



# COUNTY OF SANTA CRUZ

## OFFICE OF THE COUNTY COUNSEL

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### DANA McRAE, COUNTY COUNSEL

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*Special Counsel*

**Dwight Herr**  
**Deborah Steen**  
**Samuel Torres, Jr.**

## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda: 10/27/09

To: Santa Cruz County Board of Supervisors

Re: Alexandria Pomianowski, Claim No. 910-025

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 Alexandria Pomianowski 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: Jason M. Heath  
**Jason M. Heath**  
Assistant County Counsel

910-025

Pomainowski, A

0026

CLAIM AGAINST THE COUNTY OF SANTA CRUZ  
(Pursuant to Section 910 et Seq., Govt. Code)

2009 SEP 24 PM 2:34

RECEIVED  
PERSONNEL DEPT 2

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: Alexandria Pomianowski  
Address: c/o Michael B. Moore, Esq.  
100 Spear Street, Suite 1640, San Francisco, CA 94105  
Phone No: (415) 956-6500

P.O. Box to which notices are to be sent: N/A

2. Occurrence: Claimant's vehicle was struck by a county vehicle on a county roadway.

Date: 4/7/2009 Place: Mt Hermon Rd .2 miles east of Graham Hill Rd, Santa Cruz County

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:  
Multiple injuries including quadriplegia and brain damage.

5. Name(s) of public employee(s) causing injury, damage or loss, if known:  
Steven Peters and unknown county employees.

6. Amount claimed now .....\$ in excess of 10K  
Estimated amount of future loss, if known .....\$ in excess of 10K  
TOTAL .....\$ in excess of 10K

7. Basis for above computations:  
Claimant's damages have not been computed but exceed \$10,000.

8. If the amount claimed is over \$10,000, indicate the court of jurisdiction:  
 Municipal Court  appropriate jurisdiction  Superior Court

CLAIMANT'S SIGNATURE: Michael B. Moore For Alexandria Pomianowski

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

Note: This claim and all attachments become Public Record and are scanned into the World Wide Web (Internet).

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

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PER5003

2/9-24-09

**ATTACHMENT TO CLAIM OF ALEXANDRIA POMIANOWSKI AGAINST THE  
COUNTY OF SANTA CRUZ**

3. On April 7, 2009, Alexandria Pomianowski was operating her vehicle eastbound on Mount Hermon Road east of the intersection with Graham Hill Road, Santa Cruz County, California. Claimant's vehicle went out of control and was struck by another vehicle due to the dangerous condition of the roadway which was owned, operated, controlled and constructed by the County of Santa Cruz and Does 1-100 and due to the negligent failure to adequately warn of that dangerous condition by the County of Santa Cruz and Does 1-100. The vehicle went out of control and was struck by another vehicle because the roadway lacked safe and adequate signage, devices, markings, configuration, surface and drainage. Claimant is currently unaware of all aspects of the dangerous condition of the roadway and reserves the right to pursue her claims based upon additional information discovered after the filing of this claim. Claimant's vehicle was struck by a pickup truck owned by the County of Santa Cruz and negligently operated by an employee of the County of Santa Cruz in the course and scope of his employment. The pickup truck was negligently maintained by the County of Santa Cruz and Does 1-100. The dangerous condition of the roadway created a substantial risk of injury when used with due care in a manner in which it was reasonably foreseeable that it would be used. The County of Santa Cruz and Does 1-100 had actual or constructive notice of the dangerous condition and/or the dangerous condition was created by a negligent or wrongful act or omission of an employee of the County of Santa Cruz and/or Does 1-100. The County of Santa Cruz is vicariously liable for the lack of due care of its employee(s).