

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

DATE: 7-17-01
AGENDA ITEM NO.: CA-2

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. C01-3 in the amount of \$150,000. Claimant alleges to have sustained personal injuries as a result of slipping on an artificial condition in front of 7th Street. Due to information provided by the Public Works Department, Counsel is requesting denial of this claim. Public Works investigated the area of incident and found no artificial condition on 7th Street.

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.: 01-210 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved () Denied ()

() Minute Order Attached () No Action Necessary

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]

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

RECEIVED

JUN - 5 2001

C01-3

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
8
9
10 Attorney for Claimant

11 LAURI LOVEJOY,

12 Claimant

13 v.

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

14 COUNTY OF MARIPOSA,

15 Respondent

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

17
18 YOU ARE HEREBY NOTIFIED that LAURI LOVEJOY, whose mailing address is Post
19 Office Box 1935, Mariposa, California 95338, claims damages from the County of Mariposa
20 in the amount of \$150,000.00, computed as of the date of presentation of this claim.

21 This claim is based on personal injuries sustained by Claimant on or about January
22 19, 2001, when she slipped and fell as a result of an artificial condition in front of 4983
23 Seventh Street, Mariposa, California.

24 The injuries sustained by Claimant, as far as are known as of the date of presentation
25 of this claim, consist of a displaced fracture of the right humerus, plus other injuries not
26 known at the present time.

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

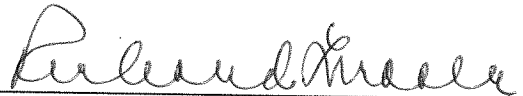
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- 1. Special damages \$50,000.00
- 2. General damages \$100,000.00

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,
LAURI LOVEJOY

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)
_____)

CLAIM NO. 01-3


12 LAURI LOVEJOY, Post Office Box 1935, Mariposa, California, having filed with this
13 Board on June 5, 2001, a claim for damages in the amount of \$150,000.

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

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

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

21 Dated this 17th day of July, 2001.

22 
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 (Lauri Lovejoy - Claim No. C01-3)
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

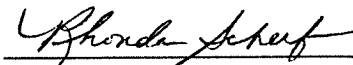
21 **PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)**

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