

March 10, 2020

Resolution 20-06

Agenda Action Report
prepared for the
Cascade County Commission

ITEM: Resolution 20-06
Timothy Gene Quigg,
Tort Claim for Damages

INITIATED BY: Cascade County Attorney's Office

ACTION REQUESTED: Denial of Resolution #20-06

PRESENTED BY: Carey Ann Haight, Deputy

SYNOPSIS:

The Cascade County Attorney's Office is in receipt of a tort claim for damages presented by Montana State Inmate Timothy Gene Quigg. Inmate Quigg asserts that alleges that he was assaulted while detained in the Cascade County Region Prison on or about October - November, 2019, and as a result of the alleged assault sustained injury and property damage. Having made a review of the claim and in consultation with MACo's Senior Claims Adjuster, neither MACo nor the County Attorney's Office believe that liability is reasonably clear.

RECOMMENDATION:

Denial of Resolution 20-06.

TWO MOTIONS PROVIDED FOR CONSIDERATION

MOTION TO DISAPPROVE:

Mr. Chairman, I move the Cascade County Commission reject and deny the Tort Claim for Damages for an alleged assault on or about October-November, 2019, sought by Timothy Gene Quigg by **DISAPPROVING** Resolution 20-06.

MOTION TO APPROVE:

Mr. Chairman, I move the Cascade County Commission accept and approve the Tort Claim for Damages for an alleged assault on or about October-November, 2019, sought by Timothy Gene Quigg by **APPROVING** Resolution 20-06.

BEFORE THE BOARD CASCADE COUNTY COMMISSIONERS

**A RESOLUTION REJECTING AND DENYING
THE TORT CLAIM FOR DAMAGES OF
TIMOTHY GENE QUIGG**

RESOLUTION 20-06

WHEREAS, the Board of County Commissioners operates a Regional Adult Detention Center (ADC) which operates as a unit of the Montana State Prison; and

WHEREAS, Timothy Gene Quigg (Inmate Quigg) was detained as a prisoner and inmate of the State of Montana in the Regional Adult Detention Center on or about October - November, 2019; and

WHEREAS, Inmate Quigg asserts in that during October - November, 2019, while detained as a prisoner and inmate at the ADC that he was assaulted; and

WHEREAS, Inmate Quigg further asserts that during the alleged assault, he sustained personal injury and property damages; and

WHEREAS, Inmate Quigg has submitted a Tort Claim for Damages (Claim), which is attached and incorporated herein as Exhibit A, seeking compensation; and

WHEREAS, the Cascade County Attorney’s Office in consultation with MACo’s Senior Claims Adjuster have reviewed the Claim.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners finds that liability is not reasonable clear and **wholly rejects** and **denies** the Tort Claim for Damages brought by Timothy Gene Quigg, effective as of the date set forth below.

Passed and adopted this ____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA

James L. Larson, Chairman

Jane Weber, Commissioner

Joe Briggs, Commissioner

Attest

On this ____ day of _____, 2020, I hereby attest the above-written signatures of the Board of Cascade County Commissioners.

Rina Fontana Moore, Cascade County Clerk and Recorder

* APPROVED AS TO FORM:
Josh Racki, County Attorney

DEPUTY COUNTY ATTORNEY

* THE COUNTY ATTORNEY HAS PROVIDED ADVICE AND APPROVAL OF THE FOREGOING DOCUMENT LANGUAGE ON BEHALF OF THE BOARD OF CASCADE COUNTY COMMISSIONERS, AND NOT ON BEHALF OF OTHER PARTIES OR ENTITIES. REVIEW AND APPROVAL OF THIS DOCUMENT BY THE COUNTY ATTORNEY WAS CONDUCTED SOLELY FROM A LEGAL PERSPECTIVE AND FOR THE EXCLUSIVE BENEFIT OF CASCADE COUNTY. OTHER PARTIES SHOULD NOT RELY ON THIS APPROVAL AND SHOULD SEEK REVIEW AND APPROVAL BY THEIR OWN RESPECTIVE COUNSEL.



RECEIVED
NOV 07 2019
Risk Management &
Tort Defense Division

To Whom It May Concerns 11-5-19

~~I am asking to~~
File A CLAIM against Great Falls Regional Prison
And The Department of Corrections For putting
my Life in Danger, I've written two separate
Letters to Alex Rote AT The ACLU in Missouri
asking for Help. I've been here AT GFRP Since
10-15-19 on or About 10-20-19 I was placed
on Cell Restriction For being in unauthoriz'd Area
as well as fessult. I need not sign the Infraction
And by DOC changing the Rules AT Random, chose
to Find me Guilty of Both Infractions I was
moved to Detention lock-up, two days later
Detention officers place an Inmate MAILAK
in my cell with me. The very next DAY Inmate
MAILAK ASSAULTS me, I see the Medical Team
then Security places me in a Single Cell For a
Couple of Days then move me BACK TO lock-up.
a Couple of more DAYS go by and Security
places another Inmate in with me. Luckily
I know this Inmate and He Does not assault
me.

I've put in A USR to medical and Did A
Informal on this Matter because my Eye Glasses
were DAMAGED in the Assault. I've written
to the Captain here, Doc HATTON, Case Manager Brown
to keep me separate from other inmates nothing
is being Done. I WANT TO FILE A LAWSUIT FOR
this place putting me in HARM'S WAY.

TIM QUINN #38408
3800 LUM L. Frontex Rd