SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET

Creation Date: 6/1/04
Source Code: COUNC
Agenda Date: 6/8/04
INVENUM: 54625

Resolution(s):

Ordinance(s):

Contract(s):

Continue Date(s):

Index: --Letter of County Counsel dated June 8, 2004
--Claim of Maria De La Luz Guillen

Item: 12. REJECTED the claim of Maria De La Luz Guillen, No. 304-112B, and referred to County Counsel

COUNTY OF SANTA CRUZ

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068 0047

(831) 454-2040 FAX: (831) 454-2115

DANA McRAE, *COUNTY* COUNSEL

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Miriam L. Stombler
Jason M. Heath

Special Counsel
Dwight L. Herr
Deborah Steen

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda June 8, 2004

To: Board of Supervisors

Re: Claim of Maria De La Luz Guillen, No. 304-112B

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:

_____ 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.

X 5. Reject the claim of Maria De La Luz Guillen, No. 304-112B as insufficiently filed and refer to County Counsel.

cc: Not County Jurisdiction

RISK MANAGEMENT

By Janet McKinley
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By Julia Hill
Julia Hill, Assistant County Counsel

PER5107 Word Rev 2/2004

MAY 2004
RECEIVED
Clerk of the Board
Board of Supervisors
County of Santa Cruz

CLAIM AGAINST THE COUNTY OF SANTA CRUZ

(Pursuant to Section 910 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060

1. Claimant's Name: Maria De La Luz Guillen

Address: c/o Moreno, Becerra, Guerrero & Casillas
3500 W. Beverly Blvd., Montebello, CA 90640

Phone No: 323/725-0917

P.O. Box to which notices are tu be sent: _____

2. Occurrence: See Attachment

Date: _____ Place: _____

3. Circumstances of occurrence or transaction giving rise to claim:
See Attachment

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
See Attachment

5. Name(s) of public employee(s) causing injury, damage or loss, if known:
See Attachment

6. Amount claimed now ..... $_____

Estimated amount of future loss, if known ..... $_____

TOTAL $_____

7. Basis fat above computations: _____

8. If the amount claimed is over $10,000, indicate the court of jurisdiction:

_____ Municipal Court Unknown at this time Superior Court

CLAIMANT'S SIGNATURE: _____

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2123).

PER5003

ARNOLD0 CASILLAS, ESQ., SBN 158519
MORENO, BECERRA, GUERRERO & CASILLAS
3500 West Beverly Boulevard
Montebello, CA 90640-1541
(323) 725-0917

Attorneys for Claimant
Maria de la Luz Guillen

GOVERNMENT CLAIM

Maria de la Luz Guillen, Claimants, vs. County of Santa Cruz, Respondent.	NOTICE OF GOVERNMENT CLAIM **[Gov. Code Section 900, Et. Seq.]**

TO THE BOARD OF SUPERVISORS FOR THE COUNTY OF SANTA CRUZ:

THE UNDERSIGNED HEREBY SUBMITS TO THE PRESENTLY IDENTIFIED PUBLIC ENTITY THE FOLLOWING WRITTEN CLAIM FOR MONEY DAMAGES:

I. NAME OF CLAIMANT

Maria de la Luz Guillen

II. NAME AND POST OFFICE ADDRESS OF THE PERSON TO WHOM NOTICE OF ACTION ON THIS CLAIM IS TO BE SENT:

Maria de la Luz Guillen
c/o Arnoldo Casillas, Esq.
3500 West Beverly Boulevard
Montebello, California 90640
(323) 725-0917

III. DATE AND LOCATION WHERE INJURY SUSTAINED:

October 31, 2003

Eastbound SR-129: approximately 2.12 Miles East of 129 SCR 2.12

.V. A GENERAL DESCRIPTION OF THE INJURY INCURRED:

The present claimant was a the driver of a vehicle traveling eastbound on SR129 at ıpproximately 40 MPH. The roadway is a 2-lane roadway. There is no center median. A ;ehicle traveling westbound at approximately 50 MPH crossed over into the eastbound lane and ;tuck the car claimant was traveling in head on. Claimant suffered injuries to her head, face and :hest. Further, the present claimant's husband was also a passenger in the car. He died from the njuries he sustained in the crash. Claimant suffered shock and great horror as she experienced :he death of her husband. She continues to suffer serious emotional and psychological damages ıs a result. In addition, as a result of the death of her husband, she has lost his love, affection, support and companionship. This claim is for claimant's personal injuries as well as for the wrongful death of her husband.

