MEMORANDUM

March 23, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DENNIS M. GONZALES
Principal Deputy County Counsel
General Litigation Division

ELIZABETH D. MILLER
Deputy County Counsel
General Litigation Division

RE: **Joseph Dingman v. County of Los Angeles**
Norwalk Superior Court Case No. VC 041576

DATE OF INCIDENT: May 8, 2003

AUTHORITY REQUESTED: $400,000

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 April 4, 2005

HOA.283887.1

SUMMARY

This is a recommendation to settle for $400,000, the lawsuit brought by Joseph Dingman and Debra McGlothlen, for the wrongful death of Robert Dingman, who was shot and killed by a Los Angeles County Sheriff's Deputy on May 8, 2003.

LEGAL PRINCIPLES

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

Public employees may be held liable for the violation of a person's federally protected civil rights when they use excessive force in making a detention or arrest.

The prevailing party in a lawsuit brought under the Federal Civil Rights Act may be awarded attorney fees.

SUMMARY OF FACTS

On May 8, 2003, Los Angeles County Sheriff's Deputies observed a vehicle leave the location of a known drug house. A computer search on the vehicle license number revealed that the registered owner, later determined to be the passenger, had two outstanding felony warrants for her arrest.

When the Sheriff's Deputies attempted to stop the vehicle, the driver, later identified as Robert Dingman, refused to stop and led the deputies on a chase through a residential neighborhood. After several miles, the vehicle came to a stop, and Robert Dingman exited and ran. One Sheriff's Deputy followed him on foot, while another Sheriff's Deputy detained the passenger at the car.

Robert Dingman was trying to jump onto a car in an effort to get over a fence when the Sheriff's Deputy caught up to him. As Robert Dingman slid off the car, the Sheriff's Deputy reached for him from behind. Robert Dingman turned at the waist and grabbed for the Sheriff's Deputy's gun. The Sheriff's Deputy fired one round, fatally striking Robert Dingman in the upper back.

DAMAGES

Joseph Dingman, the minor son of Robert Dingman along with Robert Dingman's mother, Debra McGlothen, claim the following damages and losses:

Loss of love and affection	$2,000,000
Funeral Expenses	$ 8,400
Total	$2,008,400

STATUS OF CASE

A settlement conference was held on December 20, 2004, before the Honorable Charles E. Frisco. Judge Frisco expressed his opinion that the verdict range for this case was between $600,000 and $800,000. Joseph Dingman and Debra McGlothen have agreed to accept $400,000 in full settlement of the case, including all costs and attorney fees.

Legal expenses incurred by the County to date in defense of this matter are attorney fees of $119,885 and $60,945 in costs.

EVALUATION

The Sheriff's Deputy who fired the fatal shot is certain that Robert Dingman was reaching for his weapon when he fired. The entry wound, however, was to Robert Dingman's upper back. Plaintiffs allege that Robert Dingman was still running away when he was struck in the back. The County's expert would testify that the Sheriff's Deputy's reaction time, the time which elapsed from when the Sheriff's Deputy first perceived the threat to when the bullet struck Robert Dingman's body, would explain why the shot entered the back, even though Robert Dingman had been turning towards the Sheriff's Deputy and reaching for his gun when the Sheriff's Deputy made the decision to fire.

We believe that, should the jury choose to reject the County's theory of the case, the likely verdict would significantly exceed the recommended settlement amount.

We believe that settlement of this matter in the amount of $400,000 is in the best interest of the County. The Los Angeles County Sheriff's Department concurs in the recommendation.

APPROVED:

GARY N. MILLER
Assistant County Counsel
General Litigation Division

DMG:js