



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

March 5, 2007

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

Re: **Katie Carr, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. TC 018 013

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$200,000.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Health Services.

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

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Maria Oms".

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosure

MEMORANDUM

February 5, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: SCOTT McFALL, ESQ.
Agajanian, McFall, Weiss, Tetreault & Crist

NARBEH BAGDASARIAN
Deputy County Counsel
Health Services Division

RE: **Katie Carr, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. TC018013

DATE OF
INCIDENT: January 27, 2004

AUTHORITY
REQUESTED: \$200,000.00

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

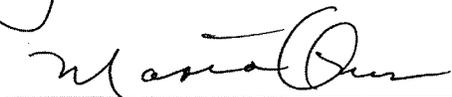
Approve

Disapprove

Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on March 5, 2007

SUMMARY

This is a recommendation to settle for \$200,000.00 the medical negligence/wrongful death lawsuit brought by the survivors of William Carr, Jr., who died after receiving care and treatment at Martin Luther King/Drew Medical Center ("MLK").

LEGAL PRINCIPLES

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

SUMMARY OF FACTS

On January 24, 2004 at about 10:00 p.m., William Carr, Jr., a 42-year-old male, had an accident wherein he fell from a second story window. The paramedics arrived at the scene and found Mr. Carr lying prone on the sidewalk with lacerations and bleeding on the back of his head. Mr. Carr was transported to MLK, arriving at about 10:27 p.m. At this time, the patient's Glasgow Coma Scale ("GCS") was 14. The GCS is a method for evaluating a patient's level of consciousness. The scale ranges from a maximum of 15, for an alert and conscious individual with head injury, to a minimum of 3, for a patient with no verbal response, no movement and no ability to open the eyes.

At about 10:30 p.m., the personnel ordered STAT X-rays and CT scan. At about 11:10 p.m., the personnel noted that the patient's GCS was down to 9. The records reflect that the personnel considered a neurosurgery consultation, but no such consultation was ordered. From 11:10 p.m. to 2:30 a.m. on the next day, the records do not show that a complete neurological examination was performed on Mr. Carr. At around 2:30 a.m. on January 25, 2004, the personnel found the patient to be unresponsive; his GCS score was down to 3.

At 3:00 a.m., the patient underwent the CT scan. The scan revealed a large epidural hematoma (bleeding inside the skull pressing on the brain). Mr. Carr remained in the CT scanner until 4:50 a.m. (to complete additional diagnostic tests and to undergo intubation), after which he was taken to surgery. The surgery began at 5:40 a.m. The surgeons evacuated the bleeding.

After the surgery, there was no improvement in the patient's condition. On January 27, 2004, medical evaluation revealed that the patient was brain dead. The family decided to discontinue life support, and the patient died a few hours later.

DAMAGES

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

Pain and Suffering (MICRA Limit)	\$250,000.00
Lost Earnings (past and future)	\$115,100.00
Loss of Services	\$ 43,974.00
Funeral expenses	\$ <u>6,000.00</u>
TOTAL	\$415,074.00

The proposed settlement includes:

Pain and Suffering	\$132,725.00
Attorney's Fees (MICRA Limitation)	\$ 59,775.00
Costs of Litigation (estimate)	\$ <u>7,500.00</u>
TOTAL	\$200,000.00

STATUS OF CASE

The survivors of Mr. Carr filed this medical malpractice lawsuit against the County of Los Angeles. The current trial date has been vacated pending approval of this settlement.

This matter involves medical issues surrounding the care and treatment rendered to William Carr, Jr. In addition to the normal discovery in such matters, it was necessary to retain medical experts to review and evaluate the extent of the plaintiff's injuries. Expenses incurred by the County of Los Angeles in the defense of this case through February 5, 2007, are attorney's fees of \$54,847.50 and \$16,563.78 in costs.

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

Indemnity (Settlement Amount)	\$200,000.00
County Attorney's Fees and Costs	\$ <u>71,411.28</u>
TOTAL	\$271,411.28

EVALUATION

Experts will be critical primarily of the medical personnel's delay in performing the necessary diagnostic evaluation. This failure fell below the standard of care and contributed to the death of Mr. Carr. On November 2, 2005, a roundtable was held at MLK. After a comprehensive review of the case, it was the consensus that settlement negotiations should be pursued. The proposed settlement is within the parameters discussed and agreed to at the roundtable.

We join with our private counsel, Scott McFall, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$200,000.00.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment