



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN  
County Counsel

November 17, 2010

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI   
Senior Assistant County Counsel

RE: **Felipe Medina v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. TC 022 146**

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 Felipe Medina v. County of Los Angeles, et al., Los Angeles Superior Court Case No. TC 022 146, in the amount of \$950,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Mental Health's budget.

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Mental Health.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Felipe Medina v. County of Los Angeles, et al.
CASE NUMBER	TC022146
COURT	Los Angeles County Superior Court South Central District
DATE FILED	July 2, 2008
COUNTY DEPARTMENT	Mental Health
PROPOSED SETTLEMENT AMOUNT	\$ 950,000.00
ATTORNEY FOR PLAINTIFF	Banafsheh, Danesh & Javid, APLC
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On December 20, 2007, a Department of Mental Health employee, while in the course and scope of his employment, rear-ended plaintiff's vehicle.</p> <p>Plaintiff claims that the Department of Mental Health employee negligently rear-ended into his vehicle, because he was following too closely and driving at an unsafe speed. The County claims that the plaintiff abruptly stopped for the slowing traffic which made it difficult for the Department of Mental Health Services employee to stop in time and avoid rear-ending the</p>

plaintiff's vehicle.

Due to the risks and uncertainties of litigation, the Department of Mental Health proposes a full and final settlement of the case in the amount of \$950,000.

PAID ATTORNEY FEES, TO DATE	\$	121,524.50
PAID COSTS, TO DATE	\$	52,256.62



## 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:	December 20, 2007
Briefly provide a description of the incident/event:	On December 20, 2007, Department of Mental Health (DMH) employee, Willie Duckworth, Light Vehicle Driver, at approximately 3:00 p.m., was transitioning from the 710 freeway south to the 105 freeway west in the number four (4) lane when he rear-ended another vehicle causing a chain reaction accident involving three (3) other vehicles.

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

The police report states that the cause of the collision was determined to be Mr. Duckworth's violation of section 22350 of the Vehicle Code (VC), unsafe speed.

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

As a result of this accident, the following actions were taken:

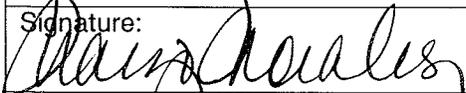
- On October 30, 2008, Mr. Duckworth completed a comprehensive defensive driver training course, which included classroom and on-the-road training. Responsible party: Scott Hanada.
- On April 6, 2009, the Department emailed a memo and Policy and Procedure Number 802.1: Vehicle Control to all Departmental employees and highlighted areas of importance. Responsible party: Joseph Simoneschi.
- On September 30, 2009, the Department emailed a memo and the "Safety Bulletin: Preventing Rear End Collisions" to all Department of Mental Health employees. Responsible party: Joseph Simoneschi.
- On January 11, 2010, the Department began conducting driver safety awareness training for Clinic Driver and Light Vehicle Driver classifications. Responsible party: Joseph Simoneschi
- On June 14, 2010, Mr. Duckworth was discharged from his position with the Department of Mental Health. Responsible party: Joseph Simoneschi

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 for assistance)

Potentially has County-wide implications.

Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).

Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) <b>Margo Morales</b>	
Signature: 	Date: 06/29/10

Name: (Department Head) <b>Marvin J. Southard, D.S.W.</b>	
Signature: 	Date: 6-29-10

**Chief Executive Office Risk Management**

Name: <b>Robert Chavez, M.A., ARM-P</b>	
Signature: 	Date: 06-22-10

# Corrective Action Plan



## 1. General Information

Date CAP document prepared:	June 17, 2010
Department:	Department of Mental Health
Name of departmental contact person:	Margo Morales
• title:	Administrative Deputy
• phone number:	(213) 738-2891
• e-mail:	<a href="mailto:mamorales@dmh.lacounty.gov">mamorales@dmh.lacounty.gov</a>

## 2. Incident/Event Specific Information

Date of incident/event:	December 20, 2007
Location of incident/event:	West Bound 105 Freeway East of Long Beach Boulevard, City of Lynwood
Event contact person:	Joseph Simoneschi, Administrative Support Bureau
• phone:	(213) 738-4639
• e-mail:	<a href="mailto:jsimoneschi@dmh.lacounty.gov">jsimoneschi@dmh.lacounty.gov</a>
Claim adjuster: <small>(Third Party Administrator or County Counsel)</small>	Yumi Higa, Carol Warren & Company
• phone number:	(818) 247-2206 ext. 6757
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Vicki Kozikoujekian, Principal Deputy County Counsel
• phone number:	(213) 974-8208

### 3. Incident/Event Description:

Nature of incident/event:	<p>On December 20, 2007, Department of Mental Health (DMH) employee, Willie Duckworth, Light Vehicle Driver, at approximately 3:00 p.m., was transitioning from the 710 freeway south to the 105 freeway west in the number four (4) lane when he rear-ended another vehicle causing a chain reaction accident involving three (3) other vehicles.</p> <p>There were physical injuries to three adults and property damages were incurred. The police were called to the scene and DMH advised Carl Warren and Company of the accident.</p>
Provide a brief description of the incident/event:	<p>According to the Los Angeles Police Department's (LAPD) report, weather conditions on the day of the accident were clear; lighting was daylight; roadway surface was dry and that there were no unusual conditions. The report also indicates that there were no traffic control devices; the type of collision was rear end; there were other motor vehicles involved; and no pedestrians were involved. The report states that the movement preceding the accident was: Mr. Duckworth's (vehicle one [1]) movement was proceeding straight, and vehicles two (2), three (3), and four (4) were stopped. In addition, the report states that no one, including Mr. Duckworth, was using a cell phone nor was there any evidence of drinking.</p>

- Include a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

### 4. Corrective Action Plan Problem Statement

<p>Provide a written narrative of the incident/event problem statement:</p> <p>The County of Los Angeles can be held liable for any resulting damages to third parties when an employee driving a County vehicle causes such damage during the course and scope of their County employment.</p>
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### 5. Root Cause Analysis

Root Cause Analysis tool used:	Police report.
Incident/event root causes:	<p>List incident/event root causes.</p> <p>The police report states that the cause of the collision was determined to be Mr. Duckworth's violation of section 22350 of the Vehicle Code (VC), unsafe speed.</p>

- Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

### 6. Corrective Action Plan Steps

Task number:	1
Task name:	Defensive Driving Class.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	October 30, 2008
Schedule completion date:	October 30, 2008
Responsible person:	Scott Hanada
Task description:	<p>Attended and completed a class course in defensive driving, which included driving instructions, related films, and behind-the-wheel training. The following topics were covered:</p> <ul style="list-style-type: none"> <li>• Defensive driving.</li> <li>• Time-space management.</li> <li>• Lateral driving maneuvers.</li> <li>• Signs.</li> <li>• Signals.</li> <li>• Roadway markings.</li> </ul>

Task number:	2
Task name:	Memo to all Department of Mental Health employees regarding Policy and Procedure Number 802.1: Vehicle Control.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	April 6, 2009
Schedule completion date:	Annually.
Responsible person:	Joseph Simoneschi
Task description:	Emailed memo and Policy and Procedure Number 802.1: Vehicle Control to all Departmental employees and highlighted areas of importance.

Task number:	3
Task name:	Safety Bulletin: Preventing Rear End Collisions.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	September 27, 2009
Schedule completion date:	September 29, 2009
Responsible person:	Joseph Simoneschi
Task description:	Emailed memo and "Safety Bulletin: Preventing Rear End Collisions" to all Department of Mental Health employees.

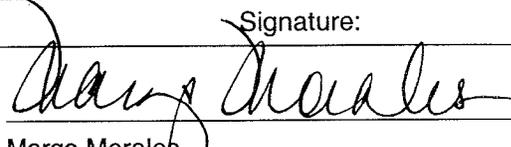
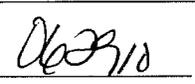
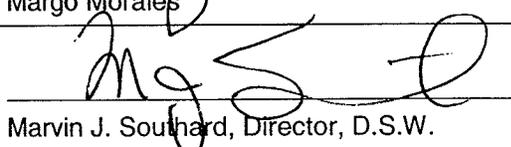
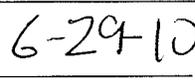
Task number:	4
Task name:	Conduct driver safety awareness training for Clinic Driver and Light Vehicle Driver classifications.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	January 11, 2010
Schedule completion date:	Ongoing
Responsible person:	Joseph Simoneschi
Task description:	Provided video classes on defensive driving to Clinic Drivers and Light Vehicle Drivers that included courses in "Think-N-Drive," "Driving on Freeways," "Road Rage," "Driving Under the Influence," and "Winter Driving."

Task number:	5
Task name:	Administrative action.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	September 28, 2009
Schedule completion date:	June 14, 2010
Responsible person:	Human Resources Bureau
Task description:	Notice of Intent to Discharge and a subsequent Discharge was provided to Mr. Duckworth.

\* If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

### 7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:	 Margo Morales	 6-29-10
Document reviewed by department head or designee.	 Marvin J. Southard, Director, D.S.W. (or designee)	 6-29-10