

**STATEMENT OF PROCEEDINGS**  
**FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD**  
**HELD VIA ONLINE CONFERENCE CALL**  
**ON MONDAY, JULY 20, 2020, AT 9:30 A.M.**

**Present: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.**

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public were on the public teleconference phone line to address the Claims Board or to listen to the reportable actions of the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).**

- a. **Deana Varo v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 18-9025 DMG (KSx)**

This federal civil rights and negligence lawsuit alleges the improper disclosure of Plaintiffs' personal contact information on a protective order to a criminal defendant, which led to a shooting at their residence.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$4,250,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

- b. **Marcus Stewart v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 18-7739 GW (KSx)**

This federal civil rights lawsuit alleges that a former juvenile detainee of the Probation Department was sexually assaulted while he was in custody.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

c. **Barbara Hickman, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. 19STCV37450**

This wrongful death lawsuit alleges that the Department of Children and Family Services failed to investigate three calls of suspected child abuse and neglect, leading to the death of two young girls.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,500,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

d. **Chung Lam, et al. v. Manzur Ahmed, et al.**  
**Los Angeles Superior Court Case No. 19STLC00294**

**Mercury Insurance Company v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. 18STLC14872**

These lawsuits arise from alleged injuries sustained in a multi-vehicle accident involving an employee of the Department of Children and Family Services.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$28,670.99.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

e. **Noemi Perez v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 706761**

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

f. **Michael Herring v. County of Los Angeles, et al.**  
**United States District Court Case No. 2:19-CV-08775**

This federal civil rights lawsuit arises from alleged injuries sustained while Plaintiff was an inmate at Men's County Jail.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

g. **Donald Kunstt v. County of Los Angeles, et al.**  
**United States District Court Case No. 19-CV-07510 JAK (JPRx)**

This federal civil rights lawsuit alleges Sheriff's personnel failed to protect Plaintiff while he was an inmate at North County Correctional Facility.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$50,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

h. **Lucy Auner and Kristen Aufdemberg v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 675 305**

This lawsuit against the Sheriff's Department alleges that Plaintiffs were subjected to retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

i. **Nychelle Jenkins v. County of Los Angeles**  
**Los Angeles Superior Court Case No. 19STCV19555**

This claim alleges that an employee of Harbor-UCLA Medical Center with the Department of Health Services was subjected to racial discrimination and wrongful termination.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$75,000

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**4. Report of actions taken in Closed Session.**

The Claims Board reconvened in open session and reported the actions taken in Closed Session as indicated under Agenda Item No. 3 above.

**5. Approval of the Minutes of the July 6, 2020, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Document](#)

**6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

**7. Adjournment.**

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Deana Varo, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 18-9025 DMG (KSx)
COURT	United States District Court
DATE FILED	September 13, 2018
COUNTY DEPARTMENT	District Attorney's Office
PROPOSED SETTLEMENT AMOUNT	\$ 4,250,000
ATTORNEY FOR PLAINTIFF	P. Christopher Ardalan, Esq. Ardalan & Associates
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$4,250,000, a District Attorney's Office ("DA") civil rights and negligence lawsuit alleging the improper disclosure of Plaintiffs' personal contact information on a criminal protective order to a criminal defendant which resulted in the criminal defendant shooting some Plaintiffs to intimidate them and prevent them from testifying against him. Plaintiffs were forced to relocate residences as a result.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs; therefore, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 84,801
PAID COSTS, TO DATE	\$ 9,658

Case Name: Deana Varo v. Los Angeles County District Attorney's Office



## 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:	August 8, 2017 is date the criminal protective order was prepared and given to Quevedo in court. September 19, 2017 is the date of shooting.
Briefly provide a description of the incident/event:	<p>This case arises out of the alleged disclosure of Plaintiffs' (Vanessa Perez, Elvis Pena, Joshua Perez, Deana Varo, Calvin Perez, and Justin Perez) addresses on a criminal protective order prepared and filed by a Deputy District Attorney I (DDA I). Plaintiffs allege that the purported disclosure &amp; release of their contact information on the protective order to a known criminal defendant caused their injuries.</p> <p>On March 16, 2017, Plaintiffs Elvis Pena ("Elvis") and Vanessa Perez ("Vanessa") were eating dinner at a restaurant on Temple Street in the City and County of Los Angeles. At this restaurant, Elvis and Vanessa encountered the defendant, Jonathan Quevedo (a member of the Temple Street gang), in the underlying criminal matter. As Quevedo and his mother entered the restaurant, Quevedo stared at Elvis. This eye contact ultimately led to an altercation whereby Quevedo took his mother's cane and struck Elvis. Quevedo also kicked Vanessa in the pelvic area, and threw a landline phone at her. Elvis and Vanessa left the restaurant and found two police officers who took the initial crime report. After detectives conducted a follow-up investigation, officers arrested Quevedo on April 20, 2017.</p> <p>The Los Angeles County District Attorney's Office (LADA) filed felony assault charges against Quevedo. Quevedo posted bail and was released from custody. During the pendency of the criminal case, Quevedo's alternate public defender submitted an <i>Evans</i> motion for a live line-up. Elvis and Vanessa agreed to participate in the lineup. The DDA I handling the case prepared a criminal protective order pursuant to Penal Code section 136.2 which required Quevedo to stay 100 yards away from Plaintiffs Elvis Pena and Vanessa Perez, plus their children (Joshua Perez</p>

(son), Deana Varo (Joshua's wife), Calvin Perez (son), and Justin Perez (son)). The protective order had the home and work addresses of the adult Plaintiffs. The Court signed the order and it was served on Quevedo on August 8, 2017, in Department 33.

On September 19, 2017, at approximately 4:30 a.m., Quevedo went to Plaintiffs' home and confronted Joshua Perez ("Joshua") and told him to tell his mother, Vanessa Perez, not to go to court. Joshua then got in his car and drove off with his wife, Deana Varo. Quevedo then shot at the victims and their car, one bullet grazing Joshua and three bullets hitting Deana in the abdomen and one on her right thigh.

Detectives conducted follow-ups investigations, and officers re-arrested Quevedo on September 22, 2017. The LADA filed additional felony charges, including attempted murder, against Quevedo. Quevedo was held in custody during the remainder of the case. [Note: Quevedo was convicted of multiple felony charges and sentenced to state prison.]

The entire family, including the other adult sons (Plaintiff Calvin Perez ("Calvin") and Plaintiff Justin Perez ("Justin")) relocated after the September 19, 2017 shooting.

The DDA I did not follow the LADA policy or training when he (1) failed to oppose the improper request for a live line-up due to the state of the known evidence and the unlikelihood of a mistaken identification (Quevedo was clearly captured on surveillance video during the March 16, 2017 felony assaults) and (2) included the plaintiff's home and work address on the criminal protective order that was served on Quevedo, a known gang member and convicted felon. Additionally, the DDA I failed to consult with his supervisor on both issues. The DDA I attended an 18-day training course prior to beginning his assignment. The DDA I attended eight separate training sessions on the extensive LADA policies related to witness protection, protective orders, discovery, and victim rights and services. The DDA I was shown how to properly fill out a protective order during the 18-day training course. The instructors went over protective orders line by line in the training. When the DDA I was assigned to the Preliminary Hearing

	Unit, he was supervised by an experienced, senior DDA IV. The DDA I did not follow LADA policy when he included the plaintiff's home and work addresses in the protective order that was then served on Quevedo.
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1. Briefly describe the root cause(s) of the claim/lawsuit:

The Deputy District Attorney I's inclusion of the victims/plaintiffs home and work addresses in the restraining order that was served on Quevedo.
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2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party and any disciplinary actions if appropriate)

LADA did <i>not</i> pass DDA I on probation and did not approve his final appointment to a permanent position. DDA I resigned on May 30, 2018, after he was told he would not be passing his probationary period.
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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.

