

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

MONDAY, MARCH 16, 2009, AT 9:30 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. Angela Lockhart v. County of Los Angeles
U.S. District Court Case No. CV 07-1680 ABC (PJWx)

This lawsuit concerns allegations that the Sheriff's Department violated the Fair Labor and Standards Act by not compensating for overtime; settlement is recommended in the amount of \$60,000.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Absent: None

Vote: Unanimously carried

- b. Wesam Abouelata, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. YC 056 377

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$30,812.87.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$30,812.87.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- c. Juliet Eshagh v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. LC 076 731

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$24,000.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,000.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- d. Sylvia Bills v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 392 265

This lawsuit concerns allegations of the use of excessive force by a Los Angeles County Police Officer; settlement is recommended in the amount of \$60,000.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- e. InSight Health Corporation
Pre-litigation Claim

This claim seeks compensation for damages to hospital equipment owned by a County contractor; settlement is recommended in the amount of \$132,283.30.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- f. County of Los Angeles v. Sandra Shewry and State Department of Health Services
Los Angeles Superior Court Case No. BS 115 097

This lawsuit concerns payments under the State Medi-Cal Program; settlement is recommended whereby the County will receive approximately \$22,782.

Action Taken:

The Claims Board approved settlement of this matter whereby the County will receive approximately \$22,782.

Absent: None

Vote: Unanimously carried

See Supporting Document

- g. Tyler Adkins, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 040 966

This medical negligence lawsuit by a patient and his mother arises from treatment received at the Olive View Medical Center; settlement is recommended in the amount of \$395,000 and the assumption of a Medi-Cal lien in the amount of \$213,196.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$395,000 and the assumption of a Medi-Cal lien in the amount of \$213,196.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- h. Alvarez Lecesne, et al. v. County of Los Angeles
Los Angeles County Superior Court Case No. BC 366 797

This lawsuit concerns allegations that employees of the Department of Registrar-Recorder/County Clerk were subjected to discrimination and retaliation; settlement is recommended in the amount of \$1,100,000.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,100,000.

Absent: None

Vote: Unanimously carried

- i. In the matter of the Feral Cat Colony at Rancho Los Amigos

This matter arises from the County's decision to remove a feral cat colony located on the grounds at Rancho Los Amigos Hospital; settlement is recommended in the amount of \$60,000.

Action Taken:

The Claims Board approved settlement of this matter in an amount not to exceed \$60,000.

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 March 2, 2009, meeting of the Claims Board and the March 9, 2009, Special meeting of the Claims Board.

Action Taken:

The Minutes for the March 2, 2009, meeting of the Claims Board and the March 9, 2009, Special meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

See Supporting Documents

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>Wesam Abouelata, et al v. County of Los Angeles, et al.</u>
CASE NUMBER	YC056377
COURT	Los Angeles Superior Court Southwest District
DATE FILED	December 7, 2007
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$30,812.87
ATTORNEY FOR PLAINTIFF	Imad Elias The Law Offices of Mann & Elias (323) 857-9500
COUNTY COUNSEL ATTORNEY	Gary P. Gross Principal Deputy County Counsel (213) 787-2421
NATURE OF CASE	Driver Wesam Abouelata and passengers Sabah Hashalh and Ebtesam Hashalh were involved in an auto collision with a Sheriff's Department unmarked vehicle driven by Sergeant Tressa Gunnels. Gunnels was parked facing southbound on Hawthorne Boulevard in Hawthorne when she received a call for backup. She turned on her lights and siren, cleared the third lane of traffic, saw that traffic in the second lane was yielding to her, and merged across lanes to conduct a left or u-turn at 141 st Street. When she entered the first lane of traffic, her vehicle collided with the vehicle driven by Abouelata, which was traveling southbound on Hawthorne Boulevard.

Abouelata and his passengers stated that they did not see emergency lights or hear a siren prior to the collision. A police report at the time of the incident cited Abouelata's failure to yield to an emergency vehicle as the cause of the accident. Subsequent investigation by the Sheriff's Department concluded that Sergeant Gunnels could have prevented the accident by clearing each lane of traffic individually before crossing.

