

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: November 12, 1991
AGENDA ITEM NO. RA 8

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No x)

Pass and adopt this Resolution authorizing Chairman to sign order of the Board to reject Claim No. C91-13 which was filed with this Board on October 1, 1991. Counsel does not believe that the County has any liability in this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows Counsel's recommendation in matters of this nature.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Claim would automatically be denied if no action was taken.

COST: () Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required add'l funding \$ _____
D. Source: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:
Claim No. C91-13

SOURCE: () 4/5ths Vote Required
A. Internal transfers \$ _____
B. Unanticipated revenues \$ _____
C. Reserve for contingency \$ _____
D. Description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

CLERK'S USE ONLY:

Resolution No. 91-543
Ordinance No. _____
Vote: Ayes: 4 Noes: _____
Absent: None Abstained: _____
mw Approved () Denied
() Minute Order Attached

ADMINISTRATIVE OFFICER'S
RECOMMENDATION:

This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

DATE: _____
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of Calif.
By: _____
Deputy

Comment: _____

A.O. Initials [Signature]

1 JEFFREY G. GREEN
2 County Counsel
3 Courthouse
4 Mariposa, California

5
6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of:)
10 CLAIM FOR DAMAGES)
11 PURSUANT TO GOVERNMENT CODE)
SECTION 911.6)

12 Jeffrey Dikeman
c/o Ryan & Tabor

13 50 Francisco St., Suite 122

14 San Francisco, CA 94133

15 having filed with this Board on October 1, 1991 a claim
16 for damages in the amount of \$ undetermined ;

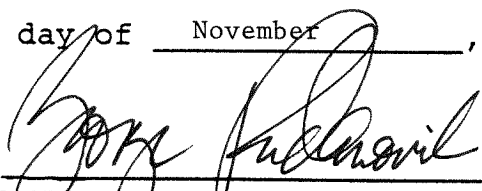
17 NOW, THEREFORE, it is ordered by the Board of Super-
18 visors that the claim is hereby REJECTED.

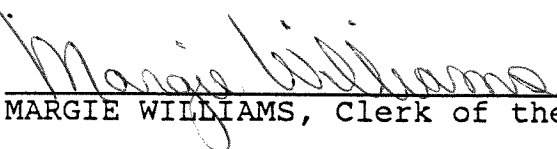
19 The foregoing order was passed by the following vote of
20 the Board:

21 AYES: BAGGETT, ERICKSON, RADANOVICH
22 NOES: NONE
23 ABSENT: PUNTE, TABER
24 ABSTAINED: NONE

25 Dated this 12th day of November, 1991.

26 ATTEST:

27 
28 GEORGE H. RADANOVICH, Chairman
Board of Supervisors

29 
30 MARGIE WILLIAMS, Clerk of the Board

TO: Jeffrey Dikeman
c/o Ryan & Tabor
50 Francisco St., Suite 122
San Francisco, CA 94133

RE: CLAIM FOR DAMAGES, NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on October 1, 1991, was rejected by action of the Board on November 12, 1991.

"WARNING"

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." (See Government Code Section 945.6.)

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

JEFFREY G. GREEN
Mariposa County Counsel

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF MARIPOSA

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

5160 Bullion Street, P. O. Box 189, Mariposa, CA 95338

On November 18, 1991, I served the within Notice of Rejection for Claim No. C91-13

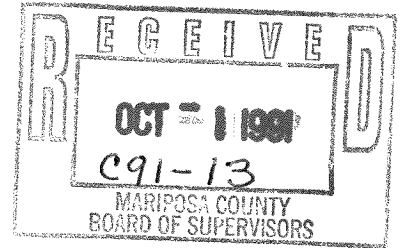
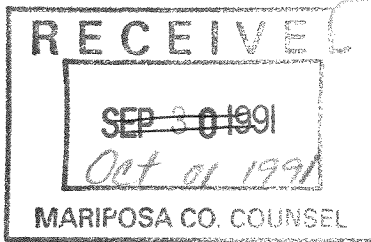
on the Claimant
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mariposa, California addressed as follows:

Jeffrey Dikeman
c/o Ryan & Tabor
50 Francisco St., Suite 122
San Francisco, CA 94133

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on November 18, 1991, at Mariposa California.

Sandra V. Adams
Sandra V. Adams



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RYAN & TABOR
ALLAN M. TABOR
STATE BAR NO. 52846
50 Francisco Street, Suite 122
San Francisco, CA 94133
(415) 981-2010

Attorneys for Plaintiff

CLAIM

JEFFREY DIKEMAN,

Claimant,

vs.

STATE OF CALIFORNIA,
COUNTY OF MARIPOSA,
DOES I - XX,

Respondent,

A. Claimant is Jeffrey Dikeman, 212D Compton Circle, San Ramon, CA 94583.

B. All notices and correspondence relating to the above claim should be sent to Ryan & Tabor, 50 Francisco Street, Suite 122, San Francisco, CA 94133.

C. On May 25, 1991, Jeffrey Dikeman's wife, Amy Dikeman was injured in an automobile accident at approximately 21:30 hours in the unincorporated area of Mariposa on Holtzel Road near Ernst Road. Amy Dikeman died on June 4, 1991 as a result of injuries incurred in said accident. At said time and place defendants were negligent in the following respects.

1. The curve was improperly posted for speed.

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2. There were inadequate shoulders.

3. It was improperly marked for direction in both directions. There were not warning signs with respect to curves.

Said conditions constituted a dangerous condition of public property proximately causing the accident above described.

D. Death of decedent and injuries to plaintiff Jeffrey Dikeman.


E. The names of public employees are unknown at this time.

F. Jurisdiction of this matter rests properly in the Superior Court.

DATED: September 25, 1991

RYAN & TABOR

BY



ALLAN M. TABOR

1 PROOF OF SERVICE BY MAIL
2 (CCP SECTION 1013(A), 2015.5)

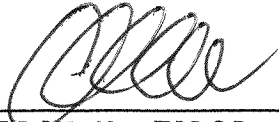
3 I am a citizen of the United States and am employed in the
4 City and County of San Francisco, California. I am over the age
5 of eighteen years and not a party to the within action; my
6 business address is 50 Francisco Street, Suite 122, San
7 Francisco, CA 94133.

8 On September 23, 1991, I served the within _____
9 _____ CLAIM _____ in said
10 action by placing a true copy thereof enclosed in a sealed
11 envelope with postage thereon fully prepaid, in a United States
12 Postal service mail box at San Francisco, California addressed as
13 follows:

14 State of California
15 State Board of Control

16 County of Mariposa
17 Board of Supervisors
18 P. O. Box 784
19 Mariposa, CA 95338

20 I declare under penalty of perjury that the above is true and
21 correct. Executed on the above date at San Francisco,
22 California.

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ALLAN M. TABOR