

**MARIPOSA COUNTY  
BOARD OF SUPERVISORS**

**AGENDA  
ACTION FORM**

**DATE: 7-17-01  
AGENDA ITEM NO.: CA-3**

**DEPARTMENT:** County Counsel

**BY:** Jeffrey G. Green

**PHONE:** 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:** (Policy Item: Yes\_\_\_ No\_\_\_)

Authorize Chair to sign an Order of the Board to reject Claim No. C01-4 in the amount of \$150,000. Claimant alleges to have sustained personal injuries as a result of slipping and falling on a wet diamond plate cover on Sixth Street in Mariposa. Due to information provided by the Public Works Department that none of the diamond plate covers on Sixth Street belong to the County of Mariposa, Counsel is requesting denial of this claim.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board usually follows Counsel's recommendation in matters of this nature.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- Reject claim as recommended.
- Take no action; claim will automatically be denied if no action is taken.

**COSTS:** (x) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

**SOURCE:** ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY:**

Res. No.: 01-209 Ord. No. \_\_\_\_\_

Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_

        Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

        Approved \_\_\_\_\_ ( ) Denied \_\_\_\_\_

( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted with Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

\_\_\_\_\_

A.O. Initials: [Signature]

RECEIVED

JUN - 5 2001

COI-4

MARIPOSA CO COUNSEL

1 Law Offices  
2 **RICHARD L. MOSER**  
3 Post Office Box 899  
4 Mariposa, California 95338  
5 209/966-5144  
6 State Bar No. 42328

7 Attorney for Claimant

8  
9  
10 MAUREEN COMSTOCK,  
11 Claimant

12 v.

13 COUNTY OF MARIPOSA,  
14 Respondent

CLAIM FOR PERSONAL INJURIES  
(Government Code, §§ 910, et seq.)

15  
16 TO: The Board of Supervisors of the County of Mariposa:

17  
18 YOU ARE HEREBY NOTIFIED that MAUREEN COMSTOCK, whose mailing address  
19 is 3210 East Westfall Road, Mariposa, California 95338, claims damages from the County  
20 of Mariposa in the amount of \$150,000.00, computed as of the date of presentation of this  
21 claim.

22 This claim is based on personal injuries sustained by Claimant on or about March  
23 5, 2001, when she slipped and fell on a wet metal diamond plate cover on Sixth Street in  
24 Mariposa, California.

25 The injuries sustained by Claimant, as far as are know as of the date of presentation  
26 of this claim, consist of a non-displaced medial malleolus fracture of the left ankle, plus  
27 other injuries not known at the present time.

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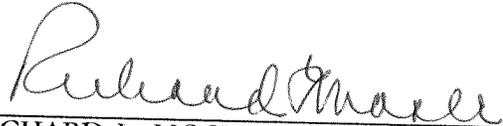
The amount claimed as of the date of presentation of this claim is computed as follows:

- 1. Special damages \$50,000.00
- 2. General damages \$100,000.00

Jurisdiction over this claim would rest in the Superior Court.

All notices or other communications with regard to this claim should be sent to Claimant in care of Richard L. Moser, Attorney at Law, Post Office Box 899, Mariposa, California 95338.

Dated: June 4, 2001

  
RICHARD L. MOSER  
Attorney for Claimant,  
MAUREEN COMSTOCK

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF MARIPOSA

I am a resident of the County of Mariposa, State of California. I am over the age of 18 and not a party to the within action. My business address is Post Office Box 899, Mariposa, California 95338.

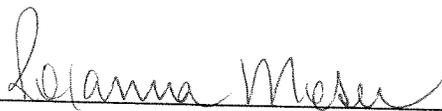
On June 4, 2001, I served the foregoing document described as:

CLAIM FOR PERSONAL INJURIES

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid and causing said envelope to be deposited in the mail at Mariposa, California, addressed as follows:

Board of Supervisors  
County of Mariposa  
Post Office Box 784  
Mariposa, California 95338-0784

I declare, under penalty of perjury, that the foregoing is true and correct.  
Executed June 4, 2001, at Mariposa, California.

  
\_\_\_\_\_  
ROXANNA MOSER

1 JEFFREY G. GREEN  
2 County Counsel  
3 P. O. Box 189  
4 5100 Bullion Street  
5 Mariposa, CA 95338

6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of: )  
10 CLAIM FOR DAMAGES PURSUANT )  
11 TO GOVERNMENT CODE § 911.6 )  
\_\_\_\_\_ )

12 CLAIM NO. 01-4

13 MAUREEN COMSTOCK, 3210 East Westfall Road, Mariposa, California, having  
14 filed with this Board on June 5, 2001, a claim for damages in the amount of \$150,000.

15 NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is  
16 hereby rejected.

17 The foregoing order was passed by the following vote of the Board:

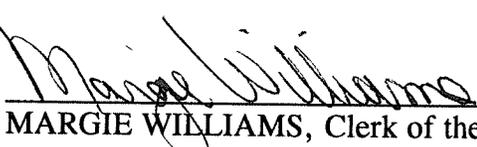
18 AYES: Balmain, Parker, Reilly, Stewart, Pickard  
19 NOES: None  
20 ABSENT: None  
21 ABSTAINED: None

22 Dated this 17th day of July, 2001.

23 

24 DOUG BALMAIN, Chair  
25 Board of Supervisors

26 ATTEST:

27   
28 MARGIE WILLIAMS, Clerk of the Board

1 TO: Richard L. Moser, Esq.  
2 Post Office Box 899  
3 Mariposa, California 95338

4 RE: CLAIM FOR DAMAGES (Maureen Comstock - Claim No. C01-4)  
5 AMOUNT OF CLAIM: \$150,000  
6 NOTICE OF REJECTION

7 NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of  
8 Supervisors of Mariposa County on June 5, 2001 was rejected as a matter of law on July 17,  
9 2001. (Government Code § 912.4).

10 **WARNING**

11 Subject to certain exceptions, you have only six (6) months from the date this notice was  
12 personally delivered or deposited in the mail to file a court action on this claim." (See  
13 Government Code § 945.6)

14 NOTE: This six-month filing period applies only to State Court actions. If your action is  
15 based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within  
16 which to file the action may apply.

17 You may seek the advice of an attorney of your choice in connection with this matter. If  
18 you desire to consult an attorney, you should do so immediately.

19 JEFFREY G. GREEN  
20 Mariposa County Counsel

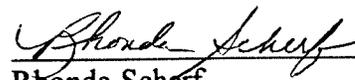
21 **PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)**

22 STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

23 I am a citizen of the United States and a resident of the County aforesaid. I am over the  
24 age of eighteen years and not a party to the within entitled action; my business address is 5100  
25 Bullion Street (P. O. Box 189), Mariposa, CA 95338. On 7/24/01, I served the within Notice of  
26 Rejection of Claim on the claimant in said action by placing a true copy in a postage paid envelope  
27 addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by  
28 placing a copy into an inter-office delivery receptacle located in Counsel's office:

Richard L. Moser, Esq.  
Post Office Box 899  
Mariposa, California 95338

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on  
7/24/01 at Mariposa, California.

  
Rhonda Scherf