Each of the plaintiffs suffered soft tissue injuries and received treatment from a chiropractor for several months, after which their injuries were resolved. In addition, plaintiff Ebtesam Hashalh suffered a laceration to her forehead and was transported by ambulance to Little Company of Mary Hospital where she was treated and released. The plaintiff's vehicle was declared a total loss.

Due to the risks and uncertainties of litigation, the County Counsel proposes a full and final settlement of this case in the amount of \$30,812.87.

PAID ATTORNEY FEES, TO DATE
\$37,842.36

PAID COSTS, TO DATE
\$ 7,256.89

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>Wesam Abouelata et al. v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-003)</p> <p>Wednesday, March 1, 2006; 7:08 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Wednesday, March 1, 2006, at approximately 7:08 p.m., a Los Angeles County deputy sheriff was driving an unmarked patrol vehicle south on Hawthorne Boulevard, Hawthorne, responding to a radio call of another deputy sheriff holding a suspect at gunpoint. The deputy sheriff driving the unmarked patrol vehicle had activated the vehicle's emergency lights and siren.</p> <p>As the deputy sheriff was in the process of turning east onto 141st Street, the vehicle she was driving (a 2005 Ford Crown Victoria; County Vehicle Number SD5070) collided with the plaintiff's vehicle (a 1995 Toyota Camry; California License Number 3MFE633).</p>

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

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.

The deputy sheriff, despite the activation of her vehicle's emergency lights and siren, failed to ensure traffic was clear before the collision with the plaintiff's vehicle.

The plaintiffs assert that as a result of the collision, each (total of three) suffered soft tissue damage to the head, neck, shoulders and arms, while one plaintiff further sustained a laceration to her head. She was transported to a nearby medical facility for treatment.

The plaintiff's vehicle was declared a total loss.

The deputy sheriff did not sustain any injuries.

The vehicle the deputy sheriff was driving sustained major damage.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Juliet Eshagh v. County of Los Angeles, et al.</u>
CASE NUMBER	LC076731
COURT	Los Angeles Superior Court Northwest District
DATE FILED	January 5, 2007
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$24,000
ATTORNEY(S) FOR PLAINTIFF	Jefferey A. Shane The Law Offices of Jeffrey A. Shane 12100 Wilshire Boulevard, Suite 925 Los Angeles, California 90025 (310) 820-3644
COUNTY COUNSEL ATTORNEY	BRIAN T. CHU Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	On July 26, 2006, a Sheriff's Deputy activated the overhead emergency lights of his marked patrol unit and initiated a mid-block U-turn to attend to an accident scene that he had just passed in the opposite traffic lanes. The deputy began the U-turn on eastbound Victory Boulevard near the intersection at Forbes Avenue, Van Nuys, from the far right lane and would cross three lanes of traffic. At the same time, Juliet Eshagh was also traveling eastbound on Victory Boulevard. Ms. Eshagh did not see the overhead lights flashing ahead of her and continued to accelerate to approximately 35

miles per hour. As the deputy crossed into the number one eastbound lane, Ms. Eshagh's vehicle broadsided the patrol car.

As a result of the collision, Ms. Eshagh sustained a fractured sternum and various soft tissue injuries and incurred over \$15,000 in medical expenses.

Due to the risks and uncertainties of litigation, the County Counsel proposes a full and final settlement of this case in the amount of \$24,000.

PAID ATTORNEY FEES, TO DATE	\$39,350.48
PAID COSTS, TO DATE	\$5,400.75.



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 align="center"><u>Juliet Eshagh v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-004)</p> <p>Wednesday, July 26, 2006; 9:30 a.m.</p>
Briefly provide a description of the incident/event:	<p>On Wednesday, July 26, 2006, at approximately 9:30 a.m., a Los Angeles County deputy sheriff was driving a marked patrol vehicle east on Victory Boulevard, east of Balboa Boulevard, Van Nuys (Los Angeles), when he noticed a traffic collision had taken place in the westbound lanes.</p> <p>As the deputy sheriff continued east on Victory Boulevard in the number three lane, he decided to contact the parties to the collision to render assistance. The deputy sheriff activated the patrol vehicle's overhead emergency lights to alert other drivers of his presence and his intention to initiate a U-turn. As he initiated the U-turn from the #3 lane, the patrol vehicle he was driving (a 2000 Ford Crown Victoria; California License Number 1077256) was struck by the plaintiff's vehicle (a 2003 Honda Pilot; California License Number 5BRT669).</p> <p>The plaintiff was traveling at approximately 35 miles per hour at the time of the collision.</p>

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

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

A Los Angeles County deputy sheriff, despite activating his patrol vehicle's overhead emergency lights before initiating a U-turn, failed to ensure traffic was clear (lane by lane) while completing the maneuver. As a result, a traffic collision occurred.

The plaintiff asserts that as a result of the collision, she suffered a fractured sternum and soft tissue injury to her right shoulder.

The vehicle the plaintiff was driving sustained major damage.

The deputy sheriff sustained a cracked pelvis, bruised lung, and lower back pain.

The patrol vehicle the deputy sheriff was driving sustained major damage.

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.)

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

The traffic collision was thoroughly investigated by a representative of the Los Angeles County Sheriff's Department. The Department's formal administrative review concluded the deputy sheriff violated established policies and/or procedures. Appropriate administrative action was taken.

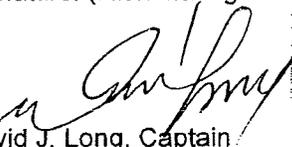
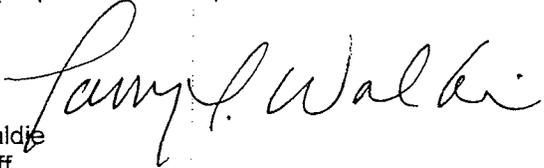
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$24,000.00

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 Countywide 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 Countywide or other department implications.

<p>Signature: (Risk Management Coordinator)</p>  <p>David J. Long, Captain Risk Management Bureau</p>	<p>Date:</p> <p>3-9-09</p>
<p>Signature: (Department Head)</p>  <p>Larry L. Waldie Undersheriff</p>	<p>Date:</p> <p>3-10-09</p>

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.)

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

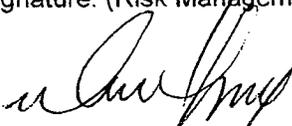
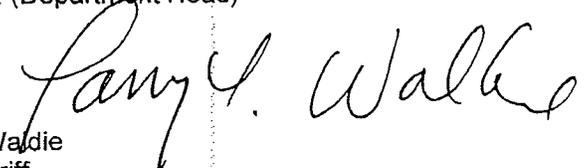
This traffic collision was thoroughly investigated by a representative of the Los Angeles County Sheriff's Department. The Department's formal administrative review concluded the deputy sheriff violated established policies and/or procedures. Appropriate administrative action was taken.

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: \$30,812.87

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 Countywide 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 Countywide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 3-5-09
Signature: (Department Head)  Larry L. Wadie Undersheriff	Date: 03-05-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Sylvia Bills v. County of Los Angeles, et.al.</u>
CASE NUMBER	BC 392265
COURT	Los Angeles Superior Court
DATE FILED	June 9, 2008
COUNTY DEPARTMENT	Office of Public Safety
PROPOSED SETTLEMENT AMOUNT	\$60,000
ATTORNEY FOR PLAINTIFF	Olivia Sanders Law Offices of Olivia Sanders (310) 641-9001
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel (213) 974-1880
NATURE OF CASE	<p>This is a lawsuit brought by Sylvia Bills, alleging that her civil rights were violated when she was forcibly removed from a Department of Social Services office by a Los Angeles County Police Officer.</p> <p>The County Police Officer contends that Ms. Bills was causing a disturbance and refusing to comply with his commands.</p>

Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$60,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$12,190
-----------------------------	----------

PAID COSTS, TO DATE	\$4,500
---------------------	---------



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:	Sylvia Bills v. County of Los Angeles June 29, 2007
Briefly provide a description of the incident/event:	On June 29, 2007, a Department of Public Social Services (DPSS) client was speaking to a DPSS employee about a Public Assistance claim. The County Police Officer approached the client and forcibly removed the client from the facility.

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

The County Police Officer did not fully investigate the situation to determine if a crime had occurred prior to using force. The County Police Officer did not have legal standing to remove the client from the facility.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Corrective Action One: The County Police had adequate policies and procedures in effect at the time of the incident.

Pursuant to the formal personnel investigation initiated by the Los Angeles County Police, it was concluded that the County Police Officer violated established policies and/or procedures.

Appropriate discipline was imposed.

Due Date: N/A

Responsible: Daniel Hester, Acting Bureau Chief

Corrective Action Two:

Due Date:

Responsible:

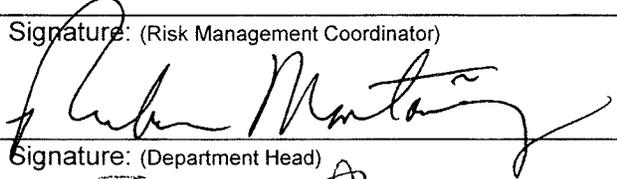
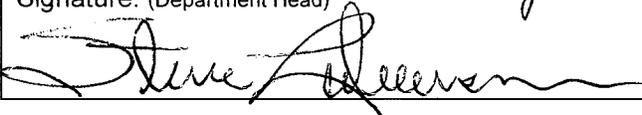
Corrective Action Three:

Due Date:

Responsible:

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).
- X Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 02/18/09
Signature: (Department Head) 	Date: 2/23/09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	InSight Health Corp. v. County of Los Angeles
CASE NUMBER	N/A
COURT	N/A
DATE FILED	No litigation was filed; InSight provided notice of claim on October 16, 2008.
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$132,283.00
ATTORNEY FOR PLAINTIFF	Richard Ellingsen, Esq.
COUNTY COUNSEL ATTORNEY	Julia Weissman, Esq.
NATURE OF CASE	<p>This is a case involving damage to an MRI scanner owned by a contractor, which occurred when a County employee who was repairing an electrical fixture tripped and activated the "magnet quench" button.</p> <p>Pursuant to a contract with the County, InSight operates an MRI center that is adjacent to Olive View Medical Center. On October 11, 2008, an electrical helper was repairing an electrical fixture in the ceiling, when he tripped and activated the "magnet quench" button. This caused the magnet to "quench," or to shut off immediately by transferring the magnetic field energy to the cooling agent in the MRI scanner. The quench button is meant to be used only in an emergency, because quenching the magnet typically causes severe damage to the equipment.</p>

InSight requested reimbursement for \$147,283.00, for the out-of-pocket costs it incurred for the repairs to the MRI scanner and for rental of a mobile MRI unit while the MRI scanner was out of service. The parties agreed to settle InSight's claim prior to litigation for \$132,283.00.

PAID ATTORNEY FEES, TO DATE

N/A

PAID COSTS, TO DATE

N/A



Summary Corrective Action Plan

Date of incident/event:	10/11/08
Briefly provide a description of the incident/event:	While working to repair a broken light fixture in the Insight MRI trailer at Olive View-UCLA Medical Center, the electrician accidentally tripped as he stepped off the ladder and hit the shut-off (or Quench) button for the MRI magnet. As a result, the MRI required repairs bring the equipment back to working order. A settlement was reached between the County and Insight to share the costs associated with the required equipment repairs.

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

The Facilities Division staff member accidentally tripped as he was stepping off the ladder.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Reeducation of Facilities Division personnel has been provided regarding ladder safety.

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) 	Date: 3/12/09
Signature: (Department Head) 	Date: 3-12-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	County of Los Angeles v. Sandra Shewry and State Department of Health Care Services
CASE NUMBER	BS 115097
COURT	Los Angeles Superior Court
DATE FILED	May 30, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	County would receive approximately \$22,782
ATTORNEY FOR PLAINTIFF	Jeffrey Bates, Esq. Foley & Lardner, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>This is a Petition filed by the County of Los Angeles against Sandra Shewry and California State Department of Health Services. The County seeks reimbursement for medical services provided at LAC+USC Medical Center ("LAC+USC").</p> <p>The subject medical services were billed to Medi-Cal. The County of Los Angeles and the State Department of Health Services disagreed as to the extent to which the State Department of Health Services should reimburse the County under the Medi-Cal program. After exhausting the necessary administrative procedure, the County</p>

filed the present petition with the Court. The parties then reached a settlement where the State Department of Health Services would pay \$22,782 as the final settlement of the dispute.

PAID ATTORNEY FEES, TO DATE	\$	6,864
PAID COSTS, TO DATE	\$	161.70

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tyler Adkins and April Key v. County of Los Angeles
CASE NUMBER	PC 040966
COURT	Los Angeles Superior Court North Valley District
DATE FILED	July 5, 2007
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$395,000, plus assumption of the Medi-Cal lien in the amount of \$213,196.
ATTORNEY FOR PLAINTIFF	Peter McNulty, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a medical malpractice case brought by April Key and her son, Tyler Adkins, related to the care and treatment they received at Olive View Medical Center ("OVMC").</p> <p>On June 23, 2006, April Key, who was pregnant, presented to OVMC labor and delivery clinic with increased blood pressure. To manage her blood pressure, the medical staff prescribed magnesium sulfate. Due to staff's error,</p>

the patient actually received Pitocin instead of magnesium sulfate.

The OVMC personnel immediately recognized the medication error and placed the patient on the correct medication. On June 27, 2006, April Key gave birth to Tyler Adkins.

Both Tyler Adkins and April Key brought a lawsuit against the County of Los Angeles, contending that OVMC failed to provide them with proper medical care.

Although the County asserts that the medication error did not cause any injuries to Tyler Adkins or April Key, the Department of Health Services agrees to the proposed settlement of this case in the amount of \$395,000 plus assumption of the Medi-Cal lien in the amount of \$213,196.

PAID ATTORNEY FEES, TO DATE	\$59,458
PAID COSTS, TO DATE	\$36,302.88



Summary Corrective Action Plan

Date of incident/event:	June 24, 2006
Briefly provide a description of the incident/event:	On June 23, 2006, April Key, who was pregnant, presented to Olive View/UCLA Medical Center labor and delivery clinic with increased blood pressure. To manage her blood pressure, the medical staff prescribed magnesium sulfate. Due to staff error, April Key actually received Pitocin. The hospital personnel immediately recognized the medication error and placed April Key on the correct medication. On June 27, 2006, April Key gave birth to Tyler Adkins.

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

- Medication error causing emotional distress

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Appropriate personnel corrective actions were done
- A system wide survey was done related to the administration of Pitocin and Magnesium Sulfate. All DHS hospitals have appropriate procedures to manage these medications.
- A system-wide policy for Magnesium Sulfate as a high alert medication for OB areas was implemented
- A national survey was done related to the administration of Pitocin. All DHS hospitals have practices and procedures that are consistent with national standards.
- Staff were inserviced on lab reports disclosure

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) <i>K. Mademeri</i>	Date: 3/2/09
Signature: (Interim Chief Medical Officer) <i>R. Splawn</i>	Date: 3/3/09
Signature: (Interim Director) <i>W. Chinn</i>	Date: 3-4-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	In the Matter of the Feral Cat Colony at Rancho Los Amigos
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Health Dept--Rancho Los Amigos; Office of the Chief Executive Officer; Department of Animal Care and Control
PROPOSED SETTLEMENT AMOUNT	\$ 60,000.00
ATTORNEY FOR PLAINTIFF	Shannon Keith
COUNTY COUNSEL ATTORNEY	Diane C. Reagan
NATURE OF CASE	Animal rights activists threatened to seek injunctive relief against the County to compel the County to comply with its alleged duty of care to feral cats residing at the Rancho Business Center, following the County's action in October 2008 authorizing the Department of Animal Care and Control to trap and impound the cats. The County's action to remove the cats was taken in response to a Department of Public Health directive to abate the nuisance caused by the cats. Removal of the cats is also necessary due to the slated redevelopment of the campus.

