



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713


TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

ANDREA SHERIDAN ORDIN
County Counsel

November 18, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Francisco Duarte, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 407 243

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 and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary 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 Francisco Duarte, et al. v. County of Los Angeles, Los Angeles Superior Court Case No. BC 407 243, in the amount of \$499,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at LAC+USC Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Francisco Duarte, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 407243
COURT	Los Angeles Superior Court - Central
DATE FILED	February 6, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$499,000
ATTORNEY FOR PLAINTIFF	John D. Rowell, Esq. Cheong, Denove, Rowell & Bennett
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On February 5, 2008, Francisco Duarte, was admitted to LAC+USC Medical Center. He underwent surgery on his spine. He was then transferred to Rancho Los Amigos National Rehabilitation ("Rancho").</p> <p>Mr. Duarte was admitted at Rancho a few times and was treated for his condition. Throughout the course of his treatments, Mr. Duarte developed an infection in his spine.</p>

He filed a lawsuit against the County of Los Angeles contending that the providers at the two facilities run and operated by the County of Los Angeles failed to adequately treat his infection.

PAID ATTORNEY FEES, TO DATE

\$131,114.50

PAID COSTS, TO DATE

\$74,893.06

Case Name: Duarte, F



Summary Corrective Action Plan

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.

Date of incident/event:	April 9, 2008
Briefly provide a description of the incident/event:	On February 5, 2008, Francisco Duarte was admitted to LAC+USC and underwent surgery on his spine. He was transferred to Rancho Los Amigos National Rehabilitation Center (Rancho). Mr. Duarte was admitted and discharged from Rancho a few times and was treated for his condition. Over the course of his treatment, Mr. Duarte developed an infection in his spine.

1. Briefly describe the root cause(s) of the claim/lawsuit:

Misread of 4/9/08 MRI

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

- Appropriate personnel actions were taken

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

Name: (Risk Management Coordinator)
Kimberly McKenzie

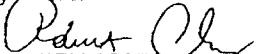
Signature: *1/mckenzie* Date: *8/30/10*

Name: (Department Head)
John F. Schunhoff

County of Los Angeles
Summary Corrective Action Plan

Signature: 	Date: 9/13/10
--	---------------

Chief Executive Office Risk Management Branch

Name: Robert Chavez	
Signature: 	Date: 9/7/10

I:\Risk Mgt. Inspector General\CAP\JSCAP-RECAP/Summary Corrective Action Plan Form 2-01-10 (Final).docx