



# Board Agenda Item 25

DATE: February 20, 2024

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

**Adopt Resolutions Rejecting Claims for Damages**

There is no increase in Net County Cost associated with the recommended actions. After evaluation by the Claims Review Committee, submitted claims are presented to the Board with recommendations for action. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

For any claim, your Board could choose not to approve the Claims Review Committee's recommendations, and instead direct staff to allow, compromise, settle, or further investigate the claim.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Payment of claims and the cost of defending claims are charged to the Department's Org 8925, Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions from County departments based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Human Resources Director to allow, reject, compromise, or settle claims for damages covered by the County's self-insured program or excess liability insurance in amounts up to \$50,000 pursuant to Chapter 5.02 of the County's Ordinance Code. Similarly, the board has delegated authority to the County Administrative Officer to settle or compromise claims up to the same amount. Claims exceeding that amount are referred to your Board after evaluation by the Claims Review Committee (CRC). The CRC considers various claim elements, which include jurisdiction, allocation of fault, immunities, and compliance with the Government Claims Act by claimants. The CRC consists of the Human Resources Director, Assistant Director of Human Resources, Risk Management staff, and a Chief Deputy County Counsel.

For all claims, a reserve is established, which is estimated by Risk Management to be sufficient to pay the cost of investigating and defending the claim, and to pay any damages for which the County is liable.

After evaluation by the CRC, claims exceeding the authority of the Human Resources Director and the County Administrative Officer are presented to the Board with a recommendation for action on each claim. Upon rejection of a claim, the claimant has six months to file a lawsuit against the County for damages based on the claim.

The CRC has reviewed the claims that are summarized briefly below, and rejection is recommended for each claim.

<u>Claim No.:</u>	<u>Claimant(s)</u>
11000	Margaret Thompson
11005	Alexandria Matlock, Vivian Matlock and A Minor
11008	Alexandria Matlock
11009	Rosalie Vasquez
11014	Carlota Cortez
11015	Froilan Gonzalez and A Minor
11019	Juan Manuel Pena Jr.
11024	Faraz Gill
11026	Heather Jaimeson-Brown
11027	Amalia Deel, Michael Deel, and the Estate of Tyler Deel

### **Summary of Claims**

Margaret Thompson - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of road at or near 19381 Watts Valley Road, Sanger, CA resulted in the claimant's vehicle rolling off the embankment and into a tree, which was the proximate cause of claimant's injuries and damages. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 5.

Alexandria Matlock, Vivian Matlock and A Minor - Claimant Alexandria Matlock claims \$250,000, claimant Vivian Matlock claims \$1,000,000 and claimant Minor claims \$2,000,000 and all allege Sheriff deputies failed to keep their family safe and perform a proper investigation of the person who assaulted them with bear spray, which was the proximate cause of the claimants' injuries. Claimants are not represented by an attorney. This incident is alleged to have occurred in District 5.

Alexandria Matlock - Claimant claims \$50,000 and alleges a Sheriff deputy enforced an unlawful ban and trespass warning against her father and neglected the wire transfer fraud that was committed by the Dollar General manager, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 5.

Rosalie Vasquez - Claimant claims \$10,000,000 and alleges wrongful termination of employment by the City of Fresno, which was the proximate cause of the claimants' injuries. Claimant is represented by attorney Jeffrey Ranen. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno.

Carlota Cortez - Claimant claims \$100,000,000 and alleges a hazardous condition of sidewalk on E Shepard Avenue near N. Sierra Vista Avenue resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by law firm Downtown LA Law Group. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Froilan Gonzalez and A Minor - Claimants each claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and allege they were driving westbound on Belmont Avenue crossing Blackstone Avenue when their vehicle was struck by Fresno Police Department patrol vehicle, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Linda Elihu. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno Police Department.

Juan Manuel Pena Jr. - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges Sheriff deputies arrested claimant without probable cause and used excessive force

while taking claimant into custody, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Ryan Sullivan. This incident is alleged to have occurred in District 4.

Faraz Gill - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges Sheriff deputies falsely detained and arrested claimant and used excessive force to enter claimant's property, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Greg Kirakosian. This incident is alleged to have occurred in District 2.

Heather Jaimeson-Brown - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of sidewalk at or near 7586 N. Anna Street, Fresno, CA resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney William Berg. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Amalia Deel, Michael Deel, and the Estate of Tyler Deel - Claimants each claim in excess of \$1,000,000 and allege Sheriff deputies wrongfully used deadly force against claimant Tyler Deel and failed to summon medical attention in a timely manner, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Dale Galipo. This incident is alleged to have occurred in District 5.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Salvador Espino