PAID ATTORNEY FEES, TO DATE	\$	Unknown
PAID COSTS, TO DATE	\$	None

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING

March 2, 2009

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:03 a.m. The meeting was held in the Executive Conference Room, 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: Jason Carnevale, Rich Mason, and Doraine Meyer; Sheriff's Department: Pat Hunter and Rob Taliento; Department of Health Services: Robert Morin, M.D, Gail V. Anderson, M.D., and Kim McKenzie; Outside Counsel: Mitzie Dobson of Bonnie, Bridges, Mueller, O'Keefe & Nichol. No members of the public addressed the Claims Board.

At 8:05 a.m., the Chairperson adjourned the meeting into closed session. At 9:10 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Gregory O'Leary v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 396

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$45,000.

The Claims Board approved settlement of this matter.

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

- b. Trinidad Benavides and Petra Benavides v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 986

This medical negligence lawsuit arises from treatment received by a patient at Harbor/UCLA Medical Center; settlement is recommended in the amount of \$525,000 – plus assumption of any Medi-Cal lien and waiver of any related County hospital medical bills.

The Claims Board continued this matter.

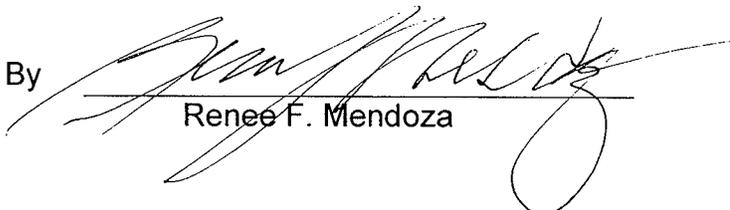
The vote of the Claims Board was unanimous with all members being present.

Minutes for the January 12, 2009 and February 12, 2009, Special meetings of the Claims Board were approved.

There being no further business, the meeting was adjourned at 9:30 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF SPECIAL MEETING

March 9, 2009

This special meeting of the County of Los Angeles Claims Board was called to order at 9:39 a.m. The meeting was held in Conference Room B, 651 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms and John F. Krattli, Rocky Armfield was absent; Office of the County Counsel: Rich Mason and Doraine Meyer; Department of Health Services: Kim McKenzie.

No members of the public addressed the Claims Board.

At 9:42 a.m., the Chairperson adjourned the meeting into closed session. At 9:44 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Trinidad Benavides and Petra Benavides v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 986

This medical negligence lawsuit arises from treatment received by a patient at Harbor/UCLA Medical Center; settlement is recommended in the amount of \$525,000 – plus assumption of any Medi-Cal lien and waiver of any related County hospital medical bills.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$525,000 – plus assumption of any Medi-Cal lien and waiver of any related County hospital medical bills 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 Maria Oms and John Krattli being present, and Rocky Armfield being absent.

b. Claims Board Procedures.

Action Taken:

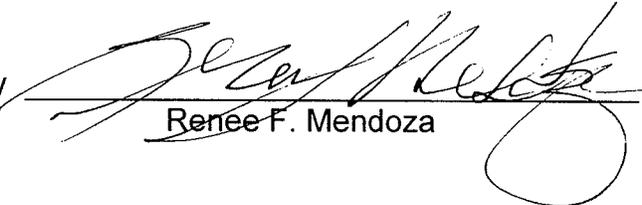
The Claims Board approved changing the time of their regular meetings. Henceforth, regular meetings of the Claims Board will start at 9:30 a.m. Regular meetings of the Claims Board will continue to be held on the first and third Mondays of each month.

The vote of the Claims Board was unanimous with Maria Oms and John Krattli being present, and Rocky Armfield being absent.

There being no further business, the meeting was adjourned at 9:46 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza