



County of Santa Cruz

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda April 9, 2002

To: Board of Supervisors

Re: Claim of Angelo M. Seaver, by and through his guardian ad litem, Kathleen Seaver
No. 102-105

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:

- Angelo M. Seaver, by and through his guardian
ad litem, Kathleen Seaver, No. 102-105
- X 1. Reject the claim of _____ 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: Barry Samuel, Director, POSCS

RISK MANAGEMENT

By Janet McKinley
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By Kim Elizabeth Baskett
Kim Elizabeth Baskett, Assistant County Counsel

SEAVER

0040

102-105

1 ANGELO M. SEAVER, by and) CLAIM FOR DAMAGES
2 through his guardian ad litem,)
KATHLEEN SEAVER)
3 Claimants,)
4 vs.)
5 COUNTY OF SANTA CRUZ (a public)
6 entity); CITY OF SOQUEL (an)
unincorporated area); et al.,)
7 Respondents.)



9 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

10 COUNTY OF SANTA CRUZ
11 CLERK OF THE BOARD
12 701 OCEAN STREET, ROOM 500
SANTA CRUZ, CA 95060

13 CITY OF SOQUEL (an unincorporated area)
14 CLERK OF THE BOARD
15 701 OCEAN STREET, ROOM 500
SANTA CRUZ, CA 95060

16 Claimant ANGELO M. SEAVER, by and through his guardian ad
17 litem, KATHLEEN SEAVER presents his claim for damages for person:
18 injuries pursuant to Government Code Section 905 and 910 as follows:

19 A. NAME AND ADDRESS OF CLAIMANT:

20 ANGELO M. SEAVER, by and through his guardian a
21 litem, KATHLEEN SEAVER
22 2413 Freedom Blvd.
Watsonville, CA 95076

23 B. NAME AND ADDRESS OF PARTY TO
24 WHOM NOTICES ARE TO BE SENT:

25 JOHN C. STEIN, Esq.
THE BOCCARDO LAW FIRM LLP
26 111 W. St. John Street, Suite 1100
San Jose, CA 95115-0001

1 ROBERT LUDLOW, Esq.
2 365 Lake Avenue
3 Santa Cruz, CA 95062

4 C. DATE, PLACE, AND CIRCUMSTANCE OF THE OCCURRENCE:

5 On or about 1/7/02, and for a time prior thereto, Respondents
6 their agents, servants, and employees, negligently and carelessly
7 owned, maintained, controlled, designed, laid out, positioned, and
8 constructed the Anna Jean Cummings Park, located at or near 461 Old
9 San Jose Road, in the City of Soquel, County of Santa Cruz, State of
10 California.

11 On or about 1/7/02, Claimant child, ANGELO SEAVER, was legally
12 and lawfully using the public roadways in the Anna Jean Cummings
13 Park. There were no warnings posted that the public roadway would
14 be closed at any particular time. Claimant, ANGELO SEAVER, was
15 utilizing the public roadway by riding his skateboard and as he
16 exited the park he came into contact with a gate that had been
17 extended across the public roadway.

18 The County of Santa Cruz and City of Soquel were negligent and
19 careless in creating a dangerous condition of public property by
20 extending the gate across the public roadway without any warnings,
21 signs, placards, warning strips, or any other safety devices warning
22 potential bicyclists, pedestrians, skateboarders, motorcyclists, or
23 automobiles of the gate extending across the public roadway.

24 The roadway was in a dangerous and defective condition because
25 of this obstruction. Claimant did not see the gate during the
26 evening hours and came into contact with the gate as he was legally
and lawfully riding his skateboard on the public roadway.

1 The dangerous and defective condition of this roadway was a
2 direct and proximate cause, which led to the personal injuries
3 sustained by Claimant, ANGELO SEAVER.

4 The County of Santa Cruz, City of Soquel, and their agents,
5 servants, and employees, and each of them, had actual c
6 constructive knowledge of the dangerous and defective condition fc
7 a reasonable time prior to the date of the subject incident to hav
8 taken measures to warn or otherwise protect users of said roadwa
9 against such hazardous and dangerous conditions.

10 Respondents, their agents, servants, and employees, and each of
11 them, knew or should have known that they created a reasonably
12 foreseeable risk of injury to the users of said roadway, including
13 Claimant.

14 D. DESCRIPTION OF DAMAGE:

15 Claimant sustained severe personal injuries, includin
16 brain damage.

17 E. NAMES OF PUBLIC EMPLOYEES RESPONSIBLE:

18 The names of these individuals are not currently known.

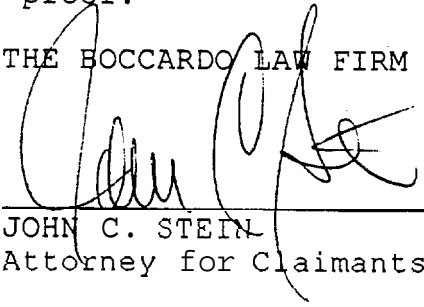
19 F. AMOUNT OF CLAIM AND BASIS FOR COMPUTATION:

20 Claimant seeks general damages in an amount in excess c
21 the minimum jurisdictional requirements of the Superior Court, i
22 addition to speci'al damages according to proof.

23 DATED: February 21, 2002

THE BOCCARDO LAW FIRM LLP

24
25 BY:

26 
JOHN C. STEIN
Attorney for Claimants

PROOF OF SERVICE

I, the undersigned, declare:

I am now and at all times herein mentioned over the age of eighteen years and not a party to the within action or cause. My business address is 111 West St. John Street, Ste. 1100, P.O. Box 15001, San Jose, Santa Clara County, California 95115-0001. At said address, on February 21, 2002, I served a copy of the attached CLAIM FOR DAMAGES by placing said copies in an envelope addressed to:

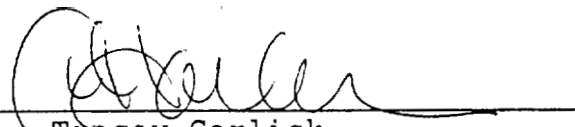
COUNTY OF SANTA CRUZ
CLERK OF THE BOARD
701 OCEAN STREET, ROOM 500
SANTA CRUZ, CA 95060

CITY OF SOQUEL (an unincorporated area)
CLERK OF THE BOARD
701 OCEAN STREET, ROOM 500
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which envelope was then sealed and placed for collection, mailing and deposit on the above date in the United States Postal Service following ordinary business practices.

I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with the United States Postal Service; this correspondence would be deposited with the United States Postal Service on the above date in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 21, 2002, in San Jose, CA.


Tracey Garlick