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# County of Santa Cruz

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## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda August 27, 2002

To: Board of Supervisors

Re: Claim of Michael McGannon, M.D., No. 203-014

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 Michael McGannon, No. 203-014 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: Mark Tracy, Sheriff-Coroner

### RISK MANAGEMENT

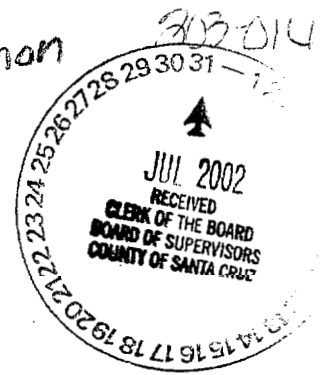
By Janet McKinley  
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By Kim Elizabeth Baskett  
Kim Elizabeth Baskett, Assistant County Counsel

McGannon

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**CLAIM AGAINST GOVERNMENTAL ENTITY**  
(County of Santa Cruz and Employees)

**CLAIM FOR DAMAGES**

TO: THE COUNTY OF SANTA CRUZ and CRAIG WILSON, SERGEANT. SANTA CRUZ SHERIFF'S DEPARTMENT and SANTA CRUZ COUNTY DEPUTIES, JIM THURBER and AMY CHRISTEY

Claimant: Michael McGannon, M.D., care of his attorneys, KENNEDY, ARCHER & HARRAY, 24591 Silver Cloud Court, Suite 200, Monterey, CA 93940. Telephone: (831) 373-7500. Please send all communication regarding this claim to the attention of Richard K. Harray, KENNEDY, ARCHER & HARRAY, 24591 Silver Cloud Court, Suite 200, Monterey, CA 93940.

The claimant was damaged by being included in a lawsuit brought by Michael L. Williams against Santa Cruz Sheriffs Department and Officers Craig Wilson, James Skillicorn, Jim Thurber, Amy Christey and Roy Morales of the Santa Cruz County Sheriffs Department. Dr. McGannon was a physician at the emergency room of Watsonville Community Hospital. The case number is: C-01-0739 PJF(PRN) United States District Court for the Northern District of California.

Michael Williams escaped from the Santa Cruz Sheriffs transport van. He was apprehended later and brought to Community Hospital. At that time, the Sheriffs deputies told Dr. McGannon to order an x-ray to see if the prisoner had swallowed a key. Dr. McGannon gave the orders but did not participate in the taking of the x-ray. The Sheriffs deputies represented to Dr. McGannon that such an x-ray search was legal, and that they had legal authority to request it since the subject Williams was an escaped criminal. Dr. McGannon relied upon their representations.

Now Dr. McGannon is being sued by Williams for violation of Williams' civil rights for ordering the x-ray. Dr. McGannon was served with the complaint on February 4, 2002, at which time Dr. McGannon had to undertake to defend himself against this charge.

The damage to an injury to Dr. McGannon is the cost of defending himself and facing potential judgment for damages to Michael L. Williams along with Michael L. Williams claim for attorneys fees, if an attorney should show up in this case.

The actions of the Sheriffs department were the cause of Dr. McGannon ordering the x-ray. The complaint alleges that Craig Wilson, a Sergeant with the Santa Cruz County Sheriffs Department, gave the order for the x-ray which he admits in a declaration. The other officers participated in allegedly forcibly taking the x-ray.


Dr. McGannon is exposed to a Court of Unlimited Jurisdiction for claims of emotional distress, physical and psychological injury and attorneys fees based upon a claim of a federal

violation of the prisoner, Michael Williams' civil rights. The amount of such claim is presently not affixed. In the lawsuit in which the county employees also are named, plaintiff requests judgment of \$100,000.00 in general damages. Punitive damages against Michael McGannon are now at \$50,000.00, and for "nominal" (sic) damages for the sums of \$1,800,000.00.

Based on the foregoing, Michael McGannon, M.D. of Watsonville Community Hospital requests that the County of Santa Cruz and the officers agree to defend and indemnify Dr. McGannon in the **Williams v. Santa Cruz County**, Federal Court case specified above.

RESPECTFULLY SUBMITTED TO THE CLERK OF SANTA CRUZ COUNTY:

Dated: July 30, 2002

  
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RICHARD K. HARRAY, KENNEDY, ARCHER  
& HARRAY, Attorneys of record for Michael  
McGannon in **Williams v. Santa Cruz County**, et.  
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