

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, MAY 4, 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. Claims of James and Carol Hamada, et al.

These claims arise from flooding damage to twelve homes in the City of Rancho Palos Verdes; settlement is recommended in the amount of \$400,000.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Darryl and Monet Titus v. County of Los Angeles, et al.
United States District Court Case No. CV 06-3690 ODW (AJWx)

This lawsuit seeks compensation for a false imprisonment by the Sheriff's Department; settlement is recommended in the amount of \$550,000.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$550,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Franklin Silva, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 349 175

This lawsuit arises from medical treatment received by an inmate while in the custody of the Sheriff's Department; settlement is recommended in the amount of \$900,000, plus waiver of any County bills from 2005.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$900,000, plus waiver of any County bills from 2005.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- d. Estate of Michael Buford, et al. v. County of Los Angeles
United States District Court Case No. CV-06-7940

This lawsuit arises from medical treatment received by an inmate while in the custody of the Sheriff's Department; settlement is recommended in the amount of \$395,000.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$395,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- e. Hermelinda Arcila, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 042 869

This medical malpractice lawsuit arises from treatment received by a patient while hospitalized at the Olive View Medical Center; settlement is recommended in the amount of \$325,000.

Action Taken:

This matter was continued to the next Claims Board meeting.

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 April 20, 2009, meeting of the Claims Board.

Action Taken:

The Minutes for the April 20, 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	Claims of James and Carol Hamada, et al.
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Robert Silverberg, Esq.
COUNTY COUNSEL ATTORNEY	Warren R. Wellen Principal Deputy County Counsel
NATURE OF CASE	<p>The owners of 12 Rancho Palos Verdes homes claim that a blocked storm drain inlet owned and maintained by Los Angeles County ("County") and County of Los Angeles Flood Control District ("District") caused flooding damage to their homes during a February 19, 2005, storm. The County and District did not clean out the inlet for at least a few years prior to the storm. The property owners seek reimbursement for estimated repair costs of \$868,000.</p> <p>The County and District contend that the severe storm event produced a substantial amount of</p>

surface water that exceeded the capacity of the storm drains. Even if the storm drain inlet had not been blocked, the homes still would have been flooded.

Due to the risks and uncertainties of litigation, the Department of Public Works and County Counsel propose a full and final settlement in the amount of \$400,000.

PAID ATTORNEY FEES, TO DATE	\$	51,276
PAID COSTS, TO DATE	\$	2,143



Summary Corrective Action Plan

County of Los Angeles Department of Public Works

The intent of this form is to assist departments in writing a corrective action plan summary as an 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.

Claim:	Hamada, et al
Date of incident/event:	February 19, 2005
Briefly provide a description of the incident/event:	<p>Twelve property owners in the City of Rancho Palos Verdes have brought claims against the County of Los Angeles and the Los Angeles County Flood Control District (LACFCD) for flooding damage to their homes during a severe storm on February 19, 2005. The storm produced a large amount of surface water that overwhelmed Private Drain 557 (PD 557). In February 2005, the storm drain inlet of PD 557, located below the sixth hole of Los Verdes Golf Course, was partially covered with bamboo and vegetation. On February 20, 2005, a Public Works crew removed debris and vegetation from the inlet. Public Works engineers estimate that on February 19, 2005, the surface runoff at the inlet was approximately 87 cubic feet per second (cfs). The inlet was designed to accommodate 40 cfs. Public Works engineers contend that the unusually large storm event produced enough surface water to overwhelm PD 557, even if it had been functioning properly.</p> <p>LACFCD, operated by Public Works, is responsible for maintaining PD 557. For an unknown period of time (at least two years) prior to February 2005, Public Works did not inspect or clear out the subject inlet because a fence between 30124 and 30136 Avenida de Calma impeded access. Flood Maintenance Division personnel did not attempt to access the inlet via the golf course (a County owned facility) because the operator of the golf course had admonished them in the past for driving trucks on the golf course.</p>

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

As described above, Public Works engineers contend that the unusually large storm event produced enough surface water to overwhelm PD 557, even if it had been functioning properly. However, additionally, there was a lack of maintenance of the PD 557 Inlet as a result of access issues. The blocked inlet caused additional water to flood the residences.

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

Public Works will inspect the PD 557 inlet annually and has added the inlet to the Work Order for inspection and Maintenance of Inlets/Outlets in this area. By June 30, 2009, Public Works will contact the owners of 30124 and 30136 Avenida de Calma regarding removal or modification of the structures in their backyards so that maintenance workers have better access to the inlet, and, if necessary, modification of the Flood Control District's easement.

