



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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June 5, 2019

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS 
Litigation Cost Manager
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Felipe Diaz v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 612070

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

AMB:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Felipe Diaz v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 612070 in the amount of \$540,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Fire Department's budget.

This lawsuit arises from damages and injuries sustained in an automobile accident involving a Fire paramedic squad.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Felipe Diaz v. County of Los Angeles, et al.
CASE NUMBER	BC 612070
COURT	Los Angeles Superior Court
DATE FILED	February 29, 2016
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ \$540,000
ATTORNEY FOR PLAINTIFF	Haytham Faraj, Esq.
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	Plaintiff alleges that on September 24, 2015, Paramedic Raphael Raygoza's emergency vehicle entered into an intersection and collided with the passenger side of the vehciel in which Plaintiff was a passenger. Traffic collision investigation is adverse to the paramedic.
PAID ATTORNEY FEES, TO DATE	\$ 46,071
PAID COSTS, TO DATE	\$ 23,187

Case Name: Felipe Diaz v. County of Los Angeles, Raphael Raygoza
(BC 612070)



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	September 24, 2015
Briefly provide a description of the incident/event:	<p>On September 24, 2015, a Fire Fighter (FF) was traveling westbound on Gage Avenue to an emergency call with lights and sirens activated. FF was driving approximately 33 miles per hour and approaching the intersection of Otis Avenue. Plaintiff's father was traveling northbound on Otis Avenue at approximately 25 miles per hour. Plaintiff was a passenger in his father's vehicle.</p> <p>FF crossed the intersection with a red signal and collided broadside into the passenger side of the vehicle driven by Plaintiff's father. Plaintiff complained of back and neck pain, was treated at the scene, and transported to the hospital.</p> <p>Plaintiff had been in a previous serious traffic collision on January 24, 2014 wherein he was rear-ended by a vehicle transport truck on the freeway.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The FF failed to operate his vehicle in a safe manner by turning at the intersection without clearing all the lanes and by deactivating the sirens prior to arriving at his destination.


2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

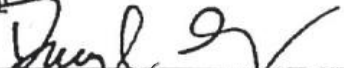
1. The Department initiated an internal investigation into this incident on October 15, 2015. As a result of the investigation, FF was issued a Notice of Suspension for 15 Days on September 9, 2016. He served those days from September 21, 2016 through and including October 5, 2016.
2. The Department Safety Officer recommended the following training action plan:
 - Fleet Program: Intersection Safety for Emergency Vehicle Operators (1 hour);
 - Fleet Program: Driver Safety Orientation (1 hour);
 - Defensive Driver Training (2.5 hours); and
 - Driver Enrichment Course (5 hours).

County of Los Angeles
Summary Corrective Action Plan

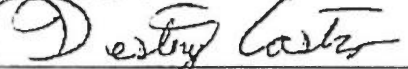
3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
William McCloud	
Signature:	Date:
	4/17/19

Name: (Department Head)	
Signature:	Date:
	04/17/19

Chief Executive Office Risk Management Inspector General USE ONLY
Are the corrective actions applicable to other departments within the County?
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.
<input type="checkbox"/> No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)	
Destiny Castro	
Signature:	Date:
	4/11/2019