V. TOTAL AMOUNT CLAIMED FOR PHYSICAL INJURIES, FUTURE MEDICAL CARE, LOST WAGES AND EARNING CAPACITY, AND PAST, PRESENT AND FUTURE PHYSICAL AND PSYCHOLOGICAL PAIN AND SUFFERING:

The amount claimed exceeds the limit provided in section 910(f) of the Government Code. This claim will be an unlimited civil case.

VI. HOW INJURY OR DAMAGE OCCURRED/BASIS FOR LIABILITY:

The present responding public entity designed, constructed, owned, operated, controlled and/or maintained the roadway, center median, highway signs and its related appurtenances and infrastructure at and near the location identified in this claim, and was aware that such was being used by the public at large as a public roadway and ratified and condoned such public use of the roadway. The present responding public entity was also responsible for the upkeep and maintenance of the roadway in question as well as the freeway signs, appurtenances, and infrastructure.

The present claimant was the driver of a vehicle traveling eastbound on SR129 at approximately 40 MPH. The roadway is a ',-lane roadway. There is no center median. A vehicle traveling westbound at approximately 50 MPH crossed over into the eastbound lane and

;tuck the car claimant was traveling in head on. Claimant suffered physical injuries as a result. Her husband died as a result of the injuries he sustained in the accident.

The accident in question was caused by the negligent design, construction, maintenance and repair of the roadway and the failure to install a center median wall or railing. Further the present accident was caused by the failure of the present responding public entity to warn the public of the slippery and dangerous condition of the roadway when wet through, among other things, the posting of signs. At the time of the accident, the roadway was wet due to a previous light rain. The driver of the vehicle that struck the vehicle claimant was driving in lost control of his vehicle as a result of the wet and dangerous condition of the roadway.

Prior to the traffic accident in question, said public entity was aware that the said location constituted a dangerous condition as a result of the design, maintenance, and construction of the roadway, center median and sign/signposts herein discussed as a result of prior similar accidents in the general vicinity.

VII. OTHER PERTINENT INFORMATION:

[NONE]

VIII. NAME OF THE PRESENTLY KNOWN EMPLOYEES, AGENTS, OR REPRESENTATIVES, WHOSE ACTS OR OMISSION CAUSED CLAIMANT'S INJURIES

PRESENTLY UNKNOWN

IX. KNOWN ADDRESSES OF DISTRICT OFFICERS, EMPLOYEE, OR AGENTS CAUSING CLAIMANT'S INJURIES:

UNKNOWN

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ALL NOTICES OR OTHER COMMUNICATIONS REGARDING THIS CLAIM SHOULD BE SENT TO CLAIMANT AT:

ARNOLD0 CASILLAS, **ESQ.**
Moreno, Becerra, Guerrero & **Casillas**
3500 West Beverly Boulevard
Montebello, CA **90640**

DATE: April 30,2004

ARNOLDO CASILLAS
For Claimant

PROOF **OF SERVICE**

TATE OF CALIFORNIA)
) SS
:OUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of :alifornia. I am over the age of 18 and not a party to the ;ithin action; my business address is 3500 West Beverly Boulevard, Montebello, California 90640-1541.

On April 21, 2004, I served, in the manner indicated below, :he foregoing document described as **CLAIM** FOR **DAMAGES** on the .nterested parties in this action by placing the true copies :hereof enclosed in sealed envelopes addressed as follows:

Board of Supervisors
County of Santa Cruz
Attn: Clerk of the Board
Governmental Center
701 Ocean Street
Santa Cruz, CA 95060

X BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Montebello, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a) (3)).

____ BY FACSIMILE: caused such document to be transmitted via facsimile to the offices of the addressee(s). (C.C.P. § 1013(a)(e)(f)).

____ RY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressee(s). (C.C.P. §1013(c)(d)).

Executed on April 30, 2004, at Montebello, California.

TONI LOPEZ