



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 19-0485, **Version:** 1

DATE: May 7, 2019
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, Director of Human Resources
SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

Approve Resolutions Rejecting Claims for Damages.

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>
10039	Flodoro Mascorro
10041	David Ramirez, et al.
10042	Ana Pineda
10044	John Bartram
10045	Deborah Easter

10046	Mario Rodriguez
10048	Mario Rodriguez
10054	Bonnie Rooney
10059	Progressive Insurance as Subrogee for Vincent Cole
10060	Joann Baraldi

Summary of Claims

Flodoro Mascorro - Claims within Unlimited Civil Court Limits and alleges the wrongful death of Flodoro Mascorro, due to a defective design and dangerous condition of the roadway on Chestnut and Lincoln Avenues, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Nina Sargsyan. The location of this incident is in District 4.

David Ramirez, et al. - Claim \$10,000,000 and allege park hosts at Lost Lake campground failed to maintain public safety and that the park employees engaged in obstruction and taunting after two of the claimants were stabbed by other campers in the park and the camp hosts allegedly did not help the claimants, which is the proximate cause of the claimants' bodily injuries and damages. Claimants are represented by Attorney, Lawrence Artenian. The location of this incident is in District 5.

Ana Pineda - Claims \$2,000,000 and alleges a hazardous condition of the roadway on Elm Avenue, South of Elkhorn Avenue, that resulted in a single car collision, which is the proximate cause of the claimant's bodily injuries. Claimant is represented by Attorney, Lance Swanner. The location of this incident is in District 4.

John Bartram - Claims within Unlimited Civil Court Limits and alleges excessive force by the Clovis Police Department while being detained, which is the proximate cause of the claimant's bodily injuries. Claimant is not represented. This is not within the County's jurisdiction.

Deborah Easter - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the bathroom floor in the Fresno County jail, that caused her to slip and fall while visiting, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Sara Hernandez.

Mario Rodriguez- Claims \$500,000 and alleges cruel and unusual punishment while at the Fresno County Superior Court, which is the proximate cause of the claimant's bodily injuries and damages. The claimant alleges he was placed inside a small box that triggered his PTSD. The claim was tendered to CFMG on April 3, 2019. Claimant is not represented.

Mario Rodriguez- Claims \$500,000 and alleges cruel and unusual punishment while incarcerated in the Fresno County jail, which is the proximate cause of the claimant's bodily injuries. The claim was tendered to CFMG on April 4, 2019. Claimant is not represented.

Bonnie Rooney- Claims \$250,000 and alleges a defective sidewalk at 8753 N. Glenn Avenue, that caused the claimant to fall, which is the proximate cause of the claimant's bodily injuries. Claimant is represented by Attorney, Charles D. Oren. This is not within the County's jurisdiction.

Vincent Cole and Progressive Insurance as Subrogee for Vincent Cole- Claims \$16,589.59 and alleges their insured hit a trench plate that was in the road on West Avenue just before Sierra Avenue, which is the proximate cause of the claimant's bodily injuries and damages. The claimant alleges there were no visible signs warning the drivers of the trench plate. Our Public Works Department has advised us that the location of this incident is within the County's jurisdiction but the responsibility is PG&E's. The claim was tendered to PG&E on April 9, 2019. Claimant is not represented. This incident occurred in District 2.

Joann Baraldi- Claims \$5,000,000 and alleges the wrongful death of her son due to negligent care while

incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries and damages. This claim was tendered to CFMG on March 26, 2019. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Debbie Paolinelli