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

June 5, 2006

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

Re: **Mary Gray, et al. v. County of Los Angeles**
United States District Court Case No. CV 99-7149 CBM (RCx);
Julius Gray Jr. v. County of Los Angeles
United States District Court Case No. CV 99-11315 CBM (RCx)

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of $110,000.00.

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.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosure

MEMORANDUM

April 12, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DWYER, DALY, BROTZEN & BRUNO, LLP
RICHARD S. KEMALYAN

GORDON W. TRASK
Principal Deputy County Counsel
Law Enforcement Services Division

RE: **Mary Gray, et al. v. County of Los Angeles, et al.**
USDC Case No. CV99-7149 CBM (Rcx)
Julius Gray Jr. v. County of Los Angeles, et al.
USDC Case No. CV99-11315 CBM (RCx)

DATE OF INCIDENT: November 21, 1998

AUTHORITY REQUESTED: $110,000

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 June 5, 2006

HOA.350093.2

SUMMARY

This is a recommendation to settle for $110,000, a lawsuit for the wrongful death of Julius Gray, filed by his mother Mary Gray and his son Julius Gray, Jr.

LEGAL PRINCIPLES

A police officer may be liable for violation of federal civil rights if unreasonable or excessive force is utilized in the control of a jail inmate.

Additionally, under federal law, the County of Los Angeles may be held liable for federal civil rights violations, if the use of excessive force was pursuant to an unconstitutional policy or custom, or was due to inadequate training.

Under California law, legal heirs may recover damages for the wrongful death of their decedent.

SUMMARY OF FACTS

In April 1998, Julius Gray was arrested by the Long Beach Police Department for a warrant in reference to a prior criminal case for infliction of corporal injury on a spouse or co-habitant. Mr. Gray failed to follow through with court ordered counseling, and a warrant was issued for his arrest. He was eventually housed in the Sheriff's custody at the North County Correctional Facility.

On November 21, 1998, Mr. Gray was found dead in his jail cell. The subsequent autopsy revealed that Mr. Gray died from a ruptured aneurysm. The ensuing homicide investigation and Inmate Death Review also determined that the aneurysm was the cause of death.

Mr. Gray's family hired their own forensic pathologist to perform another autopsy. Their doctor claims to have found a micro-fracture of the neck, caused by blunt force trauma, that preceded and caused the ruptured aneurysm.

During the litigation of this matter, Mr. Gray's 12-year-old nephew and 13-year-old niece testified at deposition that after a visit with their uncle on the day of his death, they saw him being hit and choked by a Sheriff's Deputy. This information was never reported to the homicide investigators during the investigation into Mr. Gray's death.

Our two medical experts, one a neuro-pathologist and the other a muscular-skeletal pathologist, both refute the finding of a micro-fracture of the neck.

DAMAGES

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

Loss of care, comfort, and society	
Mary Gray	$ 500,000
Julius Gray, Jr.	$ 500,000
Attorneys' fees	$ 350,000
Total	$1,350,000

The proposed settlement calls for the County to pay Mary Gray and Julius Gray, Jr., a total of $110,000 for all of their claims for damages, costs and attorneys' 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 matter are attorneys' fees of $76,852 and $23,508 in costs.

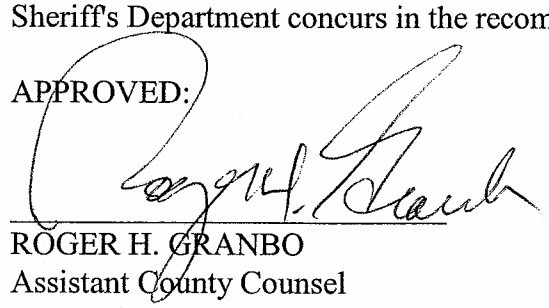
EVALUATION

This is a case of questionable liability. Our experts are definite in their opinion that Mr. Gray died from an aneurysm, and that Mr. Gray did not suffer a fracture of the neck. In addition, the testimony from Mr. Gray's niece and nephew is suspect considering that it was not revealed until the litigation process began. However, if a jury believes the expert testimony from the plaintiffs' pathologist, they could find that Mr. Gray died at the hands of another.

A reasonable settlement at this time will avoid further litigation costs and a potential verdict which, along with attorneys' fees, would likely exceed the proposed settlement.

We join with our private counsel, Dwyer, Daly, Brotzen, and Bruno in recommending settlement of this matter in the amount of $110,000. The Sheriff's Department concurs in the recommendation to settle this lawsuit.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

GWT:bl