



Board Agenda Item 39

DATE: May 1, 2018

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

- 1. Approve Resolutions Rejecting Claims for Damages.**
- 2. Approve Resolutions Rejecting Applications for Leave to Present a Late Claim.**

Following the review committee, submitted claims are presented to your Board with a rejection recommendation. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

The Board could choose not to approve the Department of Human Resources' recommendations.

FISCAL IMPACT:

Payment of claims and the cost of defending claims are charged to the Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

Your Board has delegated authority to the Department to accept claims for damages in amounts up to \$10,000 and reject claims up to \$5,000. 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 Tort Claims Act by claimants. The Committee consists of Department staff, a Deputy County Counsel and an Independent Legal Counsel.

For claims involving damages over \$5,000, a reserve is established, which is estimated 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 are presented to your Board with a recommendation to reject submitted claims, which places the County in the strongest position to negotiate and/or defend the claim.

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

| <u>Claimant No.:</u> | <u>Claimant(s)</u> |
|----------------------|---|
| 9833 | Douglas Stankewitz |
| 9838 | Donald Jadoon |
| 9842 | California Spine and Neurosurgery Institute |
| 9844 | Kyle Petersen |

9846
9847

Steven Garcia
James Montez II

Applications for Leave to Present a Late Claim for Damages

Claimant No.:
9830

Claimant(s)
Ronnie Cruz, Justin Vanmeter, Serena Guadarrama and Rhonda Shackelford

Summary of Claims

Douglas Stankewitz - Claims \$100,000,000 and alleges false imprisonment and wrongful conviction by the Sheriff's Department and the District Attorney's Office, which is the proximate cause of the claimant's injuries. The claimant alleges law enforcement agencies withheld and tampered with evidence, which he believes led to his conviction. Claimant is not represented.

Donald Jadoon - Claims \$15,080.32 and alleges the Public Works and Planning Department damaged and took use of his property, fence, parking lot and used his water without his permission, which is the proximate cause of the claimant's property damages. The location of this incident is not within the County's jurisdiction. Claimant is not represented.

California Spine and Neurosurgery Institute - Claims \$96,359.58 and alleges breach of contract resulting in the claimant not being paid for medical services rendered, which is the proximate cause of the claimant's damages. This does not involve the County of Fresno. Claimant is represented by Attorney, Heather Gibson.

Kyle Petersen - Claims \$500,000 and alleges loss of religious freedom while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries. Claimant is not represented.

Steven Garcia - Claims within Unlimited Civil Court Limits and alleges a dangerous condition of public property located on 1449 N. Orchard Street in Fresno that caused the claimant to trip and fall which is the proximate cause of the claimant's bodily injuries. The location of this incident is not on County property. Claimant is represented by Attorney, Sean Bral.

James Montez II - Claims within Unlimited Civil Court Limits and alleges excessive force by Sheriff's Deputies while incarcerated in the Fresno County Jail. The claimant alleges he was shot in the face with a beanbag rifle in the midst of a riot, which is the proximate cause of the claimant's bodily injuries. Claimant is represented by Attorney, Kevin Little.

Summary of Application for Leave to Present a Late Claim

Ronnie Cruz, Justin Vanmeter, Serena Guadarrama and Rhonda Shackelford - Claim \$13,000,000. This is a Leave to Present a Late Claim for Damages. The claimants allege a hazardous condition of the roadway on South and Buttonwillow Avenues, which is the proximate cause of the claimants' injuries. The claimants' Attorney states the claims were presented late due to one of the individuals being incapacitated and the other three claimants passed away before the claim could be presented timely. Claimants are represented by Attorney, Johnathan Perez. The location of this incident is in District 4.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (7)

CAO ANALYST:

Juan Lopez