

MEMORANDUM

October 13, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: NAZILA LEVY, ESQ.
Levy & Nourafchan

BRIAN T. CHU
Principal Deputy County Counsel
General Litigation Division

RE: Norma Clarke v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC036899

DATE OF INCIDENT: September 22, 2004

AUTHORITY REQUESTED: \$22,500

COUNTY DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

Approve

Disapprove

Recommend to Board of Supervisors for Approval



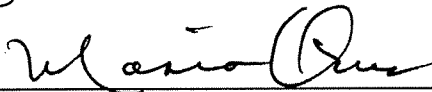
, Chief Administrative Office

ROCKY A. ARMFIELD



, County Counsel

JOHN F. KRATTLI



, Auditor-Controller

MARIA M. OMS

on November 6, 2006

SUMMARY

This is a recommendation to settle for \$22,500 the lawsuit brought by Norma Clarke seeking damages for personal injuries sustained in a motor vehicle accident with an employee of the Sheriff's Department on September 22, 2004.

LEGAL PRINCIPLE

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

SUMMARY OF FACTS

This auto versus auto accident occurred at the signalized intersection of State Route Highway 126 and Commerce Center Drive, in the City of Valencia. Norma Clarke was driving a 2001 Honda Accord northbound on Commerce Center Drive and proceeded into the intersection on a green signal at approximately three to four miles per hour. At the same time, a Sheriff's Deputy driving a marked patrol unit also entered the intersection from the eastbound direction at a speed of approximately 40 miles per hour. The patrol unit broadsided Ms. Clarke's vehicle, causing major damage to both vehicles. Ms. Clarke was transported from the scene by ambulance to Henry Mayo Newhall Memorial Hospital.

DAMAGES

As a result of the collision, Ms. Clarke was diagnosed with blunt head trauma with a hematoma on her scalp, cuts to her face and eye, and bruising her left shoulder. An MRI later revealed impingement syndrome and inflammation to Ms. Clarke's left shoulder rotator cuff. She continues to have residual shoulder pain, and corrective surgery is recommended. We previously settled the property damage claim by Ms. Clarke's auto insurer in the amount of \$19,051.33.

Should this matter proceed to trial, we anticipate Ms. Clark will offer evidence of damages as follows:

Past medical expenses	\$ 10,000
Future medical expenses	\$ 10,000
Pain and suffering	<u>\$ 150,000</u>
TOTAL	\$ 170,000

STATUS OF CASE

This case was mediated on May 16, 2006, which resulted in the proposed settlement. The court has been advised of the tentative settlement pending approval.

Approximate expenses incurred by the County in defense of this matter are attorneys' fees of \$6,150 and costs of \$5,782, which represent a reasonable cost for investigation of the incident and an evaluation of Ms. Clarke's residual injury.

EVALUATION

This is a case of undisputed liability. Two witnesses at the accident scene corroborate Ms. Clarke's contention that the patrol unit ran a red signal as it entered the intersection. The accident resulted in major damages to both vehicles, which supports Ms. Clarke's claim of significant injury. A reasonable settlement of this action at this time, however, will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

RECOMMENDATION

We join our third party administrator, Carl Warren & Company, and our private counsel, Levy & Nourafchan, in recommending a total settlement of this matter in the amount of \$22,500. The Sheriff's Department concurs in this settlement recommendation.

APPROVED:



RALPH L. ROSATO
Assistant County Counsel
General Litigation Division

RLR:BTC:ac