



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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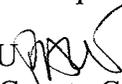
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JOHN F. KRATTLI
County Counsel

March 27, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Ruth Marquez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. YC 063 510

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 two Summary Corrective Action Plans to be made available to the public.

It is requested that this recommendation, the Case Summary and the two Summary Corrective Action Plans be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Ruth Marquez v. County of Los Angeles, et al., Los Angeles Superior Court Case No. YC 063 510, in the amount of \$245,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from injuries sustained by an inmate in a vehicle accident while being transported in a Sheriff's Department transport bus.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ruth Marquez v. County of Los Angeles, et al.
CASE NUMBER	YC063510
COURT	Los Angeles Superior Court
DATE FILED	October 27, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 245,000
ATTORNEY FOR PLAINTIFF	Robert Gurbuz, Esq.
COUNTY COUNSEL ATTORNEY	Bruce W. Cochran Principal Deputy County Counsel
NATURE OF CASE	This is an automobile negligence case arising from a traffic collision, which injured Ruth Marquez while she was in a Sheriff's Department transport bus.
PAID ATTORNEY FEES, TO DATE	\$ 218,144
PAID COSTS, TO DATE	\$ 103,474

Case Name: Ruth Marquez v. County of Los Angeles, et al.



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:	Monday, December 7, 2009; approximately 5:37 a.m.
Briefly provide a description of the incident/event:	<p><u>Ruth Marquez v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-035</p> <p>On Monday, December 7, 2009, at approximately 5:37 a.m., a Los Angeles County deputy sheriff was driving a black and white County of Los Angeles-owned transportation bus north on Mona Boulevard when the vehicle he was driving collided with another vehicle in the intersection of Imperial Highway, Lynwood.</p> <p>The plaintiff (a passenger on the bus) alleged she was injured as a result of the traffic collision.</p>

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

The root cause in this incident is a member of the Los Angeles County Sheriff's Department violating California Vehicle Code section 22107, Turning Movements and Required Signals.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This traffic collision was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department and the California Highway Patrol. Their investigations concluded the deputy sheriff caused the traffic collision by violating California Vehicle Code section 22107, Turning Movements and Required Signals.

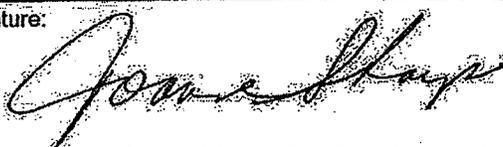
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was imposed.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

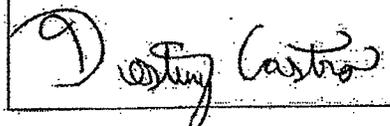
Name: (Risk Management Coordinator): Joanne Sharp, Captain Risk Management Bureau	
Signature: 	Date: 1-3-14

Name: (Department Head): Roberta A. Abner, Chief Internal Investigations Division	
Signature: 	Date: 01/06/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the county?

Yes, the corrective actions potentially have County-wide applicability.
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General): Destiny Castro	
Signature: 	Date: 3/6/2014

Case Name: **Ruth Marquez v. County of Los Angeles, et al.**



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:	Monday, December 21, 2009 at 10:34 a.m.
Briefly provide a description of the incident/event:	<p>On Monday, December 7, 2009, a Los Angeles County-owned transportation bus collided with another vehicle in the intersection of Imperial Highway, Lynwood. The Plaintiff, who was a passenger on the bus, alleged she was injured as a result of the traffic collision.</p> <p>On December 21, 2009, the Plaintiff, who has a history of Non-Insulin Dependent Diabetes Mellitus (NIDDM), complained to the nurse of right eye blindness for 2 weeks. The nurse referred the Plaintiff for a routine eye examination for right eye blindness.</p> <p>On February 12, 2010, the Plaintiff was evaluated by the LASD Ophthalmologist and was referred to LAC+USC for further evaluation. LAC+USC diagnosed her with "vitreous hemorrhage." The LAC+USC notes indicated "No acute interventions needed at this time." They recommended "Retinal Detachment" precautions and elevate head of bed with 2-3 pillows at night.</p>

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

The nurse failed to appreciate the significance of a new onset sudden loss of vision in the Plaintiff's right eye, resulting in untimely physician referral. The nurse referred the Plaintiff for a routine eye examination and did not indicate in her documentation/referral that this was a "new onset sudden" loss of vision.

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

The nurse will attend a continuing education class specific to eye assessment and submit proof of attendance.

Medical Services Bureau (MSB) will create a Bureau wide policy which will establish guidelines for physician notification when there are sudden and/or marked changes in signs, symptoms, or behavior of the patient. Briefing of the new policy will be provided for all MSB nursing staff.

A re-briefing of MSB Policy #219, Physician/RNP Lines-Consult Referrals will be provided to all MSB nursing staff as soon as possible.

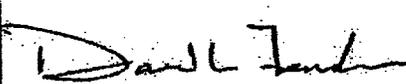
County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Signature: 	Date: 3/4/14

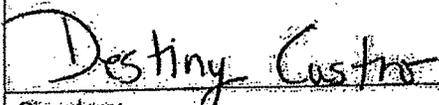
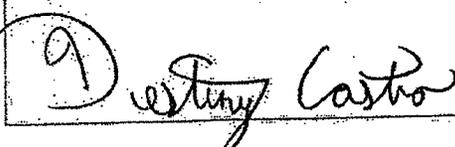
Name: (Department Head)	
Signature: 	Date: 3/6/14

~~CATION NOTICE: THIS INFORMATION IS CONFIDENTIAL~~

Chief Executive Officer/Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

Yes, the corrective actions potentially have County-wide applicability.
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)	
Signature: 	Date:
	3/6/2014