

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 651 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

MONDAY, JULY 21, 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. Patrick Porch v. County of Los Angeles and United States District Court Case No. CV 06-06418 GPS (RZx)

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to harassment and retaliation.

Action Taken

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$775,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.

Absent: None

Vote: Unanimously carried

- b. Phillip L. Whong v. County of Los Angeles
Los Angeles Superior Court Case No. GC 036 786

This lawsuit arises from injuries sustained in a motor vehicle accident involving an employee of the Sheriff's Department.

Action Taken:

This Claims Board approved settlement of this matter in the amount of \$42,500.

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 July 7, 2008, meeting of the Claims Board.

Action Taken:

The Minutes for the July 7, 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	<u>Phillip L. Whong v. County of Los Angeles, et al.</u>
CASE NUMBER	GC 036786
COURT	Los Angeles Superior Court Northeast District
DATE FILED	March 6, 2006
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$42,500
ATTORNEY FOR PLAINTIFF	Joseph H. Low, IV, Esq. (562) 901-0840
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	On July 30, 2005, two Sheriff's Deputies in marked patrol units were driving with red lights and sirens while responding to a "man with a gun" call. At the signalized intersection of Avenue K and 30 th Street West, in the City of Lancaster, one Deputy slowly entered the number three westbound lane of the intersection against a red signal in an attempt to control all traffic in the intersection for the patrol units that followed. As the Deputy continued to creep into the number two westbound lane, she saw a vehicle

traveling westbound toward her in the number two lane. The Deputy stopped abruptly, avoiding the westbound vehicle by two to three feet. A second Deputy, who was following closely behind the first Deputy at approximately 45 miles per hour, assumed that traffic in the intersection had been controlled and proceeded without stopping at a speed of approximately 40 miles per hour. As a result, the second Deputy broadsided the westbound vehicle. Dr. Phillip Whong, who was a passenger in the westbound vehicle, received a fractured rib and soft-tissue injuries to his neck and shoulder as a result of the collision.

Dr. Whong claims that the second Deputy negligently drove into the intersection against a red traffic signal and without properly clearing the intersection before entering it. The County claims that his wife, the driver of the vehicle in which Dr. Whong was riding, was partially at fault, because she failed to yield to an emergency vehicle.

Due to the risks and uncertainties of litigation, the Sheriff's Department proposes a full and final settlement of this case as to Dr. Whong in the amount of \$42,500.

PAID ATTORNEY FEES, TO DATE	\$39,867
PAID COSTS, TO DATE	\$6,898

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 style="text-align: center;"><u>Phillip L. Whong v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2008-010)</p> <p>Saturday, July 30, 2005; 11:14 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Saturday, July 30, 2005, at approximately 11:14 p.m., two uniformed Los Angeles County deputy sheriffs were driving standard black and white patrol vehicles south on 30th Street West, Lancaster. Both vehicles were being operated with their emergency lights and siren activated.</p> <p>As the deputy sheriffs approached the intersection of 30th Street West and Avenue K, the first deputy sheriff entered the intersection and positioned her patrol vehicle at the left side of the southbound travel lanes in an attempt to alert westbound traffic to the presence of the second southbound patrol vehicle. Believing the first deputy sheriff had successfully stopped all westbound vehicular traffic, the second deputy sheriff entered the intersection against a red light without stopping. The plaintiff's vehicle, traveling west on Avenue K at a speed of approximately 45 miles per hour, entered the intersection with 30th Street West and was struck by the second patrol vehicle.</p>

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

The plaintiff, who was seated in the right front passenger seat at the time of the collision, asserts the second deputy sheriff caused the traffic collision by (negligently) failing to ensure the intersection of 30th Street West and Avenue K was clear of vehicular traffic before proceeding. The plaintiff also contends the County of Los Angeles is vicariously liable for the deputy sheriff's negligence. The County of Los Angeles contends the plaintiff's wife, the driver of his vehicle, is partially culpable as a result of her failure to yield to the first patrol car and its activated emergency lights and siren.

As a result of the collision, the plaintiff sustained a fractured left rib, soft tissue injury around the spine, bruising and swelling to the right shoulder, and hypertension. He was treated at the scene and ultimately transported to a local hospital where he was admitted for observation (one night). He continues to experience residual shoulder pain, but will not require surgery.

The plaintiff also claims damages for lost earnings. His vehicle was a total loss. His wife was uninjured.

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)

This is a case of adverse, but shared, liability.

Pursuant to California Vehicle Code Section 17004, a public employee who is operating an authorized emergency vehicle in the line of duty while responding to an emergency call is immunized from liability for injuries caused by such operation. California Vehicle Code Section 17001, however, holds the public entity liable for injuries caused by the employee's negligent operation of the motor vehicle. While an employee driving an emergency vehicle with lights and siren to an emergency call is exempt from certain traffic laws, California Vehicle Code Section 21807 nevertheless requires the employee to drive with due regard for the safety of all persons using the highway. The Los Angeles County Sheriff's Department's Manual of Policy and Procedures conforms to this driving standard.

This incident was thoroughly investigated by the Los Angeles County Sheriff's Department. The Department's administrative review concluded the second deputy sheriff violated established policies and/or procedures. Appropriate administrative action against the deputy sheriff was taken.

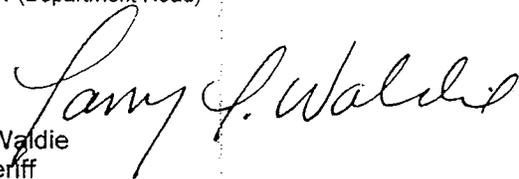
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$42,500.

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: 6-25-08
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 06-25-08

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

July 7, 2008

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:05 a.m. The meeting was held in Conference B, 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: Roger Granbo, Melissa McCaverty, and Narbeh Bagdasarian; Los Angeles County Sheriff's Department: Patrick Hunter, Shaun Mathers, and Rob Taliento; Department of Coroner: Diane Franklin; Department of Health Services: LAC+USC Medical Center: Dr. Nicolas Testa, and Dr. Stephanie Hall; MLK-MACC: Dr. Angela Nossett.

No members of the public addressed the Claims Board.

At 8:10 a.m., the Chairperson adjourned the meeting into closed session. At 10:40 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Jiam Jit Eichhorn, et al. v. County of Los Angeles and Joshua Joel Hernandez
Los Angeles Superior Court Case No. 07K155669

This case arises from injuries sustained in a motor vehicle accident involving an employee of the Coroner's Department.

The Claims Board approved settlement of this matter. The substance of the above settlement will be disclosed upon inquiry by any person as soon as the settlement becomes final following approval by all parties.

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

- b. Lucy Logan v. County of Los Angeles
Los Angeles Superior Court Case No. BC 361 641

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies during a vehicle pursuit and attempted apprehension.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$850,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Sheriff Department's budget.

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

- c. Hazem Kamal Hawatmeh v. County of Los Angeles
Los Angeles Superior Court Case No. BC 369 600

This lawsuit seeks compensation for injuries received by an inmate while in the custody of the Sheriff's Department.

The Claims Board approved settlement of this matter in the amount of \$30,000.

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

- d. Phillip L. Whong v. County of Los Angeles
Los Angeles Superior Court Case No. GC 036 786

This lawsuit arises from injuries sustained in a motor vehicle accident involving an employee of the Sheriff's Department.

This matter was continued to the next Claims Board meeting.

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

- e. Eva Loza and Griselda Maldonado v. County of Los Angeles
Los Angeles Superior Court Case No. BC 354 078

This medical negligence lawsuit by a patient and her mother arises from treatment received at LAC+USC Medical Center.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$762,500 and the assumption of a Medi-Cal lien in the amount of \$226,327 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. Marcos Fernandez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 018 956

This medical negligence lawsuit by a patient and his mother arises from treatment received at the Dollarhide Health Center.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$850,000 and the assumption of a Medi-Cal lien in the amount of \$56,294 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.

- g. Ronald Verdekel, Estate of Heidi Verdekel, et al. v. County of Los Angeles
U.S. District Court Case No. CB 06-01518 JFW

This wrongful death lawsuit arises from medical treatment provided at the Los Angeles County Jail and LAC+USC Medical Center.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$595,000 and that the Auditor-Controller be instructed to draw warrants to implement this settlement from the Department of Health Services' budget (50%) and the Sheriff Department's budget (50%).

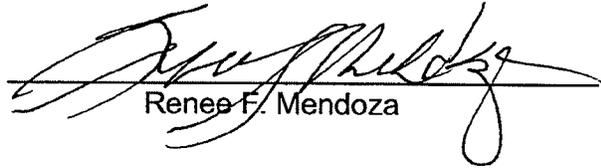
The vote of the Claims Board was unanimous with all members being present.

Minutes for the June 16, 2008, meeting of the Claims Board were approved.

There being no further business, the meeting was adjourned at 10:45 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza