

DANA McRAE, COUNTY COUNSEL

CHIEF ASSISTANT RAHNGARCIA

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

Deborah Steen

Harry A. Oberhelman III Kim Elizabeth Baskett Margaret M. Burks Marie Costa Julia Hill Margaret M. Burks David Kendig

Jane M. Scott Tamyra Rice

Assistants

Pamela Fyfe

Dwight L. Herr Shannon Sullivan Sharon Carey- Stronck

Miriam L. Stombler Ligi Coleen Yee

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 docu	ment and associated material	ls are on file at the Clerk to the Board of Supervisors.
In regard to the	ne above-referenced claim, th	is is to recommend that the Board take the following action:
1.	Counsel. No.	Lorenzo Valley Unified School Districtd refer to County 102-095 le a late claim on behalf of
3.	and refer to County Counse	el. le a late claim on behalf of
4.	Approve the claim of	in the amount of
5.	Reject the claim of and refer to County Counse	the balance, if any, and refer to County Counsel. as insufficiently filed el.
cc: Tom Bolich, Director Department of Public Works		RISK MANAGEMENT
		By Janet McKinley, Risk Manager
		By Elizabeth Ryskett, Assistant County Counsel

102.095

NOTICE OF CLAIM

Jan Lorenzo Valle

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

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.

 $\mathbf{A}\mathbf{s}$ a result of this accident, Plaintiff Johnson sustained

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 2 2002

BURTON, VOLKMANN & SCHMAL, LLF

BY:

TIMOTHY R. VOLKMANN, Attorneys for SAN LORENZO VALLEY UNIFIED SCHOOL

DISTRICT

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1362 Pacific Avenue, Sui 214	Ben Si			
Santa Cruz, CA 95060				
TELEPHONE NO.: 831-459-6800 FAX NO.(Optional): 831-459-9201				
GAMIL ADDRESS (Optional):	0010			
ATTORNEY FOR Many: Deborah Johnson and John Dougall				
MAKE OF COURT; Santa Cruz Superior Court				
STREET ADDRESS, 701 Ocean Street				
W W GADDRESS.	1			
CITYAND ZO COOG: Santa Cruz, CA 95060				
BRANCH NAME Santa Cruz				
PLAINTIFF: Deborah Johnson, John Dougall	a been been } .			
Pointiff: Debotali dollison, dolli bodgati	111C o 1 0001			
DEPTHDANT MARKET IN THE TOTAL OF THE PROPERTY	AUG 2 4 2001			
DEFENDANT: Michelle McKinny, San Lorenzo Valley Unified	OLIDICALE BATTON OLIDIA			
School District (SLWSD), and	CHRISTINE PATTON, CLERK			
DOES/TO 25, Inclusive	BY STEPHEN CARLTON			
COMPLAINT-Personal Injury, Property Damage, Wrongful Death	DEPUTY, SANTA CRUZ COUNTY			
Type (check all that apply):				
The state of the s				
MOTOR VEHICLE Consortium				
Property Damage Wrongful Death				
Personal Injury Other Damages (specify): according to proof	1			
Jurisdiction (check all that apply)	service introductor			
Jurisdiction (check all that apply) ACTION IS A LIMITED CIVIL CASE	. 1			
Amount demanded does not exceed \$10,000	1			
exceeds \$10,000, but does not exceed \$25,000				
ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)				
	CV 141619			
ACTION IS RECLASSIFIED by this amended complaint	OA TATO			
from ilmited to unlimited	:			
Character (Lands - 2 A . no . do . d				
1. PLAINTIFF (name): Deborah Johnson, John Dougall	· · · · · · · · · · · · · · · · · · ·			
alleges causes of action against DEFENDANT (name): Michelle McKinny, SLVUSD, and Does 1. 2. This pleading, including attachments and exhibits, consists of the following number of pages: 5 3. Each plaintiff named above is a competent adult a. except plaintiff (name): (1) a corporation qualified to do business in California (2) an unincorporated entity (describe): (3) a public entity (describe): (4) a minor an adult (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed (b) other (specify): (5) cther (specify): (6) a corporation qualified to do business in California (2) an unincorporated entity (describe): (3) a public entity (describe): (4) a minor an edult (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed (b) other (specify):				
(5) other (specify):				
Information about additional plaintiffs who are not competent adults is shown in Complaint-Attachment 3.				
(Continued on reverse)	Page one of three			
Form Approved for Collocal Use COMPLAINT-Personal Injury, Property	Code of Civil Procedure, \$425.			
Media Desaits Essential Forms TM				
t and the second	Johnson/Dougall			



4. [Plaintiff (name): is doing business under the fictitious name (specify):	001 1			
5.	arid has complied with the fictitious business name laws. Each defendant named above is a natural person a. a except defendant (name):	except defendant (name) :			
	san Lorenzo Valley Unified School D (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe):	(1) a business organization, form unknown (2) a corporation (3) an Unincorporated entity (describe):			
	(4) a public entity (describe): school district	(4) a public entity (describe):			
	(5) other (specify):	(5) ather (specify):			
	b. accept defendant (name):	d. axcept defendant (name):			
	 (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): 	 (1) a business organization, form unknown (2) a corporation (3) an unincorporated entity (describe): 			
	(d) a prolation analogy (advanced by	(4) a public andly (baselina).			
	(5) ther (specify):	(5) ather (specify):			
Information about additional defendants who are not natural persons is contained In Complaint-Attachment 5.					
6.	6. The true names and capacities of defendants sued as Does are unknown to plaintiff.				
7.	7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):				
8,	This court is the proper court because a. X at least one defendant now resides in its jurisdictional area. b. X the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area. c. X injury to person or damage to personal property occurred in its jurisdictional area. c. Other (epecify):				
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):				
·	(Centinued on page three)				

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133 Mission Street Suite 102 Santa Cruz. CA 95060 (831) 425-5023 Fax: (831) 427-3159

John S. Burton Timothy R. Volkmann 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

> San Lorenzo Valley Unified School District Re:

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 the self-addressed, stamp the copy "received" and return same in stamped envelope enclosed. Thank you.

Very truly yours,

TIMOTHY R. VOLKMANN

TRV: jh

encs.

