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

December 27, 2006

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

Re: **Carol Ann Wilson v. County of Los Angeles**
U.S. District Court Case No. CV 04-08309 JWJx

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of $700,000.00.

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

HOA.414449.1

MEMORANDUM

December 21, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: LINDA B. HUREVITZ, ESQ.
Thomas, Donahue, Thomas & Hurevitz, LLP

NARBEH BAGDASARIAN
Deputy County Counsel
Health Services Division

RE: **Carol Ann Wilson v. County of Los Angeles**
U.S. District Court, Case No. CV 04-08309 JWJx

DATE OF INCIDENT: October 14, 2003

AUTHORITY REQUESTED: $700,000.00

COUNTY DEPARTMENT: LOS ANGELES COUNTY 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 December 27, 2006

HOA.411479.2

SUMMARY

This is a recommendation to settle for $700,000.00, the federal civil rights lawsuit brought by Carol Ann Wilson, the surviving wife of William Louis Wilson, who died on October 14, 2003.

LEGAL PRINCIPLES

The County is liable for the failure of its staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On September 21, 2003, William Louis Wilson, a 62-year old male, was arrested by the Hawthorne Police Department officers for assault with a deadly weapon and spousal abuse. After the arraignment, Mr. Wilson came into the custody of the Los Angeles County Sheriff's Department ("LASD") through the Inmate Reception Center ("IRC").

At about 11:09 a.m., on September 24, 2003, Mr. Wilson was examined by the LASD nursing personnel. During the examination, Mr. Wilson appeared to be nervous. Although he was awake, he was unable to state his name and age. It was also noted that Mr. Wilson was suffering from a mild hypertension (elevated blood pressure). The plan was to arrange the inmate for a 55-protocol procedure (whereby inmates over the age of 55 undergo a more thorough medical evaluation).

At 1:03 p.m., on September 24, 2003, the inmate was examined by one of the LASD mental health nurses. The nurse noted that Mr. Wilson was anxious, confused and suffered from poor judgment and delayed speech.

Despite the fact that Mr. Wilson was scheduled to undergo a more thorough medical evaluation, he was discharged from IRC to his housing unit without the medical evaluation and without being examined by a physician.

On September 25, 2003, the personnel realized that Mr. Wilson had not been seen by a physician as planned. The LASD's nursing personnel placed an order for the inmate to be examined, but failed to contact the inmate's housing unit to assure that he would be seen and examined by the medical personnel.

On October 10, 2003, Mr. Wilson's wife visited him in the Jail. She claims that she saw her husband grab his chest and double over. She also claims that she reported her observation to one of the Deputies who assured her that the inmate would be seen at the clinic. Mr. Wilson was not taken to any clinic on that day.

On October 14, 2003, Mr. Wilson suffered a chest pain episode. Personnel were notified, but when they arrived at Mr. Wilson's housing unit, they found him lying on the floor. Resuscitation measures were undertaken, but the inmate was unresponsive. Paramedics were called, who arrived shortly. The paramedics continued the resuscitation and transported Mr. Wilson to the Los Angeles County USC Medical Center ("LAC+USC").

Mr. Wilson died on his way to LAC+USC. An autopsy was performed which ascribed the cause of death to pulmonary emboli (presence of blood clots in the lungs) due to deep vein thrombosis (formation of blood clots in the deep blood vessels of the legs).

Mr. Wilson's surviving wife brought this action against the County of Los Angeles and many individuals from within the LASD. Her complaint asserts causes of action for deliberate indifference, violation of ADA, negligence, failure to summon medical care and wrongful death. Specifically, she contends that the LASD's medical personnel failed to fully examine Mr. Wilson. She also claims that if he had been examined by a physician, his serious medical conditions would have been diagnosed and he would have been placed under appropriate medical care, which would have prevented the condition which led to his death.

As to the cause of action for deliberate indifference, the plaintiff contends that LASD personnel's failure to perform a complete medical evaluation in light of Mr. Wilson's age and medical condition and the Deputies' failure to refer Mr. Wilson to a clinic on October 10, 2003 constituted deliberate indifference.

DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Damages, including Pain and Suffering	$ 750,000.00
Funeral Expenses	$ 2,272.06
Attorney's Fees and Costs	$ 750,000.00
TOTAL	$1,502,272.06

The proposed settlement includes:

Pain and Suffering	$250,000.00
Attorney's Fees	$350,000.00
Costs of Litigation	$100,000.00
TOTAL	$700,000.00

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement. There were four roundtable reviews of the case and two mediation sessions. During the first mediation, Plaintiff insisted on $4,000,000.00 to settle, and made a $1,700,000.00 demand at the outset of the second mediation. The proposed settlement is the product of the second mediation session. It should be noted that the City of Hawthorne is also contributing $100,000 towards the total settlement of $800,000.

This matter involved several legal and medical issues surrounding the condition of Mr. Wilson and the care and treatment rendered to him at the Jail. In addition to the normal discovery in such matter, it was necessary to retain medical experts to review the care rendered by the County's personnel. Expenses incurred by the County of Los Angeles in the defense of this case through August 1, 2006, are attorney's fees of $131,983.80 and $49,752.31 in costs.

The total cost to the County of Los Angeles as a result of this settlement is as follows:

Indemnity (Settlement Amount)	$700,000.00
County Attorney's Fees and Costs	$181,736.11
TOTAL	$881,736.11

EVALUATION

Experts will be critical of the Jail personnel's failure to adequately address Mr. Wilson's medical condition. This failure contributed to the death of Mr. Wilson. Considering the facts and circumstances of this case, it is likely that a jury may return with a verdict for the plaintiff as to the cause of action for deliberate indifference, which will subject the County to pay the plaintiff's attorney fees and costs.

We join with our private counsel, Linda B. Hurevitz, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of $700,000.00. The Sheriff's Department concurs with this settlement.

APPROVED:

RICHARD K. MASON
Assistant County Counsel
Health Services Division

RKM:bdv