

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, APRIL 6, 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. Peter N. Tuiasosopo v. County of Los Angeles
Los Angeles Superior Court Case No. BC 381 222

This lawsuit concerns allegations that the Probation Department failed to engage in an interactive process or provide reasonable accommodation for an employee with disabilities.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000.

Absent: None

Vote: Unanimously carried

b. InSight Health Corporation
Pre-litigation Claim

This claim seeks compensation for damages to hospital equipment owned by a County contractor.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$132,283.30.

Absent: None

Vote: Unanimously carried

See Supporting Documents

c. Julio Kollerbohm v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. SC 081 806

This lawsuit seeks compensation for injuries received in a vehicle accident involving an employee of the Sheriff's Department.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

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 16, 2009, meeting of the Claims Board.

Action Taken:

The Minutes for the March 16, 2009, 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	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 "manget 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 (Revised)

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:

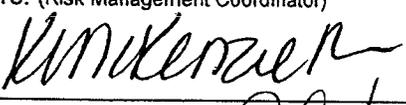
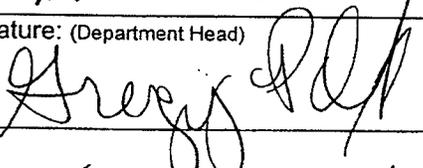
The Facilities Division staff member accidentally tripped as he was stepping off the ladder.

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: 3/30/09
Signature: (Department Head) 	Date: 3/30/09

FOR JOHN SCHUNHOFF

CASE REVIEW SUMMARY (REVISED)

Facility: Olive View-UCLA Medical Center
Patient: N/A
ORS #: N/A
PSN#: N/A
Date: February 23, 2009
Revised Date:

BRIEF NARRATIVE SUMMARY:

On October 11, 2008, an electrician from the Olive View-UCLA Medical Center's Facilities Division was working in the Insight MRI Trailer repairing a broken light fixture. When he stepped off the ladder, upon completion of the work, he tripped and hit the shut-off (or Quench) button for the MRI magnet. As a result, Insight repairs in the amount of \$147,283.30 were required to bring the equipment back in working order.

A settlement was reached with Insight that the County would pay \$132,283.30 and Insight would be responsible for \$15,000 of the costs associated with the equipment repairs.

Was event disclosed to the patient/family? N/A

FACILITY INVESTIGATIVE SUMMARY:

Date	Investigation (including all committee reviews and conclusions for reviews)
10/21/08	The hospital's Risk Manager, Compliance Officer, and Facilities Division Director conducted a tour of the MRI trailer to view the trailer and the location of the Quench button and determine whether the incident could have occurred as described on the incident report.
10/22/08	The hospital's Risk Manager and Compliance Officer interviewed the Electrical Helper involved in the incident.
11/3/08	The hospital's Risk Manager and Compliance Officer interviewed the Electrician assigned to supervise the Electrical Helper performing the work.
	Based on the interviews conducted, it was determined that on Wednesday, 10/8/08, Insight staff placed a work order with the Facilities Division for the repair of a burned out light in the MRI procedure room. When Facilities Division staff responded they found that the problem with the light was caused by a faulty light fixture, which required replacement. Facilities Division staff indicated this to Insight

and said they could repair it that day; however the Insight staff asked that the work be performed on Saturday, 10/11/08, when it would not disrupt patients. Insight staff provided a key to the Electrical Shop staff to enter the building, but was not present on Saturday when the work was performed.

According to interviews conducted with the Electrical Helper and the supervising Electrician, the Electrical Helper followed appropriate procedure when working in the MRI procedure room, which was to remove all metal from his body, leave the tool cart outside the building, and take only one tool into the area at a time and tethering this tool to his wrist. These precautions are taking to prevent items being sucked into the MRI magnet. The Electrical Helper worked in the MRI procedure room while the supervising Electrician observed from the control room area immediately outside the MRI room.

As the Electrical Helper was stepping down from the ladder upon completion of the repair, he missed the last step of the ladder and tripped backwards, falling against the wall, bumping the cover to the Quench button with his shoulder and hitting the button itself, which turned off the MRI magnet.

The staff immediately called the Insight staff to tell them of the problem and the Insight staff indicated they would send someone over. The Facilities Division staff then locked the building and went to respond to a call from another location of the hospital. They were not contacted again by Insight about the incident.

FACILITY CORRECTIVE ACTIONS (SYSTEMS)

	RISK MANAGEMENT ISSUES
1. <input checked="" type="checkbox"/> Systems <input type="checkbox"/> Personnel	Failure of Insight personnel to be present to supervise work being performed in their owned/operated building. The previous contract term required the hospital to maintain the MRI trailer building; excluding the maintenance of the MRI magnet itself. The current agreement, which went into effect 7/1/08, is less clear as to the hospital's obligation for the maintenance of the existing MRI trailer. Under the current agreement, Insight is responsible for the construction and installation of a new MRI trailer/equipment and at that time, will assume total responsibility for the maintenance and upkeep of the building and equipment.
2. <input checked="" type="checkbox"/> Systems <input type="checkbox"/> Personnel	While the appropriate procedures were followed in performing work in this area, reeducation of Facilities Division personnel regarding ladder safety is warranted.

Issue #	Action	Date
1.	Systems issue	
	As a result of this incident, the hospital will no longer provide general maintenance and upkeep for the MRI trailer. Insight will be responsible for ensuring that all repairs are made to their building.	10/11/08
2.	Systems issue	
	In-service education on ladder safety provided to all Facilities Division personnel.	3/13/09

FACILITY CORRECTIVE ACTIONS (PERSONNEL)

Personnel involved in event	Status (time of event)	Current Status	Corrective Actions Taken	Date
No Issues Identified				

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Julio Kollerbohm v. County of Los Angeles, et al.
CASE NUMBER	SC081806
COURT	Los Angeles Superior Court
DATE FILED	June 7, 2004
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$200,000
ATTORNEY FOR PLAINTIFF	Russell M. Rubin, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On June 7, 2002, at approximately 6:40 p.m., Julio Kollerbohm was in stop-and-go traffic on the Santa Monica Freeway where it merges with Pacific Coast Highway, when his car was rear-ended by a patrol vehicle being driven by an on-duty Sheriff's Deputy. The Sheriff's Deputy was later diagnosed as suffering from apnea, which caused him to become unconscious just before the collision.</p> <p>As a result of the accident, Mr. Kollerbohm received soft tissue injuries to his neck and back, and claims cognitive deficits. He incurred medical expenses of approximately \$48,047 and claims lost earnings of \$9,450, lost earning capacity of \$840,000 and non-economic damages for pain and suffering.</p> <p>Due to the risks and uncertainties of litigation, the County Counsel proposes a full and final settlement of this case in the amount of \$200,000.</p>
PAID ATTORNEY FEES, TO DATE	\$90,460.48
PAID COSTS, TO DATE	\$47,235.56

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>Julio Kollerbohm v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-005)</p> <p>Friday, June 7, 2002; 6:41 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Friday, June 7, 2002, at approximately 6:41 p.m., a uniformed Los Angeles County deputy sheriff was driving a marked patrol vehicle (2000 Ford Crown Victoria, California License Number 1051620) west on California State Route 1, west of Lincoln Boulevard, Santa Monica, when he was involved in a multi-vehicle traffic collision. The vehicle operated by the plaintiff in this case at the time of the collision (1995 BMW, California License Number 4DLD743), sustained major damage. It was later deemed a total loss.</p>

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

	<p>A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.</p> <p>The plaintiff asserted that as a result of this collision, he sustained blunt force trauma to his entire body which resulted in soft tissue injuries to his back and neck. He was transported to a local medical facility for treatment.</p> <p>The vehicle the plaintiff was driving was deemed a total loss.</p> <p>The deputy sheriff sustained minor facial lacerations. He was transported to a local medical facility for treatment.</p> <p>The vehicle the deputy sheriff was driving was deemed a total loss.</p> <p>This traffic collision was thoroughly investigated by a representative from the California Highway Patrol (CHP). The investigator concluded that the primary cause of this traffic collision was the deputy sheriff's violation of California Vehicle Code section 22350, Basic Speed Law.</p>
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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 Sheriffs Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriffs Departments training curriculum addresses the circumstances which occurred in this incident.

The traffic collision was also investigated by representatives of the Los Angeles County Sheriffs Department. During the subsequent investigation, it was determined that the deputy sheriff suffered from a previously undiagnosed medical condition. The condition, known as sleep apnea, causes an individual to fall asleep without warning. It was this sudden loss of consciousness that caused the traffic collision.

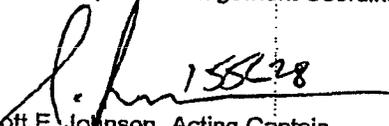
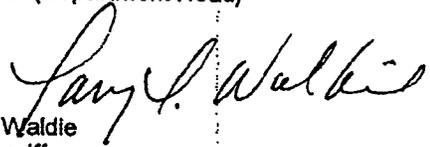
This previously undiagnosed medical condition was determined to be the root cause of the traffic collision. Once accurately diagnosed, the medical condition was corrected. Consequently, the Departments formal administrative review concluded the deputy sheriff did not violate established policy and/or procedures. As a result, no administrative action was taken.

RECOMMENDED SETTLEMENT AMOUNT: \$200,000.

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)  Scott E. Johnson, Acting Captain Risk Management Bureau	Date: 3-11-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 03-24-09

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT BUREAU

CORRECTIVE ACTION REPORT

Corrective Action Plan (CAP) Number: 2009-005CR

Lawsuit:

Name: **Julio Kollerbohm v. County of Los Angeles, et al.**
Case/Docket Number: (Los Angeles Superior Court Case Number SC081806)

Investigator: Joseph Jakl, Sergeant
Risk Management Bureau
Leadership and Training Division

Incident:

Date/Time: Friday, June 7, 2002; 6:41 p.m.

Location: California State Route 1, west of Lincoln Boulevard
City of Santa Monica
County of Los Angeles

Station, Bureau, or Facility: Malibu/Lost Hills Station
Field Operations Region I

Risk Issue(s):

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

Executive Summary:

On Friday, June 7, 2002, at approximately 6:41 p.m., a uniformed Los Angeles County deputy sheriff was driving a marked patrol vehicle (2000 Ford Crown Victoria, California License Number 1051620) west on California State Route 1, west of Lincoln Boulevard, Santa Monica, when he was involved in a multi-vehicle traffic collision. The vehicle operated by the plaintiff in this case at the time of the collision (1995 BMW, California License Number 4DLD743), sustained major damage. It was later deemed a total loss.

**CORRECTIVE ACTION REPORT #2009-005CR
JULIO KOLLERBOHM V. COUNTY OF LOS ANGELES, ET AL.
PAGE TWO**

Damages:

The plaintiff asserted that as a result of this collision, he sustained blunt force trauma to his entire body which resulted in soft tissue injuries to his back and neck.

Risk Review/Compliance Audit:

Was a formal Los Angeles County Sheriff's Department Risk Management Bureau (RMB) Critical Incident Analysis (CIA) conducted? No¹

Will this corrective action plan require notification to, or the assistance from, other Los Angeles County Departments or public agencies? Yes

If yes, what is the name, title, and organization of the person contacted?
Steve NyBlom, Manager
Chief Executive Office
Risk Management Branch

When/how was the person contacted?
Thursday, March 12, 2009; 7:00 a.m., telephone

Will a formal Risk Management Bureau compliance audit be required? Yes

If yes, what is the date the audit will be performed?
May 1, 2009

Name of person/unit performing audit?
Robert J. Taliento, Sergeant
Los Angeles County Sheriff's Department
Risk Management Bureau

Policy Issues:

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

¹ The process did not exist at the time of this incident.

CORRECTIVE ACTION REPORT #2009-005CR
JULIO KOLLERBOHM V. COUNTY OF LOS ANGELES, ET AL.
PAGE THREE

Training/Curriculum Issues:

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

Corrective Action:

Was a formal administrative review of the incident initiated? Yes
 Was appropriate administrative action taken? No

Was the employee's driving history analyzed during the administrative review? Yes

The Los Angeles County Sheriff's Department's formal administrative review revealed no employee misconduct on the part of Los Angeles County Sheriff's Department personnel.

This traffic collision was thoroughly investigated by a representative from the California Highway Patrol (CHP). The investigator concluded that the primary cause of this traffic collision was the deputy sheriff's violation of California Vehicle Code section 22350, Basic Speed Law.

The traffic collision was also investigated by representatives of the Los Angeles County Sheriff's Department. During the subsequent investigation, it was determined that the deputy sheriff suffered from a previously undiagnosed medical condition. The condition, known as sleep apnea, causes an individual to fall asleep without warning. It was this sudden loss of consciousness that caused the traffic collision.

This previously undiagnosed medical condition was determined to be the root cause of the traffic collision. Once accurately diagnosed, the medical condition was corrected. Consequently, the Department's formal administrative review concluded the deputy sheriff did not violate established policy and/or procedures. As a result, no administrative action was taken.²

² A separate lawsuit (Lynne Shullm v. County of Los Angeles - Santa Monica Superior Court Case Number SC 076894) settled in 2004 before trial. During the settlement phase of that case, a separate corrective action plan was prepared. In that corrective action plan, the same conclusion as to the root cause of the traffic collision was reached. A copy of the July 9, 2004 memorandum from the Office of the County Counsel to the Los Angeles County Claims Board (Attachment A) and a copy of the corrective action plan filed pursuant to the case (Attachment B) is attached to this corrective action plan for reference.

CORRECTIVE ACTION REPORT #2009-005CR
JULIO KOLLERBOHM V. COUNTY OF LOS ANGELES, ET AL.
PAGE FOUR

Working through the Los Angeles County Chief Executive Office - Risk Management Branch - representatives from the Los Angeles County Sheriff's Department's Risk Management Bureau will work with the office of Occupational Health Programs (OHP) to study screening protocols for the detection of sleep apnea symptoms in Sheriff's Department applicants.

Representatives from the Los Angeles County Sheriff's Department's Risk Management Bureau will also work with the Department's Wellness Program coordinator to raise organizational awareness to the causes and symptoms of sleep apnea and other sleep disorders.

Settlement Amount: \$200,000.00

Prepared: Patrick Hunter, Lieutenant *PH*
Risk Management Bureau

Submitted: Scott E. Johnson, Acting Captain *S.E.J.*
Risk Management Bureau

Reviewed: Eric B. Smith, Commander *EBS*
Leadership and Training Division

Approved: Roberta A. Abner, Chief *RAA*
Leadership and Training Division

Authorized: Larry L. Waldie, Undersheriff

Signature: *Larry L. Waldie*

Date: 03-24-09

ATTACHMENT "A"

MEMORANDUM

July 9, 2004

02-0148855

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: CONRAD KOHRS
Kohrs and Fiske

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Lynne Shullin v. County of Los Angeles
Santa Monica Superior Court Case No. SC 076894

DATE OF INCIDENT: June 7, 2002

AUTHORITY REQUESTED: \$150,000

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 _____, 2004

SUMMARY

This is a recommendation to settle for \$150,000, a lawsuit filed by Lynne Shulim, who was injured 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 7, 2002, at approximately 6:40 p.m., Lynne Shulim was in stop and go traffic in Santa Monica on the 10 Freeway where it merges with Pacific Coast Highway, when her car was rear-ended by a car that had been rear-ended by a patrol vehicle being driven by a Sheriff's Deputy. The Sheriff's Deputy had fallen asleep at the wheel, and was estimated to be driving at approximately 50 miles-per-hour at the time of the collision. The Sheriff's Deputy was subsequently diagnosed with the medical condition known as apnea, which causes a person to suddenly fall asleep without warning.

