



COUNTY OF LOS ANGELES
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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: **Antonia Roman v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 408 937

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 Antonia Roman v. County of Los Angeles, Los Angeles Superior Court Case No. BC 408 937, in the amount of \$3,300,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Fire Department's budget.

This lawsuit arises from a vehicle accident involving a Los Angeles County fire truck.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Antonia Roman v. County of Los Angeles
CASE NUMBER	BC408937
COURT	Los Angeles County Superior Court, Central District
DATE FILED	March 4, 2009
COUNTY DEPARTMENT	Fire
PROPOSED SETTLEMENT AMOUNT	\$ 3.3 Million (which includes purchase of the workers' compensation lien and provides for future medical services and benefits to the plaintiff)
ATTORNEY FOR PLAINTIFF	Geoffrey Wells Greene, Broillet & Wheeler, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel General Litigation Division
NATURE OF CASE	<p>On February 12, 2008, a Los Angeles County fire truck collided with a catering truck at the intersection of 135th and Figueroa Streets in Los Angeles. Plaintiff was a passenger riding inside the catering truck. The fire truck was responding to a fire emergency.</p> <p>Plaintiff alleges that the fire truck negligently caused the collision by unsafely entering into the intersection. The County claims that the catering truck negligently failed to yield to the fire truck. The</p>

County also claims that plaintiff was negligent for failing to wear her seatbelt at the moment of impact. Plaintiff was seriously injured as she was rendered a paraplegic.

Due to the risks and uncertainties of litigation, the Fire Department proposes a full and final settlement of the case in the amount of \$3,300,000, which sum includes the purchase of the workers' compensation lien for medical services already provided to plaintiff and that also includes future medical services and benefits to be provided to plaintiff.

PAID ATTORNEY FEES, TO DATE	\$	56,016.00
PAID COSTS, TO DATE	\$	1,623.13

Case Name: Roman v. COLA



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:	February 12, 2008
Briefly provide a description of the incident/event:	<p>On February 12, 2008 at 10:10 a.m. a County Fire engine was responding to a commercial fire when it collided with a catering truck at the intersection of 135th St. and Figueroa in unincorporated Compton. The Fire Truck was responding to a 911 emergency, eastbound on 135th Street, with lights and siren on, at an initial speed of approximately 35+ mph. The County driver stated that as he approached the intersection he slowed down, down-shifted the vehicle and then proceeded into the intersection against a red light. As he was beginning to enter the intersection, the driver saw several vehicles which had stopped, both north and south bound on Figueroa, presumably in response to the lights and siren. The catering truck was north bound in the #1 lane as it entered the intersection, immediately adjacent to the stopped vehicles in the left turn lane.</p> <p>Although the Fire Fighter Specialist slowed the fire engine, as described above, he did not stop before entering the intersection. He did not see the catering truck until it was too late to avoid a collision, which occurred when he was already in the intersection and had crossed at least the two south bound lanes of Figueroa. When he was over half way through the intersection, the catering truck pulled in front of the fire truck, from right to left, causing the two vehicles to collide, with the front of the fire engine impacting the left rear of the catering truck.</p> <p>The driver of the catering truck told law enforcement she did not hear or see the Fire Truck until it was in the intersection. She was slightly injured. She was seated with her seatbelt.</p> <p>The 43 y/o plaintiff was the cook on the catering truck. When interviewed at the hospital she stated that she was in the back of the catering truck at the stove and was not in the passenger seat wearing a seat belt.</p> <p>The impact to the left rear of the catering truck caused it to rotate, counter clockwise, approximately 210 degrees, and tip over onto its right / passenger side. During this movement, the plaintiff was ejected from the catering truck and came to rest on the street suffering a traumatic spinal cord injury which resulted in permanent paraplegia. The exact mechanism of injury is unknown as is the manner in which she was ejected from the vehicle onto the street.</p>

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

The Fire Fighter Specialist driving the engine did not identify that all lanes of traffic crossing his path of travel were cleared before entering the intersection against a red light.

