

MEMORANDUM

April 12, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DWYER, DALY, BROTZEN & BRUNO, LLP  
RICHARD S. KEMALYAN

GORDON W. TRASK  
Principal Deputy County Counsel  
Law Enforcement Services Division

RE: Mary Gray, et al. v. County of Los Angeles, et al.  
USDC Case No. CV99-7149 CBM (Rcx)  
Julius Gray Jr. v. County of Los Angeles, et al.  
USDC Case No. CV99-11315 CBM (RCx)

DATE OF INCIDENT: November 21, 1998

AUTHORITY REQUESTED: \$110,000

COUNTY DEPARTMENT: Sheriff's Department

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CLAIMS BOARD ACTION:

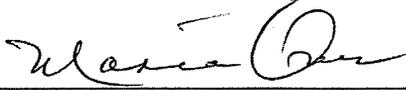
Approve

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 June 5, 2006

## SUMMARY

This is a recommendation to settle for \$110,000, a lawsuit for the wrongful death of Julius Gray, filed by his mother Mary Gray and his son Julius Gray, Jr.

## LEGAL PRINCIPLES

A police officer may be liable for violation of federal civil rights if unreasonable or excessive force is utilized in the control of a jail inmate.

Additionally, under federal law, the County of Los Angeles may be held liable for federal civil rights violations, if the use of excessive force was pursuant to an unconstitutional policy or custom, or was due to inadequate training.

Under California law, legal heirs may recover damages for the wrongful death of their decedent.

## SUMMARY OF FACTS

In April 1998, Julius Gray was arrested by the Long Beach Police Department for a warrant in reference to a prior criminal case for infliction of corporal injury on a spouse or co-habitant. Mr. Gray failed to follow through with court ordered counseling, and a warrant was issued for his arrest. He was eventually housed in the Sheriff's custody at the North County Correctional Facility.

On November 21, 1998, Mr. Gray was found dead in his jail cell. The subsequent autopsy revealed that Mr. Gray died from a ruptured aneurysm. The ensuing homicide investigation and Inmate Death Review also determined that the aneurysm was the cause of death.

Mr. Gray's family hired their own forensic pathologist to perform another autopsy. Their doctor claims to have found a micro-fracture of the neck, caused by blunt force trauma, that preceded and caused the ruptured aneurysm.

During the litigation of this matter, Mr. Gray's 12-year-old nephew and 13-year-old niece testified at deposition that after a visit with their uncle on the day of his death, they saw him being hit and choked by a Sheriff's Deputy. This information was never reported to the homicide investigators during the investigation into Mr. Gray's death.

Our two medical experts, one a neuro-pathologist and the other a muscular-skeletal pathologist, both refute the finding of a micro-fracture of the neck.

## DAMAGES

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

<b>Loss of care, comfort, and society</b>	
Mary Gray	\$ 500,000
Julius Gray, Jr.	\$ 500,000
<b>Attorneys' fees</b>	<u>\$ 350,000</u>
<b>Total</b>	<u><b>\$1,350,000</b></u>

The proposed settlement calls for the County to pay Mary Gray and Julius Gray, Jr., a total of \$110,000 for all of their claims for damages, costs and attorneys' fees.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement. Expenses incurred by the County in defense of this matter are attorneys' fees of \$76,852 and \$23,508 in costs.

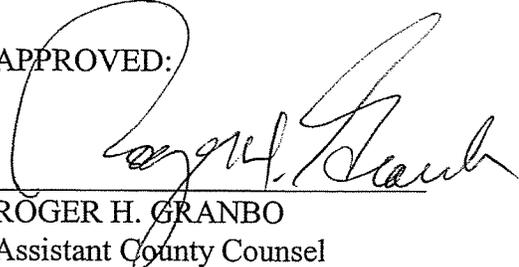
## EVALUATION

This is a case of questionable liability. Our experts are definite in their opinion that Mr. Gray died from an aneurysm, and that Mr. Gray did not suffer a fracture of the neck. In addition, the testimony from Mr. Gray's niece and nephew is suspect considering that it was not revealed until the litigation process began. However, if a jury believes the expert testimony from the plaintiffs' pathologist, they could find that Mr. Gray died at the hands of another.

A reasonable settlement at this time will avoid further litigation costs and a potential verdict which, along with attorneys' fees, would likely exceed the proposed settlement.

We join with our private counsel, Dwyer, Daly, Brotzen, and Bruno in recommending settlement of this matter in the amount of \$110,000. The Sheriff's Department concurs in the recommendation to settle this lawsuit.

APPROVED:

  
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ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

GWT:bl