COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

July 19, 2004

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Ruth Denend v. County of Los Angeles**
Torrance Superior Court Case No. YC 046 689

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of $125,000.00.

2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Sheriff's Department.

Return the executed, adopted copy to Georgene Salisbury, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/gs

Enclosures

MEMORANDUM

July 9, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: Conrad Kohrs
KOHRS AND FISKE

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: **Ruth Denend v. County of Los Angeles**
Torrance Superior Court Case No. YC 046689

DATE OF INCIDENT: July 29, 2002

AUTHORITY REQUESTED: $125,000

COUNTY DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☐ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2004

HOA.246372.1

SUMMARY

This is a recommendation to settle for $125,000, a lawsuit filed by Ruth Denend who was injured when she was struck by a Sheriff's patrol car, while she was walking across the street.

LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On July 29, 2002, Ruth Denend was walking across the street at the intersection of 96th Place and Airport Boulevard in the City of Los Angeles when she was struck by a Sheriff's Department patrol car.

The Sheriff's Deputy had stopped at the intersection, and was looking at the traffic to his left. He began rolling forward, and was going to turn right when the traffic cleared. When he saw Ms. Denend, he applied his brakes, but his patrol car struck her left knee and knocked her to the ground. The patrol car was traveling at one or two miles-per-hour when it struck Ms. Denend.

Ms. Denend was taken to the hospital by ambulance. She sustained a laceration and bruising to the back of her head. She claims that she was knocked unconscious, and still suffers from headaches as a result of the accident. She also claims that she began having ringing in her ears, which still persists. Her left knee was hyper extended, bruised, and swollen, and she was unable to walk on it for a few weeks. She sustained bruising to her left elbow, hip, and a prior torn rotator cuff was aggravated.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	$ 29,000
Future medical expenses	$ 25,000
Loss of earnings	$ 6,200
Pain and suffering	$250,000
Total	$310,200

The proposed settlement calls for the County to pay Ruth Denend $125,000 for all of her claims for damages, costs, and attorney fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this action are attorney fees of $21,885 and $9,931 in costs.

EVALUATION

This is a case of potential liability. The Sheriff's Deputy did not yield to Ms. Denend, a pedestrian, who was walking across the street. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, Kohrs and Fiske, and our third party administrator, Carl Warren and Company, in recommending a settlement in the amount of $125,000. The Sheriff's Department concurs in this recommendation.

APPROVED:

GARY N. MILLER
Assistant County Counsel
General Litigation Division

GNM:scr

Los Angeles County Sheriff's Department

CORRECTIVE ACTION REPORT

LAWSUIT OF: Denend, Ruth Anita v. County of Los Angeles
Case No. YC 046689

INCIDENT DATE: July 29, 2002 12:30 P.M.

INCIDENT LOCATION: 96 Place at Airport Boulevard, Los Angeles, California

RISK ISSUES: A public entity is responsible for the negligent and wrongful acts of its employees when the acts are committed in the course and scope of his or her duties. This is a case of probable liability because the involved deputy struck the plaintiff, a pedestrian, who was crossing in front of his vehicle. The Los Angeles Police Department investigated the collision and determined that the deputy was at fault. The Sheriff's Department has admitted liability for the collision. Should the matter proceed to trial, potential damages could include medical expenses, loss of income, and emotional distress.

INVESTIGATIVE REVIEW: On July 29, 2002, at 12:30 P.M., the deputy was driving east on 96 Place in the City of Los Angeles. He stopped at the stop sign at Airport Boulevard, but failed to remain stopped and collided with the plaintiff who was walking north across 96 Place in front of his vehicle.

The plaintiff sustained a one-half inch laceration to the back of her head, abrasions on the left elbow, and bruising on the left chest, hip, and knee. She also complained of diminished vision and jaw pain. She was examined and released that night. She has subsequently undergone physical therapy for the injuries.

TRAINING ISSUES: At the time of this incident, the Sheriff's Department had well-established policies concerning the operation of emergency vehicles. A training evaluation and analysis of the incident indicates that the Department's current training policy sufficiently addresses the circumstances that occurred in this incident.

POLICY ISSUES: The Los Angeles County Sheriff's Department has clear and well defined policies and procedures for the operation of its vehicles. Under existing Sheriff's Department policy, an employee shall not operate a motor vehicle in an unsafe or negligent manner and shall always employ defensive driving techniques, availing himself of every reasonable means to avoid or prevent a collision. A unit level administrative investigation was initiated into this incident which concluded that the involved deputy had violated existing policy provisions regarding the safe operation of vehicles.

CORRECTIVE ACTION: As a result of the investigation, the involved deputy received a suspension. Additionally, recurrent in-service training regarding driving of vehicles will continue to be given to department personnel at the unit level.

CONTENTS
W. STONICH
NOTED

William F. Stonich