Lynne Shulim injured her back as a result of the collision, and has been diagnosed with multiple disc bulges, which will require surgery.

DAMAGES

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

Medical expenses	\$ 30,000
Future medical expenses	\$ 25,000
Loss of earnings	\$ 24,000
Pain and suffering	\$350,000
Total	<u>\$429,000</u>

The proposed settlement calls for the County to pay Lynne Shulim \$150,000 for all of her claims for damages, costs, and attorney fees. Lynne Shulim's claim for the damage to her car was previously settled for \$12,772.70.

01/05/2009 21:54 FAX

COUNTY OF L. A. CAO

005/008

The claim for property damage filed by Julio Kollerbohm, the driver of the car that was rear-ended by the Sheriff's Deputy, was previously settled for \$21,954.56. Mr. Kollerbohm subsequently filed a lawsuit for his personal injuries, and that lawsuit is still pending.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

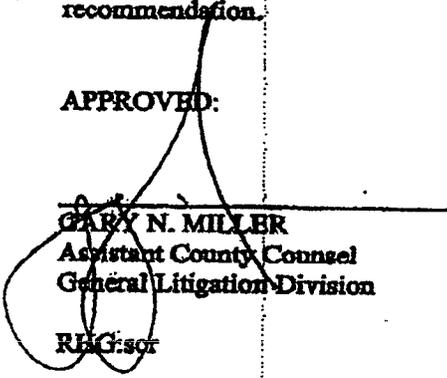
Expenses incurred by the County in defense of this action are attorney fees of \$25,189 and \$7,370 in costs.

EVALUATION

This is a case of potential liability. The Sheriff's Deputy fell asleep at the wheel, due to apnea, and caused the collision with Lynne Shulim. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, Kohrs and Fiske, and our third party administrator, Carl Warren and Company, in recommending a settlement in the amount of \$150,000. The Sheriff's Department concurs in this recommendation.

APPROVED:


GARY N. MILLER
Assistant County Counsel
General Litigation Division

REG:scf

01/05/2009 21:55 FAX

COUNTY OF L. A. CAO

008/008

Los Angeles County Sheriff's Department**CORRECTIVE ACTION REPORT**

LAWSUIT OF: Shulim, Lynne R. v. The County of Los Angeles,
Case No. SAV99-428GLT (ANx)

INCIDENT DATE: June 7, 2002 6:41 PM

INCIDENT LOCATION: State Route 1 N/B (Pacific Coast Highway), North of Lincoln
Boulevard, Santa Monica, CA.

RISK ISSUES: A public entity is responsible for the negligent and wrongful acts of employees when the acts are committed in the course and scope of his or her duties. Although some of the facts in this case are in dispute, it is undisputed that Ms. Shulim was stopped in traffic at the time of the collision, and that she was struck by a vehicle that had been struck by an on duty deputy driving in a marked patrol vehicle.

INVESTIGATIVE REVIEW: On June 7, 2002, at approximately 6:41 PM, a deputy operating his marked patrol vehicle westbound on State Route 1 (Pacific Coast Highway) east of Lincoln Boulevard in Santa Monica, was involved in a multi-vehicle traffic collision. The deputy was returning to patrol duties in Malibu after dropping off a juvenile at Los Padrinos Juvenile Hall. California Highway Patrol investigated the collision and found that the deputy's vehicle struck three other vehicles, including that occupied by the plaintiff, which were stopped in traffic. The 1998 Mercedes E320 occupied by the plaintiff sustained major damage (more than \$18,000) to the rear end. The patrol vehicle was a total loss.

As a result of the collision the plaintiff suffered significant injuries and contends that the collision caused disc bulges and protrusions at multiple levels requiring surgery and rehabilitation. The plaintiff had a prior history of back pain complaints, and diagnosed degenerative disc disease made worse by the collision. Medical expenses are estimated at approximately \$30,000 plus potential future medical bills of approximately \$25,000. Also alleged is a loss of earnings of \$24,000. Should this matter be tried, the potential exposure could total \$500,000.

