RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item:  Yes___  No X)

Authorize Chair to sign an Order of the Board to reject Claim No. C98-13 in the amount of $4,706. The claimant and her children were behind the Mariposa County Library when the claimant's daughter was bitten by a feral cat as she attempted to pick it up. I don't believe the County has any liability exposure 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:

➤ Reject claim as recommended.
➤ Take no action; claim will automatically be denied if no action is taken.
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Ellie Fournier (Claimant)

v.

COUNTY OF MARIPOSA

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

YOU ARE HEREBY NOTIFIED that: (PLEASE TYPE OR PRINT)

Claimant: Ellie Fournier

Whose address is: 4820 Hirsch Rd.

City and State: Mariposa, CA 95338 Zip: __________

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of $ (see attached)

This claim is based on: (CHECK APPROPRIATE BOX OR BOXES)

< > Property Damage  < > Other (LIST)

<< Personal Injury

< > Contract

which occurred on June 1, 1998, in the vicinity of:

Mariposa County Public Library

(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim: (PLEASE USE BACK OF THIS PAGE IF MORE SPACE IS NEEDED.)

My children and I were behind the M.C. Library when Ariel (the victim) spotted a small black kitten, which she proceeded to pick up. The kitten immediately bit her on the left thumb, puncturing her nail.

The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:

N/A
The injuries sustained by claimant, as far as known, as of the date of presentation of this claim consist of: (DESCRIBE GENERALLY CLAIMANT'S INJURIES OR DAMAGES)

My daughter's bite from a wild rat prompted me to contact Mariposa City Health Dept. Based on the subsequent recommendation of Dr. Chuck Mosher (since the animal investigation could not be located), I brought Ariel to J.C. Fremont Hospital on 6/30/98 to begin treatment.

The amount claimed, as of the date of presentation of this claim is:

computed as follows:

Damages incurred to date: (as of 6/24/98)

Expenses for medical and hospital care

Loss of earnings

Specific damages (ITEMIZE)

Other damages (ITEMIZE)

TOTAL DAMAGES INCURRED TO DATE: $4,106.

Estimated future damages as far as known from this incident:

Total estimated prospective damages: (for last vaccination on 7/1/98) $600.

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: $4,706.

All notices or other communications with regard to this claim should be sent to claimant at: 4820 Hirsch Rd. Mariposa, CA 95338

(Address to which notices are to be sent)

Dated: 7/12/98 Signed: Ellie Fournier

(claimant/agent for claimant)

Government Code § 911.2. Time of or presentation of claims

A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than one year after the accrual of the cause of action.
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<td>7/15/98</td>
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FOURNIER, ELLIE  
4820 HIRSCH RD  
MARIPOSA CA 95338  

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MONTHLY STATEMENT

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* HEALTHY FAMILIES PROGRAM COMING SOON TO JCF CLINIC PROVIDES LOW-COST HEALTH, DENTAL AND VISION INSURANCE. QUALIFYING PROGRAMS, APPLICATION HELP PROVIDED

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<td><strong>Balance Due</strong></td>
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JEFFREY G. GREEN
County Counsel
P. O. Box 189
5037 Stroming Rd.
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of: )
) CLAIM NO. C98-13
CLAIM FOR DAMAGES PURSUANT )
TO GOVERNMENT CODE § 911.6 )

Ellie Fournier
4820 Hirsch Rd.
Mariposa, CA 95338

having filed with this Board on July 13, 1998, a claim for damages in the amount of $4,706.

NOW, THEREFORE, it is ordered by the Board of Supervisors that the claim is hereby

REJECTED.

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

AYES: Reilly, Balmain, Stewart, Pickard
NOES: None
ABSENT: Parker
ABSTAINED: None

Dated this 15th day of September, 1998.

PATTI A. REILLY, Chair
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
TO: Ellie Fournier  
4820 Hirsch Rd.  
Mariposa, CA 95338

RE: CLAIM FOR DAMAGES (Claim No. C98-13)  
AMOUNT OF CLAIM: $4,706  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on July 13, 1998 was rejected by action of the Board on September 15, 1998.

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 § 945.6)

"NOTE: This six-month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file the action may apply."

"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 5037 Stroming Road (P. O. Box 189), Mariposa, CA 95338. On October 27, 1998, I served the within Notice of Rejection of Claim No. C98-13 on the claimant in said action by placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery receptacle located in Counsel's office:

Ellie Fournier  
4820 Hirsch Rd.  
Mariposa, CA 95338

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

Executed on October 27, 1998 at Mariposa, California.

Sandra V. Adams