

MEMORANDUM

March 2, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD
FROM: PHILIP S. MILLER
Principal Deputy County Counsel
General Litigation Division
RE: Anthony Wayne Myles v. County of Los Angeles, et al.
U.S.D.C. Case No. CV 04-7288 RSWL (PLAx)

DATE OF INCIDENT: December 19, 2003

AUTHORITY REQUESTED: \$35,000

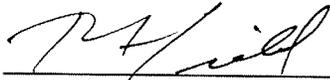
COUNTY DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

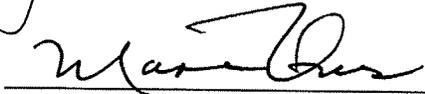
Approve

Disapprove

Recommend to Board of Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on March 21, 2005

SUMMARY

This is a recommendation to settle for \$35,000, a lawsuit filed by Anthony Wayne Myles, who alleges he was injured during a sexual liaison with an on-duty Sheriff's Sergeant.

LEGAL PRINCIPLES

The County may be held liable under the Federal Civil Rights Act for injuries to an individual, including emotional distress, inflicted by a County employee in depriving the individual of his civil rights. An individual who proves a violation of his civil rights is entitled to an award of attorney fees.

SUMMARY OF FACTS

On December 18, 2003, a Sheriff's Department Sergeant was dispatched to a 24-Hour Fitness Club in West Hollywood as a result of the manager of the club reporting sexual activity occurring in the steam room. The Sergeant interviewed the club manager and the parties identified by the manager as being engaged in the sexual activity, including Anthony Wayne Myles. At the conclusion of the interviews, the Sergeant gave his Sheriff's business card to the manager and the involved parties. No arrests were made.

The following day, December 19, Mr. Myles called the Sergeant, and the two agreed to meet at a pre-destined location in West Hollywood. It was at that location that the sexual liaison occurred. Following the encounter, Mr. Myles proceeded to the West Hollywood Sheriff's Station and filed a complaint against the Sergeant.

The Sheriff's Department conducted an Internal Criminal Investigation and referred its findings to the District Attorney. The District Attorney's Office declined to file charges.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Anthony Wayne Myles' Emotional Distress	\$150,000
Civil Rights Attorney Fees	<u>\$100,000</u>
Total	<u>\$250,000</u>

The proposed settlement calls for the County to pay Mr. Myles \$35,000 for all of his damages, costs, and attorney fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

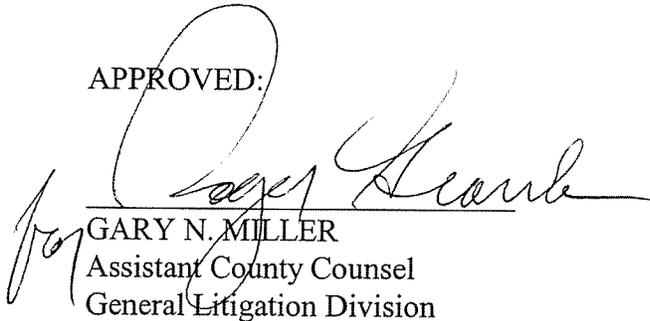
Expenses incurred by the County in defense of this action are attorney fees of \$11,851 and \$895 in costs.

EVALUATION

This is a case of potential liability. Although the Sergeant claims that the liaison was consensual, a jury is likely to believe otherwise considering the fact that Mr. Myles reported the alleged misconduct to the Sheriff's Department immediately following the incident. A reasonable settlement at this time will avoid further litigation costs and a jury verdict that could exceed the proposed settlement.

We recommend settlement of this matter in the amount of \$35,000. The Sheriff's Department concurs in the recommendation.

APPROVED:


GARY N. MILLER
Assistant County Counsel
General Litigation Division

GNM:PSM:eaw