



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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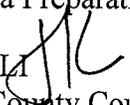
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ANDREA SHERIDAN ORDIN  
County Counsel

November 18, 2010

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTI   
Senior Assistant County Counsel

RE: **Ara and Georgette Boyajian v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 379 922**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ara and Georgette Boyajian v. County of Los Angeles, Los Angeles Superior Court Case No. BC 379 922, in the amount of \$500,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This lawsuit seeks compensation for damage caused by a sewer back-up.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |  |
|----------------------------|--|
| CASE NAME                  | Ara and Georgette Boyajian v.<br>County of Los Angeles   |
| CASE NUMBER                | BC379922   |
| COURT                      | Los Angeles Superior Court   |
| DATE FILED                 | 10/30/2007   |
| COUNTY DEPARTMENT          | Public Works - Sewer<br>Maintenance District   |
| PROPOSED SETTLEMENT AMOUNT | \$ 500,000   |
| ATTORNEY FOR PLAINTIFF     | Joel Castro, Esq.  |
| COUNTY COUNSEL ATTORNEY    | Brian T. Chu<br>Principal Deputy County Counsel  |
| NATURE OF CASE             | On April 8, 2005, Ara and Georgette Boyajian returned home from an extended trip to find the first floor of their home covered by sewer water. A sewer maintenance crew from the County's Department of Public Works responded to the scene and observed a high waste water level at a nearby manhole. The crew rodded a portion of the sewer main line and cleared a blockage caused by tree roots. The Boyajians were later advised to install a backflow valve to prevent future occurrences. |

As a result of the sewer back-up, walls, flooring, associated baseboards, cabinetry and personal property were damaged in the dining room, living room, kitchen, family room and ground level bathroom and bedroom.

The Boyajians filed a lawsuit against the County alleging inverse condemnation, private and public nuisance, negligence and trespass.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

|                             |    |         |
|-----------------------------|----|---------|
| PAID ATTORNEY FEES, TO DATE | \$ | 125,845 |
| PAID COSTS, TO DATE         | \$ | 20,738  |



## Summary Corrective Action Plan

### County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

|  |   |
|--|---|
| Claim:   | Ara Boyajian  |
| Date of incident/event:                              | April 8, 2005   |
| Briefly provide a description of the incident/event: | <p>This is a sewage backup that occurred at a residence located at 6650 Locklenna Lane in the City of Rancho Palos Verdes in 2005. The wastewater overflowed into the plaintiffs' residence damaging the interior of their home as well as their personal property.</p> <p>Public Works responded and the crew confirmed the existence of a mainline blockage created by tree roots between Manhole Nos. 103 and 104. The crew rodded the sewer line and broke down a heavy root stoppage. The main sewer line was left flowing normally.</p> |

1 Briefly describe the root cause of the claim/lawsuit:

The cause of the sewer backup was a tree root blockage of the main sewer line. Public Works provides semi-annual inspections of the main sewer line. The last semi-annual inspection prior to the incident was carried out on September 16, 2004, or 6 1/2 months prior to the incident date.

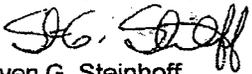
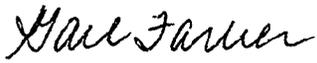
County of Los Angeles Department of Public Works  
 Summary Corrective Action Plan

2 Briefly describe recommended corrective actions:  
 (Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

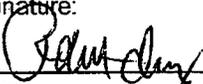
- 1 This segment of the main sewer line was placed on a quarterly rodding schedule in 2005 and to this day continues to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program.
- 2 A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 6650 Locklenna Lane, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.
3. On June 18, 2010, Sewer Maintenance Division (SMD) scheduled a Closed Circuit Television (CCTV) inspection of the main sewer line between Manhole Nos. 103 and 104 to assess the existing condition and determine if the offending tree could be identified and removed. Based on the CCTV inspection, light roots can be seen in many of the joints along the entire length of the main sewer line; however, the roots are not impeding sewer flow. Roots are also present in an inactive wye connection about 20 feet downstream of the lateral connection at 6658 Locklenna Lane. It is evident that SMD's periodic maintenance program has been effective over the last 5 years at keeping the main sewer line free of root masses that could impede the flow and function of the main sewer line. The specific offending tree could not be located with certainty for removal.
- 4 On July 13, 2010, a sewer lateral root intrusion notice letter was sent to 6658 Locklenna Lane, informing the property owner(s) that they must keep their lateral free of tree roots.

3. State if the corrective actions are applicable to only your department or other County departments.  
 (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department implications.

|  |                  |
|--|------------------|
| Signature: (Risk Management Coordinator)<br><br>Steven G. Steinhoff | Date:<br>7/26/10 |
| Signature: (Director)<br><br>Gail Farber                            | Date:<br>8-2-10  |

**Chief Executive Office Risk Management Branch**

|   |                   |
|---|-------------------|
| Name:<br>Robert Chavez  | Date:             |
| Signature:<br> | Date:<br>08-04-10 |

ME:psr  
 P4:\BOYAJIAN SCAP3



**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

**LAWSUIT OF:** Boyajian, Ara

**INCIDENT DATE:** April 8, 2005

**INCIDENT LOCATION:** 6650 Locklenna Lane, City of Rancho Palos Verdes

**RISK ISSUE:**

The County may be liable in Inverse Condemnation if a public improvement, operating as intended, is a substantial factor in causing damage to private property

**INVESTIGATIVE REVIEW:**

The main sewer line at this location is owned by the City of Rancho Palos Verdes and maintained by the County as part of the Consolidated Sewer Maintenance District (CSMD)

On April 8, 2005, the main sewer line located at 6650 Locklenna Lane in the City of Rancho Palos Verdes became blocked, which caused wastewater to backup and overflow into plaintiffs' residence damaging the interior of their home as well as their personal property

Sewer Maintenance Division (SMD) was notified and a SMD crew responded to the location. Upon arrival, the SMD crew observed that the wastewater level in Manhole No. 104 in Locklenna Lane was high, but not overflowing. The crew rodded the main sewer line between Manhole Nos. 103 and 104, and broke down a heavy root stoppage. The main sewer line was left flowing normally.

Public Works provides semi-annual inspections of the main sewer line. The last semi-annual inspection prior to the incident was carried out on September 16, 2004, or 6 1/2 months prior to the incident date

There have been no reported incidents of prior sewage backups at this location.

**POLICY ISSUES:**

The Consolidated Sewer Maintenance District's maintenance program consists of regular semi-annual inspections of the sewer system and appurtenances, combined with periodic cleaning, repair, and related work as necessary to keep the collection system operating as designed

**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

**CORRECTIVE ACTION:**

- 1 This segment of the main sewer line was placed on a quarterly rodding schedule in 2005 and to this day continues to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program.
  
2. A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 6650 Locklenna Lane, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition
  
3. On June 18, 2010, Sewer Maintenance Division (SMD) scheduled a Closed Circuit Television (CCTV) inspection of the main sewer line between Manholes Nos. 103 and 104 to assess the existing condition and determine if the offending tree could be identified and removed. Based on the CCTV inspection, light roots can be seen in many of the joints along the entire length of the main sewer line; however, the roots are not impeding sewer flow. Roots are also present in an inactive wye connection about 20 feet downstream of the lateral connection at 6658 Locklenna Lane. It is evident that SMD's periodic maintenance program has been effective over the last 5 years at keeping the main sewer line free of root masses that could impede the flow and function of the main sewer line. The specific, offending tree could not be located with certainty for removal.
  
- 4 On July 13, 2010, a sewer lateral root intrusion notice letter was sent to 6658 Locklenna Lane, informing the property owner(s) that they must keep their lateral free of tree roots.

Reviewed & Recommended

Approved

  
\_\_\_\_\_  
Diego Cadena                      7/28/10  
Deputy Director                      Date

  
\_\_\_\_\_  
John Kelly                      7/29/10  
Deputy Director                      Date

ME:psr  
P4:BOYAJIAN CAP3