Name: (Risk Management Coordinator) Julie Dixon Silva	
Signature: 	Date: 4/23/20

Name: (Department Head) Joseph Esposito	
Signature: 	Date: 4/23/20



**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)

Robert Chavez

Signature:



Date:

4/23/20

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marcus Stewart v. County of Los Angeles, et al.
CASE NUMBER	CV 18-7739 PJW
COURT	United States District Court
DATE FILED	September 5, 2018
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Jeremy I. Lessem, Esq. Lessem, Newstat & Tooson, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$250,000, inclusive of attorneys' fees and costs, a lawsuit filed by Marcus Stewart, a former juvenile detainee of the Probation Department, against the County of Los Angeles, probation officials and several individual deputy probation officers alleging federal civil rights violations and State-law torts for assault, battery, sexual battery and negligence claiming that while he was in custody he was sexually assaulted by a probation officer, and thereafter retaliated against for making complaints about the sexual assault.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs; therefore, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 171,632
PAID COSTS, TO DATE	\$ 5,296

Case Name: STEWART V. COLA



## Summary Corrective Action Plan

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Date of incident/event:	OCTOBER 17, 2017
Briefly provide a description of the incident/event:	<p>Plaintiff, a former juvenile ward of the Los Angeles County Probation Department (Probation or Department), filed a lawsuit under 42 U.S.C. 1983 for violation of rights under the First, Fourth, Eighth, and Fourteenth Amendments of the United States Constitution, as well as state law claims for assault, battery, sexual battery, and negligence. Plaintiff alleges being sexually assaulted by a <i>Group Supervisor, Nights</i> (henceforth "Officer") while in the custody of the Department, and thereafter, alleges retaliation for making complaints about the alleged sexual assault.</p> <p>On October 4, 2017, at approximately 10:00 p.m., plaintiff allegedly knocked on the inside of his locked juvenile hall room door to get the on-duty Officer's attention. Plaintiff requested the use of a Bluetooth speaker (connected to an Officer's phone) to play music while working out. When plaintiff reached out for the speaker, instead of placing the speaker in plaintiff's hand, plaintiff alleges the Officer pressed the speaker toward plaintiff's genital area and tried to rub the speaker against plaintiff's genitals.</p> <p>On October 5, 2017, at approximately 10:00 p.m., plaintiff again knocked on the door to use the Officer's Bluetooth speaker and phone. The Officer again passed the phone towards plaintiff's genitals rather than into plaintiff's outstretched hand. The Officer lingered in plaintiff's doorway, and while attempting to make small talk with plaintiff, slowly reached out with the left hand to grab plaintiff's genitals. The Officer grabbed plaintiff's genitals, and plaintiff rebuffed the Officer. The Officer then denied the incident stating "they're not gay" and that "they had a family." [quote seems odd – should it be "I'm..." and "I have..." not "they're..." and "they had..."???</p> <p>On October 7, 2017, the Officer approached plaintiff and stated that he did not want to get caught and that he "wished they could set plaintiff free but can't." The Officer then offered plaintiff contraband snacks and the use of his cell phone to encourage</p>

	<p>plaintiff to remain quiet about the incidents that had transpired.</p> <p><b><u>ADDITIONAL INFORMATION PERTAINING TO INVESTIGATION</u></b></p> <p>Internal Affairs declined to investigate the sexual assault claims against the Officer as there appeared to be no visual evidence that corroborated the allegation made by the plaintiff.</p> <ul style="list-style-type: none"><li>• However, during Internal Affairs' video review, various Officers were observed violating Department policy by using cellphones/electronic devices which impedes their attention when providing enhanced supervision of their assigned juvenile wards. Plaintiff was one of the officers identified as using an electronic device, and all identified officers received corrective action appropriate for each circumstance.</li></ul>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

<ul style="list-style-type: none"><li>• <u>Lack of adequate supervision and violation of <i>Departmental Policy Cell Phone Use while on duty.</i></u></li><li>• <u>Violation of the Department's <i>Enhanced Supervision Policy.</i></u></li><li>• <u>Incident preceded the strengthening of of policies responsive to the federal <i>Prison Rape Elimination Act.</i></u></li><li>• <u>Lack of visibility and recording time with camera system</u></li></ul>
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2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

<p>The Officer involved was disciplined for failure to adhere to the Enhanced Supervision Policy and supervision post requirements and for violation of the Department's <i>Personal Cell Phone Use policy.</i></p>
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The Department revised the Detention Services Bureau (DSB) Manual to update, standardize, maintain and improve service operations, to ensure that it is current and incorporates changes in statutes, regulations, Department and Countywide policies. All DSB staff received the revision through written memorandum communication.

The Department re-issued Directive 1121 and DSB Manual, making the manual available to all Bureau staff including the subject Officer.

The incident in question occurred in 2017. Since then, Probation issued Directive 1412, "Prison Rape Elimination Act (PREA) for Juvenile Institutions Bureaus" on January 4, 2018. The policy outlines the Department's approach to prevent, detect, respond and audit an incident of sexual abuse or sexual harassment of minors housed in our juvenile facilities. In addition to issuing the PREA policy, Probation provided PREA training to all available (unavailability is generally due to extended absences) juvenile institutional staff by the end of fiscal year 2019-20.

The Department is in the process of a series of capital projects to update the video recording system and video retention capability. The project began in 2017. This project is scheduled to be completed February 2021 but could experience delays due to the COVID-19 pandemic's impact on structuring construction schedules.

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.

Name: (Risk Management Coordinator) Deanna Carlisle, DHRM III	
Signature: <i>Deanna Carlisle</i>	Date: 07/08/20

Name: (Department Head) by: <i>Robert Smythe</i>	
Signature: <i>RS</i>	Date: 7/08/20

**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)

Signature:

Date:

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Barbara Hickman, et al. v. County of Los Angeles, et al.
CASE NUMBER	19STCV37450
COURT	Los Angeles Superior Court
DATE FILED	October 18, 2019
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 1,500,000
ATTORNEY FOR PLAINTIFF	Brian Kabateck Sanjiv Singh
COUNTY COUNSEL ATTORNEY	Katherine Bowser
NATURE OF CASE	Plaintiffs allege that DCFS failed to investigate calls made to the child protection hotline, leading to the death of two minors.  Due to the high risk of and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$1,500,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 28,507
PAID COSTS, TO DATE	\$ 131

Case Name: Hickman, Barbara, et. al. vs. COLA, 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:	October 19, 2017
Briefly provide a description of the incident/event:	Plaintiffs allege wrongful death of their grandchildren due to failure of the Department to protect the children, despite calls made to the Department Child Protection Hotline (CPH).

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

- A. There was a delay in approving Automated Referral Entry System (ARES) entries.
- B. There was a discrepancy between the referral date and time and when the information was received.
- C. There is a need for mental health collaboration at the CPH.
- D. Additional training is needed for CPH staff regarding phone interviews and screenings in an effort to improve assessments of child safety.

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

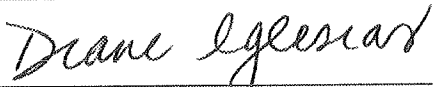
- A. A memo was issued to CPH staff in December, 2017, requiring Supervisors to review and approve ARES entries prior to end of their shift.
- B. A reminder was issued to CPH staff in December, 2017, that the referral date and time should be consistent with the date and time the information was received and/or call taken.




- C. The Department of Mental Health issued co-located staff to CPH starting January, 2019, to provide consultation with mental health concerns.
- D. CPH social workers complete a mandatory six week CPH training.

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

- The corrective actions address department-wide system issues.  
The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Diane Iglesias, Senior Deputy Director	
Signature: 	Date: 7/10/2020

Name: (Department Head)	
BOBBY D. CAGLE, DIRECTOR	
Signature: 	Date: 7/10/2020

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Signature:	Date:

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Chung Lam, et al. v. Manzur Ahmed, et al. Mercury Insurance Company v. County of Los Angeles, et al.
CASE NUMBER	19STLC00294 18STLC14872
COURT	Los Angeles Superior Court
DATE FILED	January 8, 2019 December 13, 2018
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 28,670.99
ATTORNEY FOR PLAINTIFF	Shun C. Chen, Esq. John D. Laurie, Esq.
COUNTY COUNSEL ATTORNEY	LaTasha N. Corry, Deputy County Counsel
NATURE OF CASE	These lawsuits arise from a multi-vehicle collision that occurred on January 25, 2017, caused by a County employee. Plaintiffs Lam et al., allege they sustained personal injuries and damages in the accident. Plaintiff Mercury seeks reimbursement of the insurance benefits it paid on behalf of two of its insured as a result of the accident. Due to the risks and uncertainties of trial, a full settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 16,082
PAID COSTS, TO DATE	\$ 395

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Noemi Perez v. County of Los Angeles, et al.
CASE NUMBER	BC706761
COURT	Los Angeles Superior Court
DATE FILED	May 18, 2018
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	Peter J. Polos, Panish Shea & Boyle LLP Laura Lynn Davidson, Jacoby & Meyers
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a motor vehicle collision that occurred on June 22, 2017, in which DMH employee Sergio Hernandez rear-ended the vehicle driven by Plaintiff Noemi Perez, causing her injury. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 35,823
PAID COSTS, TO DATE	\$ 3,182



## Summary Corrective Action Plan

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Date of incident/event:	<b>June 22, 2017</b>
Briefly provide a description of the incident/event:	The incident involves a rear-end collision which occurred on June 22, 2017. At around 4:40p.m., a DMH General Maintenance Worker (Driver) was driving a County owned 2008 Ford F350 from Northeast Mental Health Center (located at 5321 Via Marisol, Los Angeles) to DMH Headquarters (located at 550 S. Vermont Avenue, Los Angeles). The driver was traveling westbound on Beverly Boulevard (within the speed limit) in the number one lane, two vehicles behind Plaintiff's 2008 Mazda CX-9. The driver states that an unidentified vehicle traveling in front of him switched quickly into the number two lane, which is when he noticed Plaintiff's vehicle stopped in front of him. The driver states he braked hard and sounded his horn, but was unable to avoid colliding with the rear of Plaintiff's vehicle.

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

Root Cause: The driver should have been driving slower and/or left more space between his vehicle and the unidentified vehicle traveling in front of him, so as to be able to stop the County vehicle in time to avoid the collision with Plaintiff's vehicle.

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

Root Cause: All accidents involving a County vehicle must be reviewed by the Vehicle Accident Review Committee (VARC)

Due Date: This was completed on August 18, 2017

Person Responsible: VARC Members

Root Cause: Accident was deemed preventable and corrective action and training recommended for the driver.

Due Date: Training was completed by the employee on August 3, 2017. Verbal Counseling was provided to the employee on September 14, 2017.

Person Responsible: Employee's immediate supervisor

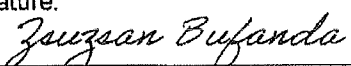
Root Cause: The Department of Mental Health will ensure all DMH staff are reminded of the Health and Safety Bulletin regarding Preventing Rear End Collisions, prepared by the DMH Risk Management


County of Los Angeles  
Summary Corrective Action Plan

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<p>Team with assistance from CEO Risk Management. Due Date: June 30, 2020. Person Responsible: DMH Human Resources Health &amp; Safety Unit</p> <p>Root Cause: The Department of Mental Health requires all Mileage Permittees to complete the online Comprehensive Defensive Driver Training in the Learning Net prior to being approved as a Mileage Permittee. DMH will continue this practice. Due Date: Ongoing Person Responsible: DMH Health &amp; Safety Unit</p>
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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.

Name: (Risk Management Coordinator) Zsuzsan Bufanda, Administrative Manager III	
Signature: 	Date: 5/26/2020

Name: (Department Head/Designee) Edgar Soto, Administrative Deputy III	
Signature: 	Date: 5/26/20

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Signature:	Date:

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael Herring v. County of Los Angeles, et al.
CASE NUMBER	2:19-CV-08775
COURT	United States District Court - Central District
DATE FILED	August 16, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 35,000
ATTORNEY FOR PLAINTIFF	Randy H. McMurray, McMurray Henriks, LLP
COUNTY COUNSEL ATTORNEY	Lenore Kelly, Collinson, Daehnke, Inlow & Greco Kelsey Nau Deputy County Counsel
NATURE OF CASE	This negligence and federal civil rights lawsuit arises from injuries sustained by Plaintiff Michael Herring, a former inmate at Men's Central Jail, when a cell gate closed on his fingers on October 7, 2018. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 9,167
PAID COSTS, TO DATE	\$ 82

**CASE SUMMARY**

**INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Donald Kunstt v. County of Los Angeles, et al.
CASE NUMBER	2:19-CV-07510-JAK
COURT	United States District Court
DATE FILED	August 29, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Tom Beck Beck Law Firm
COUNTY COUNSEL ATTORNEY	Amie Park Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$50,000, inclusive of attorneys' fees and costs, a lawsuit filed by Donald Kunstt ("Plaintiff") against the County and several deputy defendants, alleging civil rights violations. The lawsuit arose from an altercation between Plaintiff and another inmate at the North County Correctional Facility on September 10, 2018. Plaintiff alleges that the deputies ignored his notices that he had a restraining order against another inmate.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement amount of \$50,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 30,840
PAID COSTS, TO DATE	\$ 1,412

