

May 12, 2020

Resolution 20-21

Agenda Action Report
prepared for the
Cascade County Commission

ITEM: **Rejecting Tort Claim for Damages
by Scott Schaff**

INITIATED BY: **Cascade County Attorney’s Office**

ACTION REQUESTED: **Approval of Resolution 20-21**

PRESENTED BY: **Carey Ann Haight, Deputy County Attorney**

SYNOPSIS:

The Cascade County Attorney’s Office is in receipt of a tort claim dated January 7, 2020, for damages presented by Scott Schaff (Schaff), who alleged he was a patient at the Community Health Care Center (CHCC) on or about June 10, 2018. Schaff further alleges that he was subjected to mismanagement of medications by a CHCC provider which allegedly caused him damages. Schaff is seeking an undisclosed recovery of damages for the alleged incident. Having made a review of the claim the County Attorney’s Office believe that the claim contains insufficient facts in support thereof, and otherwise disputes the allegations contained therein and finds that liability is not reasonably clear.

RECOMMENDATION:

Denial and rejection of the claim dated January 7, 2020 presented by Scott Schaff.

TWO MOTIONS PROVIDED FOR CONSIDERATION

MOTION TO APPROVE:

Mr. Chairman, I move the Cascade County Commission reject and deny the Tort Claim for Damages for an alleged claim from on or about June 10, 2018, sought by Scott Schaff on January 7, 2020 by **APPROVING Resolution 20-21.**

MOTION TO DISAPPROVE:

Mr. Chairman, I move the Cascade County Commission accept the Tort Claim for Damages for an alleged claim from on or about June 10, 2018, sought by Scott Schaff on January 7, 2020 by **DISAPPROVING Resolution 20-21.**

**BEFORE THE BOARD OF CASCADE COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

**A RESOLUTION REJECTING AND DENYING
THE TORT CLAIM FOR DAMAGES OF
SCOTT SCHAFF**

RESOLUTION 20-21

WHEREAS, the Board of County Commissioners was previously a co-applicant with the Community Health Care Center (CHCC), which operated a clinic at its City-County Health Department Facility at 115 4th Street North, Great Falls, Montana; and

WHEREAS, the CHCC utilized county employees and staff to provide clinic services pursuant to the co-applicant agreement; and

WHEREAS, Scott Schaff (Schaff) claims to have obtained services from the CHCC on or about June 10, 2018; and

WHEREAS, Schaff asserts that a CHCC provider mismanaged Schaff's medications which Schaff alleges caused him damages; and

WHEREAS, Schaff submitted a medical negligence claim on or about January 7, 2020, seeking compensation; and

WHEREAS, the Cascade County Attorney's Office has reviewed the claim which contains insufficient facts in support thereof, and otherwise disputes the allegations contained therein and finds that liability is not reasonably clear.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners **wholly rejects and denies** the Tort Claim for Damages brought by Scott Schaff, effective as of the date set forth below.

Passed and adopted this ____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
OF 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.

May 12, 2020

Resolution #20-22

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: Prosecutorial Assistance
INITIATED AND PRESENTED BY: Carey Ann Haight, Deputy County Attorney
ACTION REQUESTED: Approval of Resolution 20-22

BACKGROUND:

The Office of the Montana State Auditor, Commissioner of Securities & Insurance routinely handles prosecutions of cases throughout the state that involve their office. They have asked the Cascade County Attorney and County Commission to permit Special Assistant Attorney General Derek Oestreicher be appointed in the matter of *State of Montana v. Traci Nicole Michels, ADC-2018-032*. Given that these cases involve a particularized set of statutes which the Commissioner of Securities & Insurance routinely handles through the Attorney General's Office, and given the current criminal caseload of the Cascade County Attorney's Office, having a special prosecutor appointed in this case is beneficial.

Cascade County will bear costs associated with the prosecution, but not attorney fees.

RECOMMENDATION: Approval of Resolution 20-22.

TWO MOTIONS PROVIDED FOR CONSIDERATION:

MOTION TO APPROVE:

Mr. Chair, I move that the Commission approve Resolution 20-22 authorizing the appointment of Assistant Attorney General Derek Oestreicher in the matter of *State of Montana v. Traci Nicole Michels, ADC-2018-032*.

MOTION TO DISAPPROVE:

Mr. Chair, I move that the Commission disapprove Resolution 20-22 authorizing the appointment of Assistant Attorney General Derek Oestreicher in the matter of *State of Montana v. Traci Nicole Michels, ADC-2018-032*.