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

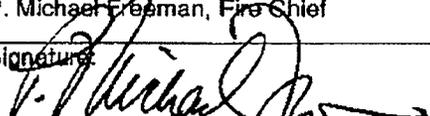
1. January 2009 to May 2009 - The Training Services Section, in collaboration with the regional training captains, presented a three-hour, mandatory Accident Prevention course. The course was designed for safety personnel with the rank of Captain, Fire Fighter Specialist, and Fire Fighter. The course was designed to provide safety personnel with an improved understanding of the roles and responsibilities of a Fire Department commercial driver. (Asst. Chief Montoya, Tech Ops)
2. June 2010 to August 2010 - Update policy (Volume D, Chapter 4, Subject 5) to revise the section which states, "Vehicle operators, while operating an authorized emergency vehicle, and approaching an intersection ... shall stop at all signal controlled intersections ... (and) proceed through the intersection only when all traffic has stopped ..." That policy shall be revised to read, "Driver/Operator shall clear the intersection, lane by lane, until all traffic has yielded the right of way". (Chief Deputy Tripp, Emergency Ops)
3. September 2010 to November 2010 - Provide training to all Fire Department employees who drive emergency response vehicles on the updated Emergency Vehicle Response policy and the dangers inherent in driving an emergency response vehicle. (Chief Deputy Tripp, Emergency Ops)
4. September 2010 - A Notice of Instruction will be presented to the Fire Fighter Specialist who was driving the Department vehicle outlining the factors under his control that gave rise to this accident. Those factors include: failure to be aware of and adhere to current Department driving policy; unsafe driving of an emergency vehicle through an intersection against a red light; and taking an action based on a presumption that another vehicle is going to stop rather than confirming that the other vehicle will do so. (Deputy Chief Bennett, Central Bureau)
5. September 2010 - A Notice of Instruction will be presented to the Fire Captain in charge of the involved engine company outlining the factors under his control that gave rise to this accident. Those factors include: failure to ensure that employees under your supervision are aware of and adhere to Department policy on emergency driving; failure to adhere to Department policy and act as a look-out for the driver of the vehicle when entering an intersection through a red light, on an emergency response; failure to assure that a fire fighter specialist under your command drives in a safe and defensive manner at all times. (Deputy Chief Bennett, Central Bureau)

- 6. August 2010 to September 2010 - Department policies and procedures will be developed that will require line managers to investigate any vehicle accident that involves an employee under their supervision and create a Corrective Action Plan designed to prevent involvement in future vehicle accidents by the same employee. (Chief Deputy Osby, Business Ops; Chief Deputy Tripp, Emergency Ops)
- 7. July 2010 to August 2010 - The procedure for creating new Department policies or making changes to existing policies will include the requirement to obtain the approval of the Chief Deputy of Emergency Operations, the Chief Deputy of Business Operations, and the Fire Chief. (Chief Deputy Osby, Business Ops; Chief Deputy Tripp, Emergency Ops; Fire Chief Freeman)

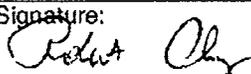
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management for assistance)

- 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) Michael Kranther, Division Chief Risk Management	
Signature: 	Date: 9/10/10

Name: (Department Head) P. Michael Freeman, Fire Chief	
Signature: 	Date: 9/16/10

Chief Executive Office Risk Management

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

roman_scap2



Corrective Action Plan

1. General Information

Date CAP document prepared:	July 12, 2010
Department:	390 – Fire
Name of departmental contact person:	Michael Kranther
• title:	Division Chief, Risk Management
• phone number:	323/881-2379
• e-mail:	mkranther@fire.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	February 12, 2008
Location of incident/event:	135 th & Figueroa St., Compton (unincorporated)
Event contact person:	N/A
• phone:	
• e-mail:	
Claim adjuster: <small>(Third Party Administrator or County Counsel)</small>	Robb Sahli, Carl Warren & Co.
• phone number:	818/247-2206
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Richard Kudo
• phone number:	213/974-1879

