



# 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: **Philomene Long v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 311 762**  
**United States District Court Case No. CV 03-0531 DDP**

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$475,000.
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,

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

Maria M. Oms, Chairperson  
Los Angeles County Claims Board

MMO:gs

Enclosure

# MEMORANDUM

February 26, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MILDRED K. O'LINN, ESQ.  
Manning & Marder

NARBEH BAGDASARIAN  
Deputy County Counsel  
Health Services Division

RE: **Philomene Long v. County of Los Angeles**  
**U.S. District Court, Case No. CV 03-0531 DDP**  
**Los Angeles Superior Court, Case No. BC311762**

DATE OF  
INCIDENT: March 29, 2002

AUTHORITY  
REQUESTED: \$475,000.00

COUNTY  
DEPARTMENT: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

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## 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 \$475,000 the wrongful death and violation of civil rights lawsuit brought by Philomene Long, the surviving wife of John Thomas Idlet, who died while in the custody of the Los Angeles County Sheriff's Department ("LASD").

## 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

After pleading guilty to charges against him, John Thomas Idlet came under the custody of LASD on March 11, 2002. At the time, Mr. Idlet was 71 years old. He arrived at the LASD facility in a wheelchair. The inmate had a long history of heart disease and had brought several of his medications with him to the LASD jail.

On March 28, 2002, at about 8:20 a.m., the inmate was found on the floor of his cell. When the personnel attended him, the inmate informed them that he was suffering from shortness of breath. Later on that day, the personnel noted that Mr. Idlet was having a crackling sound in his lungs and that his urine had become dark. The personnel evaluated Mr. Long but no decision was made to transfer the inmate to LAC+USC.

At about 10:10 p.m., on March 28, 2002, Mr. Idlet was again found on the floor of his cell. By 11:52 p.m., the inmate was suffering from shortness of breath and low blood pressure. Medical treatment was administered and an order was placed to transfer the inmate to LAC+USC. The ambulance arrived at about 12:25 a.m. on March 29, 2002, and the inmate was transported at 12:40 a.m.

Mr. Idlet arrived at LAC+USC at about 1:00 a.m. on March 29, 2002. He was pronounced dead at 2:56 p.m.

## DAMAGES

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

Pain and Suffering	\$250,000.00
Loss of Services	\$100,000.00
Funeral Expenses	\$ 13,798.00
Attorney's Fees and Costs	<u>\$175,000.00</u>
TOTAL	\$538,798.00

The proposed settlement includes:

Pain and Suffering (for both plaintiffs)	\$250,000.00
Attorney's Fees	\$100,000.00
Costs of Litigation	<u>\$125,000.00</u>
 TOTAL	 \$475,000.00

### STATUS OF CASE

In her lawsuit, plaintiff has asserted causes of action for deliberate indifference and negligence. The current trial date has been vacated pending approval of this settlement.

This matter involved several legal and medical issues surrounding the medical condition and the care and treatment rendered to Mr. Idlet. In addition to the normal discovery in such matters, it was necessary to retain medical experts to review the care rendered by the County personnel.

In the course of litigating this case, the County filed a Motion for Summary Adjudication arguing that the facts in this case do not support a claim for violation of civil rights or deliberate indifference. The trial Court granted the County's motion, and the plaintiff appealed. However, the Court of Appeals for the Ninth Circuit, in a published opinion, reversed the trial Court's ruling, holding that the case does present facts to create issues for a cause of action for violation of civil rights.

Expenses incurred by the County of Los Angeles in the defense of this case through February 26, 2007, are attorney's fees of \$260,771.31 and \$69,456.18 in costs.

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

Indemnity (Settlement Amount)	\$475,000.00
County Attorney's Fees and Costs	<u>\$330,227.49</u>
 TOTAL	 \$805,227.49

### EVALUATION

Experts will be critical of the jail personnel's failure to timely transfer Mr. Idlet to LAC+USC in light of his medical condition. On February 23, 2004 and March 8, 2005, roundtable conferences were held, and this case was fully discussed and analyzed. The proposed settlement was reached in a mediation and is within the parameters discussed with the Sheriff's Department.

We join with our private counsel, Mildred K. O'Linn, Esq., and our claims administrator, Sedgwick Coronia (former Octagon Risk Services, Inc.), in recommending settlement in the amount of \$475,000.

APPROVED:

A handwritten signature in black ink, appearing to read "Rick K. Mason", written over a horizontal line.

RICHARD K. MASON  
Assistant County Counsel

NB:bdv

Attachment