

MEMORANDUM

July 6, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CINDY LEE
Franscell, Strickland, Roberts and Lawrence

ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Division

RE: Ana Vernal v. County of Los Angeles
Compton Superior Court Case No. TC 017745

DATE OF
INCIDENT: July 2, 2003

AUTHORITY
REQUESTED: \$46,000

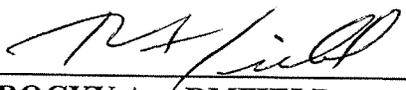
COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

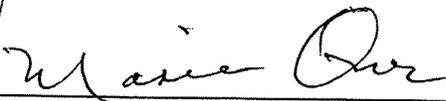
Approve

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 August 1, 2005

SUMMARY

This is a recommendation to settle for \$46,000 the lawsuit filed by Ana Vernal, who was injured in an auto accident with a Sheriff's Department patrol car.

LEGAL PRINCIPLE

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On July 8, 2003, at approximately 5:30 p.m., a Sheriff's Deputy was traveling westbound on Compton Boulevard, approaching Avalon Boulevard, responding to a call that a child was locked in a vehicle. As the Sheriff's Deputy entered the intersection of Avalon and Compton Boulevards, the front end of his vehicle was struck by a truck driven by Ana Vernal, which was traveling southbound on Avalon Boulevard. The Sheriff's Deputy and Ms. Vernal were transported by paramedics to the hospital.

The Sheriff's Deputy, who had to be extracted from his patrol vehicle, has no substantive recollection of the event, due to the serious head injuries he sustained from the incident. Ms. Vernal contends that she entered the intersection on a green light for her direction of travel, when she was struck by the patrol vehicle. There were several witnesses who gave varying accounts of the incident.

Due to the drivers' statements and the conflicting witness statements, the investigating CHP Officer could not determine who was at fault. While the CHP Officer attributed the cause to one vehicle running a red light, he was unable to determine which party ran the red light.

Ms. Vernal sustained soft tissue injuries to her back, neck, head, right shoulder and thighs as a result of this incident. She also claims that the accident caused a spinal condition known as vertebral hemangioma.

DAMAGES

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

Medical expenses	\$ 38,500
Loss of earnings	\$ 54,000
Pain and suffering	<u>\$ 100,000</u>
Total	<u>\$ 192,500</u>

The settlement calls for the County to pay \$46,000 to Ms. Vernal for all of her claims for damages, costs and attorney's fees.

STATUS OF CASE

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

Ms. Vernal's settlement demand throughout the proceedings was \$250,000, requiring our attorneys to prepare the case for trial. After the Final Status Conference, she lowered her demand to \$55,000, and this proposed settlement was ultimately reached. Expenses incurred by the County in defense of this matter are attorney's fees of \$79,980 and \$18,536 in costs.

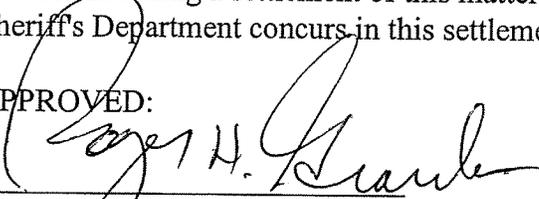
In a related matter, the County sued Ms. Vernal to recover the worker's compensation benefits it expended on behalf of the injured Sheriff's Deputy. Ms. Vernal paid the County \$50,000 in that matter.

EVALUATION

This is a case of comparative liability. The Sheriff's Deputy has no recollection of the accident, and the witnesses gave conflicting accounts of who had the green light. A reasonable settlement at this time will save further litigation costs and avoid a verdict which could exceed the proposed settlement.

We join with our third-party administrator, Carl Warren and Company, and our private counsel, Franscell, Strickland, Roberts, and Lawrence, in recommending a settlement of this matter in the amount of \$46,000. The Sheriff's Department concurs in this settlement recommendation.

APPROVED:



 ROGER H. GRANBO
 Assistant County Counsel
 Law Enforcement Services Division

RHG:scr