



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda March 12, 2002

To: Board of Supervisors

Re: Claim of Luis Antonio Cortez, No. 102-093

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 Luis Antonio Cortez, No. 102-093 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

102093

Cortez

0024

FORMAL CLAIM



A. THE NAME AND POST OFFICE ADDRESS OF THE CLAIMANT

Luis Antonio Cortez
39120 Argonaut Way #710
Fremont, CA 94538

B. THE POST OFFICE ADDRESS TO WHICH THE PERSON PRESENTING THE CLAIM DESIRES NOTICES TO BE SENT:

Luis Antonio Cortez
c/o LAW OFFICES OF BURKE W. BRADLEY
A Professional Corporation
39465 Paseo Padre Parkway, Suite 3300
Fremont, CA 94538
Phone: (510) 490-3400
Fax: (510) 490-6613

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTION WHICH GAVE RISE TO THE CLAIM ASSERTED:

The Claimant herein was very seriously injured as a result of an occurrence which took place on August 12, 2001. In the late evening hours of that date or perhaps the early morning hours of August 13, 2001, the Claimant was walking on the driveway leading from the residence at 10295 Alba Road, Ben Lomond, California when suddenly without warning he fell into a large hole which was approximately three to four feet deep. The hole was actually on the roadway, in front of and adjacent to the above-mentioned Alba Road address, in the City of Ben Lomond, County of Santa Cruz, State of California, and the Claimant fell into the hole seriously injuring himself.

There were no warning signs, no lights in the vicinity, and nothing to advise him that a large hole was upon the side of the roadway. He has since been advised that the hole had apparently been there for approximately two to three months and that at one time there was a blinking warning light by the hole. Unfortunately, the light was not present on the evening when the Claimant was injured.

As a result of the fall, the Claimant suffered injuries to his left leg, including but not limited to two fractures in the left knee area and one fracture in the left ankle area.

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D. A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGE OR LOSS INCURRED SO FAR AS IT MAY BE KNOWN AT THE TIME OF PRESENTATION OF THE CLAIM:

As set forth above, the Claimant suffered injuries consisting of three separate fractures to his left leg.

The Claimant was immediately taken by ambulance to Dominican Hospital in Santa Cruz, California and thereafter treated in California by orthopaedic surgeon, Dr. John W. Jaureguito.

The Claimant's medical bills and exact damages are unknown at the time of presentation of this Claim.

E. THE NAME OR NAMES OF THE PUBLIC EMPLOYEE OR EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS, IF KNOWN, ARE:

The names of any public employees causing the injury are unknown at this time.

F. THE AMOUNT CLAIMED AS OF THE DATE OF PRESENTATION OF THE CLAIM, INCLUDING THE ESTIMATED AMOUNT OF ANY PROSPECTIVE INJURY, DAMAGE, OR LOSS, INSOFAR AS IT MAY BE KNOWN AT THE TIME OF THE PRESENTATION OF THE CLAIM, TOGETHER WITH THE BASIS OF COMPUTATION OF THE AMOUNT CLAIMED:

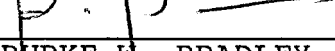
The Claimant will be seeking relief in the Superior Court of the State of California, in and for the County of Santa Cruz, for general damages in the approximate amount of **TWO HUNDRED-FIFTY THOUSAND DOLLARS (\$250,000.00)**.

G. RESPONSIBLE GOVERNMENTAL AGENCY, IF KNOWN:

It is unknown at this time whether **Alba Road** in the vicinity of where the Claimant was injured is a road maintained by the County of Santa Cruz, the City of Ben Lomond, and/or the State of California, and accordingly a **Formal Claim** is being presented to all of these governmental agencies and entities.

DATED: January 24, 2002.

LAW OFFICES OF **BURKE W. BRADLEY**
A Professional Corporation

BY: 
BURKE W. BRADLEY, Attorney
for Claimant

Page Two