

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. C94-1 in the amount of \$1,500,000.00. Upon review of all documentation relating to the claim, 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 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. C94-1  
Notice of Rejection  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLERK'S USE ONLY:	
Res. No.: <u>94-40</u>	Ord. No. _____
Vote - Ayes: <u>4</u>	Noes: _____
Absent: _____	Abstained: <u>Erickson</u>
Approved _____ ( ) Denied	
Minute Order Attached ( ) No Action Necessary	

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  
County of Mariposa, State of California  
By: \_\_\_\_\_  
Deputy

Comment: \_\_\_\_\_  
\_\_\_\_\_  
A.O. Initials: [Signature]

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 \_\_\_\_\_ )  
13 Robin Zinser )  
14 c/o Richard L. Moser, Esq. )

15 \_\_\_\_\_ )  
16 P. O. Box 899 )

17 \_\_\_\_\_ )  
18 Mariposa, CA 95338 )

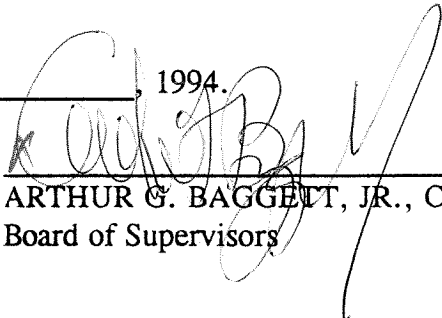
19 having filed with this Board on January 10, 1994 a claim for damages in the amount of  
20 \$ 1,500,000.00;

21 **NOW, THEREFORE,** it is ordered by the Board of Supervisors that the claim is  
22 hereby **REJECTED**.

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

24 AYES: BAGGETT, BALMAIN, PARKER, TABER  
25 NOES: NONE  
26 ABSENT: NONE  
27 ABSTAINED: ERICKSON

28 Dated this 8th day of February, 1994.

  
\_\_\_\_\_  
ARTHUR G. BAGGETT, JR., Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

TO: Robin Zinser  
c/o Richard L. Moser, Esq.  
P. O. Box 899  
Mariposa, CA 95338

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ 1,500,000.00  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on January 10, 1994 was rejected by action of the Board on February 8, 1994.

**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.)**

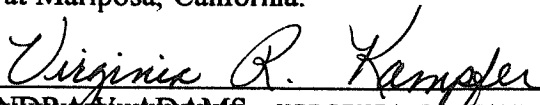
STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

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 February 14, 1994 I served the within Notice of Rejection of Claim No. C94-1 on the claimant c/o her attorney 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:

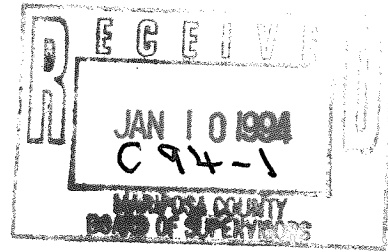
Robin Zinser  
c/o Richard L. Moser, Esq.  
P. O. Box 899  
Mariposa, CA 95338

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

Executed on February 14, 1994 at Mariposa, California.

  
~~SANDRA A. ADAMS~~ VIRGINIA R. KAMPFER

1 Law Offices  
2 **RICHARD L. MOSER**  
3 Post Office Box 899  
4 Mariposa, California 95338  
5 209/966-5144  
6 State Bar #42328



7 Attorney for Claimant

8  
9  
10  
11 In the Matter of the Claim of  
12 ROBIN ZINSER  
13 v.  
14 COUNTY OF MARIPOSA

NOTICE OF CLAIM  
(Government Code, Sections 910  
et seq.)

15  
16  
17 TO: COUNTY OF MARIPOSA:

18 Claimant, ROBIN ZINSER, hereby presents this Claim to the COUNTY OF  
19 MARIPOSA, pursuant to Government Code, Sections 910, et seq.

20 1. The name and post office address of Claimant is Robin Zinser, Post Office  
21 Box 617, Mariposa, California 95338.

22 2. Claimant desires notices regarding this Claim be sent to her attorney, Richard  
23 L. Moser, Post Office Box 899, Mariposa, California 95338.

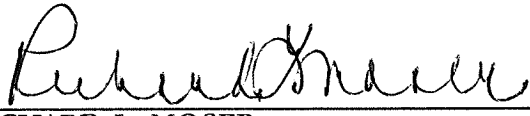
24 3. This Claim is being made for malicious prosecution, abuse of process,  
25 negligent infliction of emotional distress, intentional infliction of emotional distress, and  
26 for civil conspiracy arising out of Claimant's wrongful arrest for felony child stealing. All  
27 charges arising out of such arrest were subsequently dismissed with prejudice on July 20,  
28 1993.

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4. Claimant sustained severe emotional distress.

5. At the time of presentation of this Claim, Claimant seeks special damages in an amount to be proven at trial and general damages in the sum of \$1,500,000.00, with jurisdiction vesting in the Superior Court of Mariposa County.

Dated: January 6, 1994

  
RICHARD L. MOSER  
Attorney for Claimant

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF MARIPOSA

I am a resident of the County of Mariposa, State of California. I am over the age of 18 and not a party to the within action. My business address is Post Office Box 899, Mariposa, California 95338.

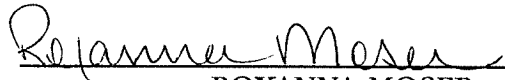
On January 6, 1994, I served the foregoing document described as:

NOTICE OF CLAIM

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid and causing said envelope to be deposited in the mail at Mariposa, California, addressed as follows:

County of Mariposa  
Board of Supervisors  
Post Office Box 784  
Mariposa, California 95338

I declare, under penalty of perjury, that the foregoing is true and correct.  
Executed January 6, 1994, at Mariposa, California.

  
\_\_\_\_\_  
ROXANNA MOSER