwyer
Brandt R. Stickel
Karen E. Lintott
Todd A. James

January 29, 2002

COUNTY OF SANTA CRUZ
c/o COUNTY COUNSEL
701 Ocean Street, Room 505
Santa Cruz, CA 95060-4068

Re: San Lorenzo Valley Unified School District
Our File No. 64918-2-41

TO WHOM IT MAY CONCERN:

Enclosed is Notice of Claim in this matter, together with an extra copy. Please stamp the copy "received" and return same in the self-addressed, stamped envelope enclosed. Thank you.

Very truly yours,



TIMOTHY R. VOLKMAN

TRV:jh

encs.



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