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- Of Counsel -

Agenda Item # 26
Date JAN 15 2020
December 31, 2019

VIA CERTIFIED MAIL **RESTRICTED DELIVERY**

Ms. Patti Lindgren
County Clerk of Saunders County
433 N. Chestnut Street, Suite 300
P.O. Box 61
Wahoo, NE 68066

Mr. Fred Mytty
County Clerk of Dodge County
435 N. Park
Fremont, NE 68025

Clerk, Secretary or Official
Whose Duty is to Maintain Official Records
For Saunders County, Nebraska
433 N. Chestnut Street, Suite 300
P.O. Box 61
Wahoo, NE 68066

Clerk, Secretary or Official
Whose Duty is to Maintain
Official Records
For Dodge County, Nebraska
435 N. Park
Fremont, NE 68025

RE: Rocky Yazzie
Political Subdivision Tort Claim

Dear Sir or Madam:

Pursuant to the Political Subdivision Tort Claims Act, Neb. Rev. Stat. § 13-901, et seq., this letter is placing the foregoing political subdivision(s) on notice of a claim by Rocky Yazzie for payment of damages. You are receiving this letter as the designated individuals by statute to receive tort claims. In support of the claim, you are provided the following:

TIME AND PLACE OF THE OCCURRENCE

January 29, 2019
Dodge County, Nebraska

BACKGROUND

Mr. Yazzie was injured on January 29, 2019 by the acts or omissions of Saunders County, Nebraska and/or Dodge County correctional officers. Mr. Yazzie was an inmate at the Saunders County, Nebraska jail. Mr. Yazzie

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DODGE COUNTY, NEBRASKA
FRED MYTTY, COUNTY CLERK

sustained two fractured kneecaps while being transported to Dodge County District Court. On January 29th, Mr. Yazzie was transported by van to his hearing. It is reported he was handcuffed (w/ black box), shackled, and had a belly chain. He was then directed to go down three steps off the van with no railing and without assistance. In the process of going down the stairs and onto the pavement, Mr. Yazzie fell onto his knees and fractured both kneecaps. He received treatment while in custody. At present, it is unknown whether Mr. Yazzie was in the legal custody of Dodge County or Saunders County at the time he was injured and both political subdivisions are placed on notice of the claim.

CLAIMS AND THEORIES OF RECOVERY

Mr. Yazzie asserts a state law negligence claim against each county. In addition, Mr. Yazzie states 42 U.S.C. § 1983 that is not subject to the procedural requirements of Neb. Rev. Stat. § 13-901, et seq., against the correctional officers and County for deliberate indifference. "A prison official is deliberately indifferent if he 'knows of and disregards' a substantial risk of serious harm to an inmate." Reynolds v. Dormire, 636 F.3d 976, 979 (8th Cir. 2011)(citing Farmer v. Brennan, 511 U.S. 825, 837, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994)).

Notwithstanding the enumeration of the foregoing claims, Mr. Yazzie reserves the right to rely upon any theory of recovery supported by the facts and circumstances of his injury.

DAMAGES

As a direct and proximate cause of the acts or omissions identified herein, Mr. Yazzie demands \$200,000.00 for general damages for bodily injury, pain and suffering, and other general damages.

If you have any questions or concerns, please do not hesitate to contact me directly.

Respectfully,



Erik W. Fern | Attorney at Law

EWf

CC: Rocky Yazzie