



# Santa Clara Valley Water District

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**File No.:** 19-0464

**Agenda Date:** 5/14/2019

**Item No.:** 3.8.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Claim of Anthony McGilvery.

### **RECOMMENDATION:**

Deny the claim.

### **SUMMARY:**

The District received a claim on January 14, 2019 from Ben H. Stoddard Esq. with the Law Office of Corsiglia, McMahon & Allard on behalf of their client, Anthony McGilvery. Mr. McGilvery (claimant) is a Morgan Hill resident (District 1).

According to the presentation of claim, the claimant sustained physical injuries when he lost traction while riding a bicycle on a paved portion of the Coyote Creek trail. The claimant alleges that the paved trail was flooded and covered in algae growth which was the cause for him to lose traction. The claimant is seeking damages in excess of \$25,000.00 for special and general damages.

Risk Management staff has made repeated attempts to contact claimant's legal counsel without success thus unable to determine whether the alleged injury occurred on District property. Since District staff is unable to make this determination, staff recommends denial of the claim.

### **FINANCIAL IMPACT:**

There is no financial impact associated with this item.

### **CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

### **ATTACHMENTS:**

Attachment 1: Claim

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**UNCLASSIFIED MANAGER:**  
Stan Yamamoto, 408-630-2755