TRAINING ISSUES: At the time of this incident, the Sheriff's Department had a well-established training curriculum concerning the operation of departmental vehicles under both emergent and routine situations.

POLICY ISSUES: Manual of Policy and Procedures Section 3-01/090.10 dictates that deputies shall observe all traffic laws, always employ defensive driving techniques, and not operate vehicles in an unsafe or negligent manner.

01/05/2009 21:55 FAX

COUNTY OF L. A. CAO

007/008

CORRECTIVE ACTION: A thorough traffic collision investigation was conducted by the California Highway Patrol which found that the collision occurred because the deputy was driving at an unsafe speed for conditions. Subsequent to treatment administered to the deputy in the emergency room, doctors diagnosed him with sleep apnea. Sleep apnea is a sleep disorder in which breathing during sleep stops for 10 seconds or more, usually more than 20 times per hour, causing measurable blood deoxygenation. It can and does cause sudden loss of consciousness due to lack of sleep. The deputy later underwent nasal surgery to alleviate chronic nasal obstruction which was partially the cause of the condition. This condition was previously undiagnosed.

A thorough administrative review of the incident was completed. The deputy had no prior knowledge of his condition until his emergency room treatment. As a result of the medical condition and corrective measures, no discipline was imposed.

CONTENTS
 RE STORED
 NOTED

William J. Spivey

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

March 16, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:35 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: Maria M. Oms, Rocky Armfield and John F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Manuel A. Valenzuela, Jr., Richard T. Brouwer, Chris Keosian, Gary P. Gross, Brian Chu, Millicent Rolon, Julia C. Weissman, Rich Mason, Narbeh Bagdasarian, Doraine Mayer and Diane Reagan; Sheriff's Department: Shaun Mathers and Pat Hunter; County Police: Steve Lieberman; Department of Health Services: Steven Hernandez, Kim McKenzie, Marci Hamilton, Dellone Pascascio, and Nina Park; Chief Executive Office: John Sterritt and Jan Takata; Office of the Registrar-Recorder/County Clerk: Kathleen Connors and Ann Smith; Department of Animal Care and Control: Marcia Mayeda; Office of Affirmative Action: Hayward Harris, Jr.; Outside Counsel: Linda Miller Savitt of Ballard, Rosenberg, Golper & Savitt, Geoffrey S. Sheldon of Liebert Cassidy Whitmore, and Clyde Lockwood of Patterson, Ritner, Lockwood & Jurich.

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).

At 9:40 a.m., the Chairperson adjourned the meeting into closed session to discuss agenda items 3(a) through 3(i).

4. Report of actions taken in Closed Session.

At 1:05 p.m., the Claims Board reconvened in open session and reported the actions taken in closed session as follows:

- 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.

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

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

- 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.

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

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

- 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.

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

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

- 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.

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

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

- 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.

The Claims Board continued this matter.

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

- 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.

The Claims Board approved settlement of this matter in the amount of \$22,782.

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

- 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.

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 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.

- 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.

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

- 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.

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

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

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.

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.

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

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.

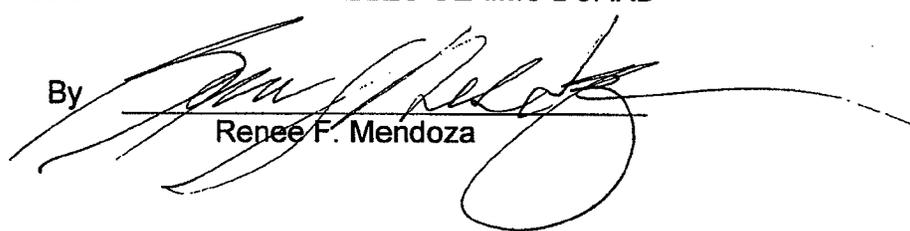
No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 1:25 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza