

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

MONDAY, MAY 5, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

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 addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

a.. Gilbert Cavalcanti v. County of Los Angeles
Los Angeles Superior Court Case No. BC 349 946

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to employment discrimination and that the Department failed to accommodate the employee's disability.

Action Taken:

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

Absent: None

Vote: Unanimously carried

- b. Colleen Sarayno v. County of Los Angeles
Los Angeles Superior Court Case No. BC 366 792

This lawsuit concerns allegations that the Probation Department failed to engage in an adequate interactive process and did not provide reasonable accommodation for an employee's disability.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$550,000.00 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Probation Department's budget.

Absent: None

Vote: Unanimously carried

- c. Mark Nelson v. County of Los Angeles
Los Angeles Superior Court Case No. BS 091 319

This lawsuit concerns allegations that an employee of the Fire Department was subjected to a hostile work environment and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$230,000.00 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Chief Executive Office – Special Districts General Liability Trust Fund.

Absent: None

Vote: Unanimously carried

- d. Florita Perry v. County of Los Angeles
Lancaster Superior Court Case No. MC 018 640

This lawsuit seeks compensation for gunshot wounds resulting from a Deputy Sheriff discharging his duty weapon.

Action Taken:

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

Absent: None

Vote: Unanimously carried

See Supporting Documents

- e. Courtney T. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2007060256

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$70,000.

Absent: None

Vote: Unanimously carried

See Supporting Documents

f. Claim of Verna Roosli

This claim seeks compensation for property damage allegedly caused by the operation of the Department of Public Works' Dominguez Gap Seawater Barrier.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$65,000.

Absent: None

Vote: Unanimously carried

See Supporting Documents

g. Gibson Environmental Remediation

This matter concerns the remediation of environmental contamination at a former recycling and disposal facility which received used oil and contaminated soils from various County Departments.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$39,997.

Absent: None

Vote: Unanimously carried

See Supporting Documents

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 for the April 21, 2008, meeting of the Claims Board.

Action Taken:

The Minutes for the April 21, 2008, meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

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	Florita Perry v. County of Los Angeles
CASE NUMBER	MC 018640
COURT	Los Angeles Superior Court, Lancaster
DATE FILED	November 7, 2007
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$75,000
ATTORNEY FOR PLAINTIFF	Steven A. Lerman
COUNTY COUNSEL ATTORNEY	Dennis Gonzales
NATURE OF CASE	<p>On September 27, 2006, two Sheriff's Deputies from the Court Services Bureau in Lancaster were clearing a vacant apartment building of all trespassers as the building was about to be destroyed. When the Deputies approached one of the apartments, they made several announcements telling anyone inside to exit. No one responded and the Deputies entered.</p> <p>While searching a bedroom, one of the Deputies noticed a pile of clothing on a mattress. When someone suddenly popped up from underneath the pile of clothing, the Deputy believed he was</p>

going to be attacked and fired one round at the person, who was later identified as Florita Perry. Ms. Perry, who had been sleeping in the vacant building, sustained gunshot wounds to her left hand and torso.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$75,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$7,719
PAID COSTS, TO DATE	\$0



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:	<p align="center">Florita Perry v. County of Los Angeles (Summary Corrective Action Plan #2008-003)</p> <p align="center">Wednesday, September 27, 2006</p>
Briefly provide a description of the incident/event:	<p>On Wednesday, September 27, 2006, two Los Angeles County Deputy Sheriffs, assigned to Court Services West Bureau (Valley Area), were in possession of a Writ of Possession (issued September 13, 2006) directing them to clear the vacant apartment building at 1318 West Avenue J-2, #C, Lancaster, of trespassers as the building was scheduled for demolition.</p> <p>Before searching the premises, the deputies made several announcements warning potential occupants of their presence and requested them to leave. No one responded and the deputies entered.</p> <p>While searching one of the bedrooms, one of the deputies observed a large pile of clothing upon a mattress. When an individual suddenly appeared from under the pile of clothing, one of the deputies believed an assault was imminent. He discharged his duty weapon, striking the plaintiff.</p>

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

<p>Fearing that he was the target of an ambush, a Los Angeles County Deputy Sheriff fired one (1) round from his duty weapon. The discharged round struck the plaintiff in the upper body.</p>
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County of Los Angeles
 Summary Corrective Action Plan

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

The results of the Los Angeles County Sheriff's Department's administrative review revealed that a Los Angeles County Sheriff's Department employee violated an established Department policy. Specifically, it was determined the employee 1) committed tactical errors; 2) failed to adequately assess the threat level posed by the plaintiff; and, 3); failed to request adequate/appropriate resources.

Appropriate administrative action was taken against one member of the Los Angeles County Sheriff's Department.

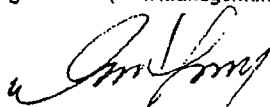
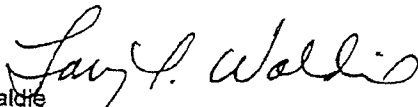
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which may exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$75,000.

This summary corrective action plan has no countywide implications (refer to #3 below).

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 Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications 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.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 4-14-08
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 4-22-08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Courtney T. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health</u>
CASE NUMBER	California Special Education Hearing Office (Case No. N2007060256)
COURT	Not applicable
DATE FILED	June 6, 2007
COUNTY DEPARTMENT	County Counsel
PROPOSED SETTLEMENT AMOUNT	\$70,000.00
ATTORNEY FOR PLAINTIFF	Newman Aaronson Vanaman
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Courtney T., in the Los Angeles Unified School District who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Parents request reimbursement of unilateral placement of special education student. The case went through administrative mediation,

the result of which was an agreement between plaintiff, the school district, and DMH. The settlement is two-prong. Initially, an agreement was reached between DMH and plaintiff regarding plaintiff's attorneys fees claim in the amount of \$5,250, which amount was funded through County Counsel's delegated authority. The second prong of the settlement was the residential placement component in which a settlement was also reached with DMH paying \$70,000.00 to SLS Residential for residential treatment services for plaintiff while she resided at a SLS Residential facility.

PAID ATTORNEY FEES, TO DATE None

PAID COSTS, TO DATE None



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:	November 30, 2005 to December 30, 2006
Briefly provide a description of the incident/event:	The case involves a special education student, Courtney T., in the Los Angeles Unified School District who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Under various state and federal laws, an individual, such as Courtney, is entitled to appropriate levels of mental health services in order to enable her to access and benefit from educational services. Under these laws, it is the responsibility of the County, through DMH, to provide the mental health services necessary to achieve this goal. The case went through administrative mediation, the result of which was an agreement between plaintiff, the school district, and DMH. The settlement is two-prong. Initially, an agreement was reached between DMH and plaintiff regarding plaintiff's attorney's fees claim in the amount of \$5,250, which amount was funded through County Counsel's delegated authority. The second prong of the settlement was the residential placement component in which a settlement was also reached with DMH paying \$70,000.00 to SLS Residential for residential treatment services for plaintiff while she resided at a SLS Residential facility.

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

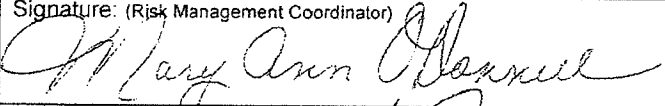
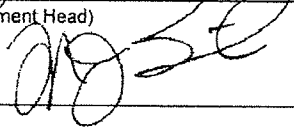
Parents assert unilateral right of placement of special education students. This settlement is the result of a mediated administrative resolution.

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

There are no recommended corrective actions since this settlement reflects a compromise of the parents' unilateral action.

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 Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications 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.

Signature: (Risk Management Coordinator) 	Date: 4/29/08
Signature: (Department Head) 	Date: 4/29/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Verna Roosli v. County of Los Angeles
CASE NUMBER	No litigation filed - claim only
COURT	Not applicable
DATE FILED	Claim was filed on April 12, 2007
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$65,000
ATTORNEY FOR CLAIMANT	Frank Gooch; Gilchrist & Rutter (310) 393-4000
COUNTY COUNSEL ATTORNEY	Carole B. Suzuki Senior Associate County Counsel (213) 974-7796
NATURE OF CASE	Claimant Verna Roosli seeks to recover for loss to her real property resulting from flooding in the basement of her property which she contends was caused by water injected into the ground as part of the Dominguez Gap Seawater Barrier Project. She claims damage to her real property in the amount of \$195,772. Due to the risks and uncertainties of litigation and the substantial costs of proceeding to trial, the parties have agreed to the proposed settlement.
PAID ATTORNEY FEES, TO DATE	\$10,903
PAID COSTS, TO DATE	\$3,925



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



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.

Lawsuit:	Verena Roosli
Date of incident/event:	July 21, 2006
Briefly provide a description of the incident/event:	The Hotel Del Mar, located in Wilmington approximately two blocks north of the marina, experienced flooding in the basement of the property on July 21, 2006. The Dominguez Gap Seawater Barrier Project, an alignment of observation and injection wells designed to prevent seawater from contaminating the west coast groundwater aquifer, is located approximately two blocks north of the property and four blocks north of the marina. The property owner alledged that groundwater had risen to a level to cause flooding in the basement as a result of the operations of the seawater barrier.

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

The seawater barrier alignment precludes the migration of seawater into the freshwater aquifer through injection of highly treated clean water into the 200-foot aquifer. Mild groundwater elevation fluctuations can be correlated to variations in injection rates at the barrier injection wells. Significant changes in the groundwater elevation are also attributable to other sources such as groundwater infiltration following storm events, groundwater extraction from area pumpers, and other undetermined industrial groundwater extraction activities. Much of the fluctuations in groundwater elevation data could not be conclusively correlated to any specific source.

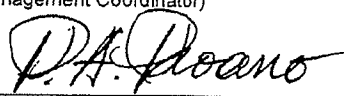
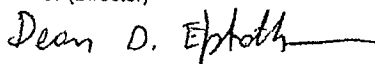
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

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

- 1) From December 2006 until March 2008 Public Works has been monitoring groundwater elevations at shallow observation wells installed in the basement of the subject property using a continuous data logger and bi-weekly site visits.
- 2) An Observation well (24XZ), located approximately two blocks north of the hotel property, is monitored monthly. When the 3-month moving average groundwater piezometric elevation for the 200-foot aquifer exceeds four feet above sea level, injection rates into the adjacent seawater barrier will be reduced to avoid any significant contribution to rising groundwater elevations.
- 3) By June 30, 2008 a shallow observation well will be installed in the vicinity of Avalon Boulevard and C Street and will be monitored monthly to observe localized groundwater elevations in the area between the seawater barrier alignment and the marina.

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 Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications 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.

Signature: (Risk Management Coordinator) Pat Proano 	Date: 4/8/08
Signature: (Director) Dean E. Efstathiou (Acting Director) 	Date: 4/15/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Gibson Environmental Site Cleanup 2401 Gibson Street, Bakersfield, CA
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A County was notified May 10, 2004, of their potential liability in the cleanup process
COUNTY DEPARTMENT	Internal Services Department, Department of Public Works, Museum of Natural History, Chief Executive Office, Department of Beaches & Harbors, Department of Health Services (LAC+USC Medical Center), Probation Department, and Fire Department
PROPOSED SETTLEMENT AMOUNT	\$39,997
ATTORNEY FOR PLAINTIFF	Maureen King, Barg Coffin Lewis & Trapp
COUNTY COUNSEL ATTORNEY	Fred Pfaeffle, Principal Deputy County Counsel
NATURE OF CASE	This involves funding for the cleanup of a hazardous waste disposal site located in Bakersfield, California. The County is potentially liable for a share of cleanup

costs under CERCLA and state environmental contamination laws. The Gibson Trust is seeking to recover investigation and cleanup expenses from parties that disposed of materials at the Gibson Site. The County Departments involved are: Internal Services Department; Fire Department; Los Angeles County Museum; Probation Department; Department of Public Works; Beaches and Harbors; Health Services and the Chief Executive Office

PAID ATTORNEY FEES, TO DATE	\$4,109 (In-house)
PAID COSTS, TO DATE	\$50

Summary Corrective Action Plan

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Date of incident/event:	1990-1993
Briefly provide a description of the incident/event:	For a period of three years, from 1990 to 1993, the County contracted with a waste hauler to dispose of hazardous wastes from facilities operated by the County's Internal Services Department, Department of Public Works, Museum of Natural History, Department of Beaches & Harbors, Department of Health Services, Probation Department, Sheriff's Department, and Fire Department. During this time, approximately 332 tons of County contaminated soil and 95,350 gallons of County contaminated liquid waste were disposed of at the Gibson Environmental Site.

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

Under CERCLA, an entity which generates hazardous waste can be liable if the waste is disposed at a facility from which there is a subsequent release of hazardous substances into the environment.

The County is potentially liable for a share of cleanup costs in an amount commensurate with the County's contribution to contamination at the Gibson Site.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:

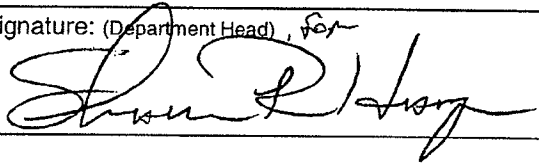
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

At the time the County's waste was transported and disposed, the Gibson disposal Site was fully permitted pursuant to applicable law to receive such waste. Therefore no corrective action is needed.

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 Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications 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.

Signature: (Risk Management Coordinator)	Date:
Signature: (Department Head), for 	Date: 4/18/08

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

April 21, 2008

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:00 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms, Rocky Armfield and John F. Krattli; Office of the County Counsel: Karen Lichtenberg, Carole Suzuki, Tighe Hudson, Edwin Lewis, Adrea Ross, Steve Morris, Narbeh Bagdasarian and Joseph Langton; Office of Affirmative Action: Hayward Harris; Probation Department: Tracy Jordon-Johnson; Department of Public Works: James Yang, Guita Sheik, and Pete Flores; Department of Mental Health: Zoe Tractenberg; Sheriff's Department: Lt. Patrick Hunter; Fire Department: Michael Kranther; Outside Counsel: Douglas Fee of Collins, Collins, Muir and Stewart, LLP, Christy O'Donnell and Mildred K. O'Linn of Manning & Marder, Kass, Ellrod, Ramirez, LLP.

No members of the public addressed the Claims Board.

At 8:05 a.m., the Chairperson adjourned the meeting into closed session. At 11:25 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. The County of Los Angeles and the Los Angeles County Flood Control District v. Sasak Corporation, Amrut Patel, Sita Patel
Los Angeles Superior Court Case No. BC 362 478

This lawsuit concerns damage to a County road and Flood Control District drainage facilities in the vicinity of the City of Diamond Bar.

The Claims Board approved the settlement of this matter whereby the County will receive \$40,000

The vote of the Claims Board was unanimous with all members being present.

- b. Clarence Kersey, et al. v. County of Los Angeles
Lancaster Superior Court Case No. MC 017 214

This dangerous condition lawsuit seeks compensation for wrongful death and personal injuries arising from a vehicle accident on Sierra Highway in the Antelope Valley.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$249,999.99 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Public Works' budget.

The vote of the Claims Board was unanimous with all members being present.

- c. Michelle Gillespie v. County of Los Angeles
Los Angeles Superior Court Case No. BC 375 385

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to sexual harassment and retaliation.

The Claims Board approved settlement of this matter in the amount of \$85,000.

The vote of the Claims Board was unanimous with all members being present.

- d. Migliaccio & Welsh v. County of Los Angeles
Los Angeles Superior Court Case No. BC 317 071

This lawsuit concerns allegations that two employees of the Probation Department were subjected to workplace harassment.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$195,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Probation Department's budget.

The vote of the Claims Board was unanimous with all members being present.

- e. California Department of Health Services, Sandra Shewry v. County of Los Angeles
(This settlement is for twenty-one lawsuits or claims)

This lawsuit concerns the payment to the State of California of Medi-Cal liens asserted in medical-malpractice cases filed against the County.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$750,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.

The vote of the Claims Board was unanimous with all members being present.

- f. Courtney T. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health
California Special Education Hearing Office -
Case No. N2007060256

This case concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

This matter was continued to the next Claims Board meeting.

The vote of the Claims Board was unanimous with all members being present.

- g. Gonzalo Salgado v. County of Los Angeles
Los Angeles Superior Court Case No. BC 357 368

This lawsuit concerns allegations that an employee of the Fire Department was subjected to employment discrimination and retaliation.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$300,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Fire Department's budget.

The vote of the Claims Board was unanimous with all members being present.

- h. Sharyl Renee Beebe v. County of Los Angeles
Los Angeles Superior Court Case No. SC 094 597

This lawsuit seeks compensation for personal injuries sustained in a motor vehicle accident involving an employee of the Fire Department.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Fire Department's budget.

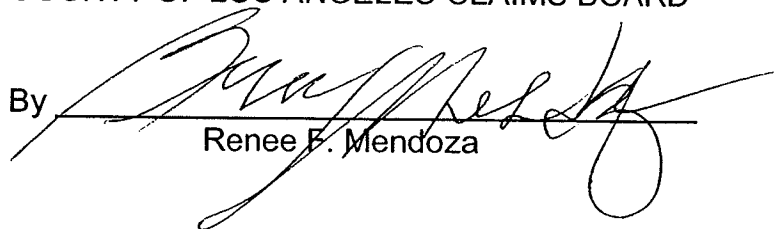
The vote of the Claims Board was unanimous with all members being present.

Minutes for the April 7, 2008, meeting of the Claims Board were approved.

There being no further business, the meeting was adjourned at 11:33 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza