

**SANTA CRUZ COUNTY  
BOARD OF SUPERVISORS INDEX SHEET**

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**Creation Date:** 7130107

**Source Code:** COUNC

**Agenda Date:** 8/7/07

**INVENUM:** 59588

**Resolution(s):**

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**Ordinance(s):**

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**Contract(s):**

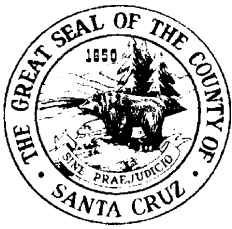
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**Continue Date(s):**

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**Index:** --Claim of Paul Goldstone

**Item:** 10. REJECTED the claim of Paul Goldstone, Claim No. 708-004, and referred to County Counsel



# COUNTY OF SANTA CRUZ

0069

## OFFICE OF THE COUNTY COUNSEL

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## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda: 08/07/07

To: Santa Cruz County Board of Supervisors

Re: Paul Goldstone, Claim No. 708-004

Original document and associated materials are on file at the Clerk of the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

1.  Reject the claim of Paul Goldstone, Claim No. 708-004 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.

### RISK MANAGEMENT

By Janet McKinley  
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By Julia Hill  
Julia Hill, Assistant County Counsel

Paul Goldstone  
Goldstone Trust

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July 16, 2007

Via Federal Express

Margo Berkowitz  
Santa Cruz County  
Attn: Risk Management  
701 Ocean Street, Room 510  
Santa Cruz, CA 95060

2007 JUL 17 PM 9:17  
RECEIVED  
PERSONAL FIN 12

Re: Claim Against County of Santa Cruz

Dear Ms. Berkowitz:

This law firm represents Paul Goldstone Trust U.T.D. 6/27/2003 ("Goldstone Trust"), owner of Alimur Mobile Home Park (the "Park"), a mobile home park located in the County of Santa Cruz. Pursuant to Government Code sections 810 *et seq.*, also known as the California Tort Claims Act, Goldstone Trust may be required to file a claim for damages with the County of Santa Cruz ("County") prior to filing a lawsuit to recover those damages. Accordingly, and in satisfaction of any such requirement, **Goldstone Trust hereby makes a claim against County for a sum in excess of \$15,582,000.00.**

Goldstone Trust was and is seeking to convert its mobile home park to resident ownership pursuant to Section 66427.5 of the California Government Code. However, on March 6, 2007, County enacted Ordinance No. 4853, imposing a temporary forty-five (45) day moratorium on the conversion of mobile home parks to resident ownership in the County of Santa Cruz ("Moratorium"). At a Board of Supervisors' hearing on April 17, 2007, County subsequently enacted Ordinance No. 4872 to extend the Moratorium for a period of ten (10) months and fifteen (15) days.

As this firm has previously advised the County, the enactment and extension of the Moratorium is violative of the law pursuant to, among other things, Government Code sections 65858 and 66427.5 and the case of *El Dorado Palm Springs, Ltd. v. City of Palm Springs*, 96 Cal. App. 4th 1153, 1163-1166 (2002).

2/7-17-07

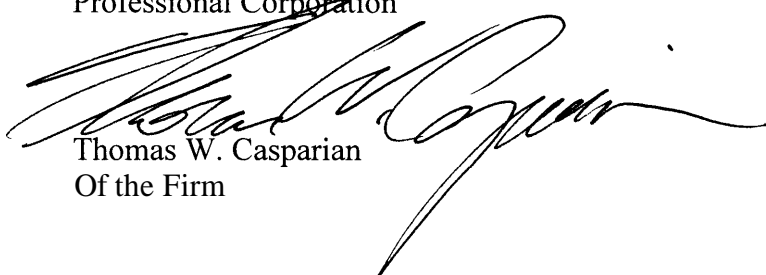
Margo Berkowitz  
Santa Cruz County  
Risk Management  
July **16,2007**  
Page 2

As a result of County's illegal acts, Goldstone Trust has been damaged for a sum in excess of **\$15,582,000.00**, which sum represents, among other things, the loss in the fair market value of the Park and loss of income.

Please be advised that Goldstone Trust is prepared to take whatever measures are necessary to enforce its rights and recover its damages, including, but not limited to, bringing an action in the state and federal courts. All notices and correspondence regarding this Claim should be directed to me at the address listed above.

Sincerely,

GILCHRIST & RUTTER  
Professional Corporation

  
Thomas W. Casparian  
Of the Firm

ynn.twc/138564-1.DOC/121906  
4557.001

cc: Dana McRae, Esq. (~~via~~**Federal Express**)