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Community Development Commission

1-D NOVEMBER 3, 2009

SACHI A. HAMAI
EXECUTIVE OFFICER

November 3, 2009

Honorable Board of Commissioners
Community Development Commission of the
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

APPROVE SETTLEMENT OF TORT LIABILITY CASE MARQUIS BRADLEY VS. HOUSING AUTHORITY OF THE COUNTY OF LOS ANGELES, ET AL. (ALL DISTRICTS) (3 VOTE)

SUBJECT

This letter recommends approval of a settlement in the amount of $45,000 for a lawsuit filed by Marquis Bradley against the Housing Authority and the Community Development Commission (Commission). The lawsuit arose out of an October 25, 2007 collision between two motor vehicles driven by Plaintiff Bradley on the one hand, and Jesus Enriquez Cida, a Commission employee, on the other. Plaintiff Bradley alleged that Mr. Enriquez, in the course and scope of his duty, drove in a negligent manner and caused the collision. This letter relates to an item on the agenda of the Board of Commissioners of the Housing Authority.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and authorize the Executive Director to execute a settlement agreement in the amount of $45,000, to be paid from Housing Authority public housing funds, to Marquis Bradley for Marquis Bradley vs. Housing Authority of the County of Los Angeles, Community Development Commission of the County of Los Angeles, and Jesus Enriquez Cida, following approval as to form by County Counsel.

2. Find that approval of the settlement is not subject to the provisions of the California Environmental Quality Act (CEQA) because the activity is not defined as a project under CEQA.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this action is to approve a settlement of this case in the amount of $45,000 in lieu of proceeding to litigation.

FISCAL IMPACT/FINANCING

There is no impact on the County general fund. The financing of the proposed settlement agreement will be paid from the Housing Authority's public housing administrative funds.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Plaintiff Marquis Bradley alleged that he was injured in an automobile versus automobile collision involving a 2001 Chevrolet Van owned by the Commission and a 2003 Nissan Altima driven by Plaintiff. Plaintiff Bradley was traveling on October 25, 2007 on Telegraph Road in unincorporated East Los Angeles at the time of the collision. According to the Traffic Collision Report, Plaintiff Bradley had the right of way when the Commission employee made a left turn.

Law enforcement attributed 100% fault for the collision to the Commission employee, Mr. Enriquez, due to his failure to yield to oncoming traffic that had the right of way. Mr. Enriquez was not available to provide a first-hand account as he no longer worked for the Commission as of September 2008. The Commission made numerous unsuccessful attempts to contact Mr. Enriquez via correspondence to several addresses as well as by telephone. During the course of the lawsuit, the law firm representing the Commission and Housing Authority filed a motion to withdraw as counsel for Mr. Enriquez due to his unavailability and failure to cooperate.

Plaintiff is alleging severe injury, including future pain and suffering and medical expenses, as well as a loss of earnings and earning capacity. Plaintiff Bradley's doctors have testified that he will need knee surgery due to a torn meniscus in his right knee.

If the matter proceeds to trial, Plaintiff Bradley will seek $200,000 for General Damages, including pain and suffering, emotional distress, and non-economic damages. Under the proposed settlement, the Housing Authority would pay $45,000 to settle all claims in this case.

Expenses incurred by the Commission and Housing Authority in defense of this matter include attorneys' fees in the amount of $22,587 and other fees and costs in the amount of $754. The Commission and Housing Authority jointly estimate that they would have to incur approximately $45,000 in additional costs and expenses if the case proceeds to trial.

The proposed settlement of this case was achieved following several informal settlement discussions and a Mandatory Settlement Conference. The settlement will prevent further litigation expenses and potential jury verdicts substantially in excess of the settlement amount. The Plaintiff has approved and executed the settlement agreement.

ENVIRONMENTAL DOCUMENTATION

This action is exempt from the provisions of the National Environmental Policy Act pursuant to 24 Code of Federal Regulations, Part 58, Section 58.34 (a)(3) because it involves administrative activities that will not have a physical impact on or result in any physical changes to the environment. This action is not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378 because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

IMPACT ON CURRENT SERVICES

This settlement will avoid further litigation expenses and conclude this lawsuit.

Respectfully submitted,

SEAN ROGAN
Executive Director