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**JULY 6, 2020**

**1. Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 a.m. The meeting was held via teleconference with all Claims Board Members participating telephonically. Claims Board Members online for the teleconference meeting were: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

All other persons also appeared telephonically. Those attending the meeting were: Office of the County Counsel: Timothy Kral, Joseph Langton, Lindsay Yoshiyama, Millicent Rolon, Kevin Engeliem, Jonathan McCaverty, Kent Sommer, Eduardo Montelongo, and Nicole Davis Tinkham; Sheriff's Department: Mark Allen, Dwayne Allen, Sergio Mancilla, Christopher Reed, Ronald Shaffer, Melanie Rivers, Kristine Corrales, Richard Shear, and Pilar Chavez; Department of Public Works: Ronald Castaneda, Michael Hays, and Bill Winter; Office of the District Attorney: Julie Dixon-Silva; Chief Executive Office: Michael Suzuki; Department of Children and Family Services: Lynne Condon; Department of Health Services: Karen Nunn; and Outside Counsel: Elizabeth Bright, David Weiss, Andrew Baum, Alex Lowder, and Jeff Hausman.

**2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public were on the public teleconference phone line to address the Claims Board or to listen to the reportable actions of the Claims Board.

**3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).**

At 9:34 a.m., the Chair convened the meeting into Closed Session to discuss the items listed as 4(a) through 4(i).

**4. Report of actions taken in Closed Session.**

At 12:12 p.m., the Claims Board reconvened in open session via the public teleconference phone line and reported the actions taken in Closed Session as follows:

**a. Lamont Tarkington v. County of Los Angeles, et al.  
United States District Court Case No. 2:18-CV-07636-CJC-JC**

This federal civil rights lawsuit alleges malicious prosecution after the California Court of Appeal reversed Plaintiff's 2007 conviction, resulting in his release from State prison.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,500,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers



**b. Non-Litigated Claim of Anita F. Henck and William E. Henck**

This claim against the Department of Public Works alleges that Plaintiffs suffered real property damage caused by a backflow of sewage due to a mainline blockage.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$27,200.05.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**c. Non-Litigated Claim of Edward Kaufman and Mandi Richardson**

This claim against the Department of Public Works alleges that Plaintiffs suffered real property damage caused by a backflow of sewage due to a mainline blockage.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$191,160.94.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**d. Tereza Macias, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. 20STCV09648**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Department of Public Works.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$30,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

**e. Nadyne Perez v. County of Los Angeles, et al.  
United States District Court Case No. 19-CV-10543**

This lawsuit concerns allegations of sexual assault by a Sheriff's Department Custody Assistant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$725,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

f. **Calvin Newburn v. Los Angeles County Board of Supervisors, et al.**  
**United States District Court Case No. 2:18-CV-09692**

This lawsuit against the Sheriff's Department alleges excessive force, and unreasonable search and seizure.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

g. **George Vasquez v. Ronald Brown, et al.**  
**United States District Court Case No. CV 18-07996 R (AFMx)**

This civil rights lawsuit against the Office of the Public Defender alleges that Plaintiff's constitutional rights were violated as a result of his approximate 17-year pre-trial detention as a civil detainee.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$4,500,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

h. **Hector Almazan v. County of Los Angeles**  
**Los Angeles Superior Court Case No. 19STCV140043**

This lawsuit alleges that an employee of the District Attorney's Office was subjected to discrimination, harassment, retaliation, and failure to accommodate.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

i. **Claim of Dana Hubert**  
**County Equity Investigations Unit Complaint No. CEIU 2018 12604**

This claim alleges that an employee of the Department of Children and Family Services was subjected to disability discrimination.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

j. **Sai-Hung "Josh" Hui v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 651111**

This lawsuit alleges that an employee of the Department of Health Services was subjected to racial discrimination, harassment, defamation, and whistleblower retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$40,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

5. **Approval of the Minutes of the June 1, 2020, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 12:15 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  \_\_\_\_\_  
Derek Stane