

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Pass and adopt this Resolution authorizing the Chairman to sign an order of the Board to reject Claim No. C95-3 for \$200,000. 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 is taken.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Claim No. C95-3
Notice of Rejection

CLERK'S USE ONLY:

Res. No.: 95-78 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved () Denied ()

Minute Order Attached () No Action Necessary ()

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

Date: _____
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: ew

1 JEFFREY G. GREEN
2 County Counsel
3 P. O. Box 189
4 5100 Bullion St.
5 Mariposa, CA 95338

6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of:)
10 CLAIM FOR DAMAGES PURSUANT)
11 TO GOVERNMENT CODE § 911.6)
12 Claim No. C95-3)

13 Beth Lewis
14 c/o Thornton Davidson
2300 Tulare St., Suite 250
Fresno, CA 93721

15 having filed with this Board on February 10, 1995 a claim for damages in the amount of
16 \$ 200,000;

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

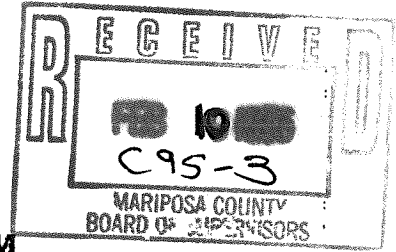
19 The foregoing order was passed by the following vote of the Board:

- 20 AYES: REILLY, BALMAIN, STEWART, PARKER, TABER
21 NOES: NONE
22 ABSENT: NONE
23 ABSTAINED: NONE

24 Dated this 28th day of February, 1995.

25 Garry R. Parker
26 GARRY R. PARKER, Chairman
27 Board of Supervisors

28 ATTEST:
Margie Williams
MARGIE WILLIAMS, Clerk of the Board



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF BETH LEWIS)
 (Claimant))
 v.)
)
COUNTY OF MARIPOSA)

CLAIM FOR PERSONAL INJURY
 AND/OR PROPERTY DAMAGE
 (Government Code § 910)

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

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

Claimant: BETH LEWIS

Whose address is: c/o Thornton Davidson, 2300 Tulare St., Ste. 250

City and State: Fresno, CA Zip: 93721

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 200,000

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

- Property Damage Other (use)
- Personal Injury loss of privacy
- Contract _____

which occurred on 8-24 and 25, 1994, in the vicinity of:

Mariposa, California

(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.)

Then Mariposa District Attorney George Griffith published a letter in the MARIPOSA TRIBUNE on 8/24/94 and the MARIPOSA GAZETTE on 8/25/94 which violated Claimant's state and federal rights of privacy in response to a letter published by Claimant (and other citizens) regarding the District Attorney's office.

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

George Griffith and other unnamed Doe's

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)

slander, public disclosure of private facts, violation of privacy

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

Damages incurred to date:

Expenses for medical and hospital care \$ _____

Loss of earnings \$ _____

Specific damages (ITEMIZE)

Loss of Privacy \$ 100,000.00

_____ \$ _____

Other damages (ITEMIZE)

_____ \$ _____

_____ \$ _____

TOTAL DAMAGES INCURRED TO DATE: \$ 100,000.00

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ 100,000.00

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: \$ 200,000.00

All notices or other communications with regard to this claim should be sent to claimant at: 2300 Tulare St., Ste. 250; Fresno, CA 93721

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 2-10-95

Signed: *Phyllis Davidson*
(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.

TO: Beth Lewis
c/o Thornton Davidson
2300 Tulare St. Suite 250
Fresno, CA 93721

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ 200,000
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on February 10, 1995 was rejected by action of the Board on February 28, 1995.

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)

"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.)

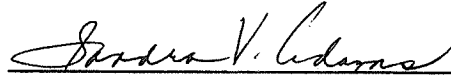
STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

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 5100 Bullion Street (P. O. Box 189), Mariposa, CA 95338. On March 7, 1995 I served the within Notice of Rejection of Claim No. C95-3 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:

Beth Lewis
c/o Thornton Davidson
2300 Tulare St., Suite 250
Fresno, CA 93721

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

Executed on March 7, 1995 at Mariposa, California.


Sandra V. Adams