

MEMORANDUM

September 24, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JOSEPH CAVALLO
Law Offices of Joseph Cavallo

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Richard and Nicole Soussens v. County of Los Angeles
Pomona Superior Court Number KC 040618

DATE OF
INCIDENT: June 4, 2002

AUTHORITY
REQUESTED: \$33,000

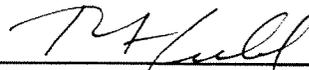
COUNTY
DEPARTMENT: Sheriff's Department

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 November 1, 2004

SUMMARY

This is a recommendation to settle for \$33,000, a lawsuit filed by Richard Soussens and his 16-year old daughter, Nicole Soussens, for injuries they sustained in an automobile accident with an employee of the Sheriff's Department.

LEGAL PRINCIPLES

The County 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 June 4, 2002, Richard Soussens was stopped at an intersection on Grand Avenue in the City of Walnut when his car was rear ended by Sheriff's Deputy who was on patrol. The Sheriff's Deputy's attention was momentarily diverted and he did not see that Richard Soussens's car had come to a stop. Nicole Soussens was a passenger in Richard Soussens' vehicle at the time of the accident.

After the collision, both Richard and Nicole Soussens were taken by ambulance to San Dimas Hospital. Richard Soussens was diagnosed with a cervical and thoracic sprain, and a strain to his neck and back. Nicole Soussens was diagnosed with soft tissue damage to the neck and back.

An investigation by the California Highway Patrol found that the Sheriff's Deputy was the cause of the accident due to his inattention.

DAMAGES

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

<u>Richard Soussens</u>	
Medical expenses	\$10,500
Pain and suffering	\$50,000
<u>Nicole Soussens</u>	
Medical expenses	\$ 2,600
Pain and suffering	<u>\$25,000</u>
Total	<u>\$88,100</u>

The proposed settlement calls for the County to pay Richard Soussens \$26,000, and Nicole Soussens \$7,000, for all of their claims for damages, costs, and attorney fees.

STATUS OF CASE

The trial court proceeding has been suspended pending consideration of the proposed settlement.

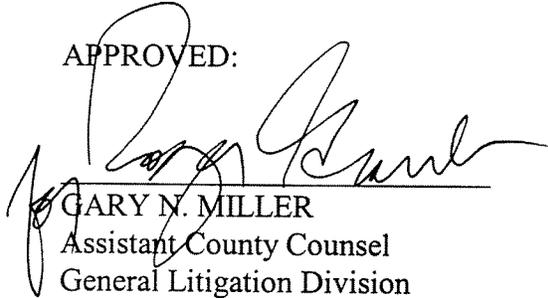
Expenses incurred by the County in defense of this action are attorney fees of \$2,388 and \$63 in costs.

EVALUATION

This is a case of potential liability. The traffic investigation found that the Sheriff's Deputy caused the collision. A reasonable settlement at this time will avoid further litigation costs, and potential jury verdicts that could exceed the proposed settlement.

We join with our private counsel, Law Offices of Joseph Cavallo, and our third party administrator, Carl Warren and Company, in recommending a settlement in the total amount of \$33,000. The Sheriff's Department concurs in this recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

RHG:JAS:mp