



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Details (With Text)

**File #:** 19-1529 **Name:** Resolutions Rejecting Claims for Damages

**In control:** Human Resources

**On agenda:** 12/10/2019 **Final action:** 12/10/2019

**Enactment date:** **Enactment #:** Resolution No. 19-438 through Resolution No. 19-449

**Title:** Approve Resolutions Rejecting Claims for Damages; and, approve Resolution Rejecting Application for Leave to Present a Late Claim

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Resolution No. 19-438, 3. Resolution No. 19-439, 4. Resolution No. 19-440, 5. Resolution No. 19-441, 6. Resolution No. 19-442, 7. Resolution No. 19-443, 8. Resolution No. 19-444, 9. Resolution No. 19-445, 10. Resolution No. 19-446, 11. Resolution No. 19-447, 12. Resolution No. 19-448, 13. Resolution No. 19-449

Date	Ver.	Action By	Action	Result
12/10/2019	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** December 10, 2019

**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>
10103	Ashley Reeves
10134	Sarina Casares
10141	Carole Solner and Janice Trimble
10143	Angelina Suniga
10144	Norfilia Garza and A Minor
10148	Carmen Romoff
10152	Ronald Tate
10153	Vincent Richardson
10154	Christina Casarez and Olivia Mendoza
10155	Ismael Reyes
10156	D'Artagnan Hutcherson

#### **Application for Leave to Present a Late Claim for Damages**

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10149	Laura Robitschek

#### **Summary of Claim**

Ashley Reeves - Claims within Unlimited Civil Court Limits and alleges a Fresno County employee from the Department of Social Services rear-ended her vehicle on Stanislaus and Fulton Street, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Nicholas Urgesi. The location of this incident is in District 3.

Sarina Casares - Claims within Unlimited Civil Court Limits and alleges discriminatory practices, wrongful termination and a hostile work environment while employed as a Social Worker in the Fresno County South Annex jail, which directed inappropriate behavior towards the claimant, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Ken Fitzgerald. The location of this incident is in District 3.

Carole Solner and Janice Trimble - Claim \$18,418.21 and allege a Fresno County Recycling truck rear-ended their vehicle while they were stopped at the intersection of Maroa and San Jose, which is the proximate cause of the claimants' injuries and damages. Claimants are not represented. This incident does not involve the County of Fresno.

Angelina Suniga - Claims within Unlimited Civil Court Limits and alleges she was a passenger in a vehicle that was rear-ended by a Fresno County EOC vehicle on Golden State Boulevard north of Barstow Avenue, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Samer Aboutalib. This incident does not involve the County of Fresno

Norfilia Garza and A Minor - Claim within Unlimited Civil Court Limits and allege an invasion of privacy by a Probation employee who was allegedly watching the minor shower while she was incarcerated in the Juvenile Justice Center, which is the proximate cause of the claimants' injuries. Claimants' are represented by Attorney, Ryan Kalashian. The location of this incident is in District 4.

Carmen Romoff - Claims \$10,000 and alleges a slip and fall while exiting an Alaska Airlines flight at the Fresno Yosemite Airport, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Timothy Ryan. The location of this incident is not within the County's jurisdiction.

Ronald Tate - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway on 2051 E. Shaw Avenue that resulted in a vehicle versus pedestrian accident, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Harmandeep Kaur. The location of this incident is not within the County's jurisdiction.

Vincent Richardson - Claims \$100,000 and alleges a slip and fall in the Fresno County Jail, which is the proximate cause of the claimant's injuries. Claimant is not represented. The location of this incident is in District 3.

Christina Casarez and Olivia Mendoza - Claim \$40,000,000 and allege a hazardous condition of the roadway on Mountain View and Clovis Avenues that killed Olivia Mendoza, which is the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Kevin Little. The location of this incident is in District 4.

Ismael Reyes - Claims \$79,975 and alleges a dangerous condition of the sidewalk on Millbrook Avenue between Minarets and Pinedale, which resulted in the claimant being thrown off his electric scooter, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Timothy Mazzella. This does not involve the County of Fresno.

D'Artagnan Hutcherson - Claims within Unlimited Civil Court Limits and alleges he was rear-ended by a Sheriff's Deputy vehicle on Palm and Shields Avenue that pushed the claimant's vehicle into a pole, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Stuart Chandler. The location of this incident is in District 3.

#### **Summary of Application(s) for Leave to Present a Late Claim**

Laura Robitschek - Claims within Unlimited Civil Court Limits. This is a Leave to Present a Late Claim for Damages. The claimant alleges collusion between the District Attorney's office and a civil lawsuit defendant that caused the claimant to be arrested and the other party to gain an advantage in the lawsuit, which is the proximate cause of the claimant's injuries and damages. The claimant alleges that her claim was late because she said she just recently found out about the injury. Claimant is not represented.

#### **ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Resolutions (12)

#### **CAO ANALYST:**

Debbie Paolinelli