3. Incident/Event Description:

Nature of incident/event:	Intersection vehicle accident involving a County Fire Department vehicle on an emergency response and a catering truck
Provide a brief description of the incident/event:	<p>On February 12, 2008 at 10:10 a.m. a County Fire engine was responding to a commercial fire when it collided with a catering truck at the intersection of 135th St. and Figueroa in unincorporated Compton. The Fire Truck was responding to a 911 emergency, eastbound on 135th Street, with lights and siren on, at an initial speed of approximately 35+ mph. The County driver stated that as he approached the intersection he slowed down, down-shifted the vehicle and then proceeded into the intersection against a red light. As he was beginning to enter the intersection, the driver saw several vehicles which had stopped, both north and south bound on Figueroa, presumably in response to the lights and siren. The catering truck was north bound in the #1 lane as it entered the intersection, immediately adjacent to the stopped vehicles in the left turn lane.</p> <p>Although the Fire Fighter Specialist slowed the fire engine, as described above, he did not stop before entering the intersection. He did not see the catering truck until it was too late to avoid a collision, which occurred when he was already in the intersection and had crossed at least the two south bound lanes of Figueroa. When he was over half way through the intersection, the catering truck pulled in front of the fire truck, from right to left, causing the two vehicles to collide, with the front of the fire engine impacting the left rear of the catering truck.</p> <p>The driver of the catering truck told law enforcement she did not hear or see the Fire Truck until it was in the intersection. She was slightly injured. She was seated and wearing her seatbelt.</p> <p>The 43 y/o plaintiff was the cook on the catering truck. When interviewed at the hospital she stated that she was in the back of the catering truck at the stove and was not in the passenger seat wearing a seat belt.</p> <p>The impact to the left rear of the catering truck caused it to rotate, counter clockwise, approximately 210 degrees, and tip over onto its right / passenger side. During this movement, the plaintiff was ejected from the catering truck and came to rest on the street suffering a traumatic spinal cord injury which resulted in permanent paraplegia. The exact mechanism of injury is unknown as is the manner in which she was ejected from the vehicle onto the street.</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

The Fire Fighter Specialist driving the engine did not identify that all lanes of traffic crossing his path of travel were cleared before entering the intersection against a red light.

5. Root Cause Analysis

Root Cause Analysis tool used:	<u>Human Factors Analysis</u>
Incident/event root causes:	<ol style="list-style-type: none">1. Failure to be aware of and adhere to the applicable emergency response driving policy.2. Failure of the Captain to act as a second pair of eyes to watch for approaching traffic all the way through the intersection.3. Presuming a vehicle is going to stop based on misinterpreted observations of the vehicles' actions.4. Failure of the plaintiff to adhere to state law and the employer's policy to remain in seat with seatbelt engaged while the vehicle is in motion.5. Failure of the Captain to assure that employees under his command were aware of Department driving policies and were adhering to safe driving practices.

6. Corrective Action Plan Steps

Task number:	1
Task name:	Mandatory Accident Prevention Course
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Personnel
Schedule start date:	January 1, 2009
Schedule completion date:	May 20, 2009

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Responsible person:	Asst. Chief Angel Montoya, Technical Operations Section
Task description:	The Training Services Section, in collaboration with the regional training captains, presented a three-hour, mandatory Accident Prevention course. The course was designed for safety personnel with the rank of Captain, Fire Fighter Specialist, and Fire Fighter. The course was designed to provide safety personnel with an improved understanding of the roles and responsibilities of a Fire Department commercial driver.

Task number:	2
Task name:	Update Emergency Vehicle Response Policy
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	June 15, 2010
Schedule completion date:	August 1, 2010
Responsible person:	Chief Deputy John Tripp, Emergency Operations
Task description:	Update policy (Volume D, Chapter 4, Subject 5) to revise the section which states, "Vehicle operators, while operating an authorized emergency vehicle, and approaching an intersection ... shall <u>stop</u> at all signal controlled intersections ... (and) proceed through the intersection only when all traffic has stopped ..." That policy shall be revised to read, "Driver/Operator shall clear the intersection, lane by lane, until all traffic has yielded the right of way".

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Task number:	3
Task name:	Training on Updated Policy
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	September 30, 2010
Schedule completion date:	November 15, 2010
Responsible person:	Chief Deputy John Tripp
Task description:	Provide training to all Fire Department employees who drive emergency response vehicles on the updated <u>Emergency Vehicle Response</u> policy and the dangers inherent in driving an emergency response vehicle.

Task number:	4
Task name:	<u>Notice of Instruction</u> to Fire Fighter Specialist driving emergency vehicle.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Personnel
Schedule start date:	September 1, 2010
Schedule completion date:	September 15, 2010
Responsible person:	Deputy Chief Mark Bennett
Task description:	A <u>Notice of Instruction</u> will be presented to the Fire Fighter Specialist who was driving the Department vehicle outlining the factors under his control that gave rise to this accident. Those factors include; failure to be aware of and adhere to current Department driving policy; unsafe driving of an emergency vehicle through an intersection against a red light; and taking an action based on a presumption that another vehicle is going to stop

	rather than confirming that the other vehicle will do so.
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Task number:	5
Task name:	<u>Notice of Instruction</u> to Fire Captain in command of the involved engine company.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input checked="" type="checkbox"/> Personnel
Schedule start date:	September 1, 2010
Schedule completion date:	September 15, 2010
Responsible person:	Deputy Chief Mark Bennett
Task description:	A <u>Notice of Instruction</u> will be presented to the Fire Captain in charge of the involved engine company outlining the factors under his control that gave rise to this accident. Those factors include; failure to ensure that employees under your supervision are aware of and adhere to Department policy on emergency driving; failure to adhere to Department policy and act as a look-out for the driver of the vehicle when entering an intersection through a red light, on an emergency response; failure to assure that a fire fighter specialist under your command drives in a safe and defensive manner at all times.

Task number:	6
Task name:	Create an internal, Fire Department Corrective Action Program for vehicle accidents.
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel

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 Corrective Action Plan

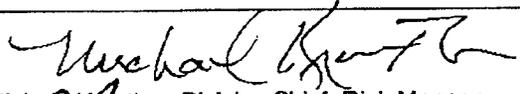
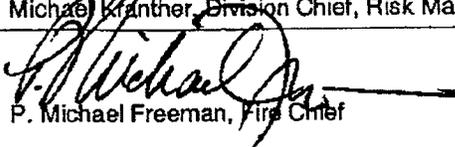
Schedule start date:	August 1, 2010
Schedule completion date:	September 30, 2010
Responsible person:	Chief Deputy Emergency Operations, John Tripp Chief Deputy Business Operations, Daryl Osby
Task description:	Department policies and procedures will be developed that will require line managers to investigate any vehicle accident that involves an employee under their supervision and create a Corrective Action Plan designed to prevent involvement in future vehicle accidents by the same employee.

Task number:	7
Task name:	Modify the procedure for implementing new policies or changes to existing policies.
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	July 1, 2010
Schedule completion date:	August 1, 2010
Responsible person:	Chief Deputy Emergency Operations, John Tripp Chief Deputy Business Operations, Daryl Osby Fire Chief P. Michael Freeman
Task description:	The procedure for creating new Department policies or making changes to existing policies will include the requirement to obtain the approval of the Chief Deputy of Emergency Operations, the Chief Deputy of Business Operations, and the Fire Chief.

* 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:	 Michael Kranther, Division Chief, Risk Management	9/10/10
Document reviewed by department head or designee.	 P. Michael Freeman, Fire Chief	9/16/10