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:
Pat Proano 	4/28/09
Signature: (Director)	Date:
Gail Farber 	4-28-09

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**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CLAIMS OF: Hamada et al vs. Los Angeles County Flood Control District

INCIDENT DATE: February 19, 2005

INCIDENT LOCATIONS: Following is a list of the twelve claimant's and their properties:
in the City of Rancho Palos Verdes:

James and Carol Hamada: 30137 Avenida de Calma, City of Rancho Palos Verdes
Frank Bigdeli: 31136 Avenida de Calma, City of Rancho Palos Verdes
Finwall: 30125 Avenida de Calma, City of Rancho Palos Verdes
Harry and Besty Wilkes: 30124 Avenida de Calma, City of Rancho Palos Verdes
Tom and Barbara Schorer: 30158 Avenida de Calma, City of Rancho Palos Verdes
Richard Uyeminami: 7189 Crest Road, City of Rancho Palos Verdes
Gerhard and Patricia Moll: 7244 Avenida Altisima, City of Rancho Palos Verdes
Derek and Pamela Gable: 7246 Avenida Altisima, City of Rancho Palos Verdes
Preston Lee: 30210 Via Borica, City of Rancho Palos Verdes
John and Gina Kare: 30224 Via Borica, City of Rancho Palos Verdes
James and Deborah Baker: 30232 Via Borica, City of Rancho Palos Verdes
Dick and Gail Effros: 30404 Camino Porvenir, City of Rancho Palos Verdes

RISK ISSUES:

The Los Angeles County Flood Control District (LACFCD) could be held liable in Inverse Condemnation if its public works drainage system operating as designed and it caused damage to the claimant's private properties. LACFCD could be held liable for a dangerous condition of its property if it is proven there was a dangerous condition of which LACFCD had notice and opportunity to cure.

INVESTIGATIVE REVIEW:

Twelve property owners have brought claims against the County of Los Angeles and the Los Angeles County Flood Control District (LACFCD) for flooding damage to their homes during a severe storm on February 19, 2005. The storm produced a large amount of surface water that overwhelmed Private Drain 557 (PD 557). In February 2005, the storm drain inlet of PD 557, located below the sixth hole of Los Verdes Golf Course, was partially covered with bamboo and vegetation. On February 20, 2005, a Public Works crew removed vegetation and debris from the inlet. The crew leader estimated that the inlet was 50 per cent obstructed. It is not known how much of the obstruction was from the bamboo and vegetation at the inlet and how much was from debris washed down from the golf course by the storm. Public Works engineers estimate that on February 19, 2005, the surface runoff at the inlet was approximately 87 cubic feet per second (cfs). The inlet was designed to accommodate 40 cfs. Public

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

Works engineers contend that the unusually large storm event produced enough surface water to overwhelm PD 557, even if it had been functioning properly.

The surface water flooded the upstream properties (Hamada, Bigdeli, Finwall, and Schorer) on Avenida de Calma and the downstream properties (Uyeminami, Moll, Gable, Lee, Kare, and Baker). The Uyeminami house is located almost directly in front of two PD 557 catch basins. The catch basins are designed to accommodate approximately 89 cfs. Public Works engineers estimate that the actual peak flow on February 19, 2005, was 220 cfs.

LACFCD, operated by Public Works, is responsible for maintaining PD 557. The claimant's attorney alleged that Mr. Chang (not a claimant), owner of 30136 Avenida de Calma, complained to Public Works about the vegetation in the inlet. Public Works does not have a record of this complaint. For an unknown period of time (at least two years) prior to February 2005, Public Works did not inspect or clear out the subject inlet because a fence between 30124 and 30136 Avenida de Calma impeded access. Flood Maintenance Division personnel did not attempt to access the inlet via the golf course (a County owned facility) because the operator of the golf course had admonished them in the past for driving trucks on the golf course.

POLICY ISSUES:

Public Works program for maintaining storm drain inlets consists of inspecting the inlet once each year, before the storm season. For at least two years prior to February 2005, Public Works did not inspect or clear out the subject inlet because of access issues.

CORRECTIVE ACTION:

Public Works will inspect the PD 557 inlet annually and has added the inlet to the Work Order for inspection and Maintenance of Inlets/Outlets in this area. By June 30, 2009, Public Works will contact the owners of 30124 and 30136 Avenida de Calma regarding removal or modification of the structures in their backyards so that maintenance workers have better access to the inlet, and, if necessary, modification of the Flood Control District's easement.

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

Reviewed & Recommended

Diego Cadena 4/28/09
Diego Cadena Date
Deputy Director

Approved

Patrick V. DeChellis 4-29-2009
Patrick V. DeChellis Date
Deputy Director

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darryl Titus, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV06-3690 ODW (AJWx)
COURT	United States District Court
DATE FILED	August 9, 2006
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$550,000
ATTORNEY FOR PLAINTIFF	Rami Kayyali, Esq. Thris Van Taylor, Esq.
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Deputy County Counsel
NATURE OF CASE	<p>Plaintiff alleges his civil rights were violated when he was arrested without probable cause for felony vandalism. Plaintiff alleges he spent approximately 106 days in custody until criminal charges were dismissed.</p> <p>The investigating detective claims that he had probable cause for an arrest based on an eye-witness identification in a photographic line-up.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$550,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$207,610

PAID COSTS, TO DATE \$42,259



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>Darryl and Monet Titus v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan (SCAP) #2009-009)</p> <p>Wednesday, February 9, 2005; 2:30 p.m.</p>
Briefly provide a description of the incident/event:	<p>On January 29, 2004, the Los Angeles County Sheriff's Department's Palmdale Station received a telephone call from a woman who reported that both her and her husband's vehicle had been vandalized. The woman reported seeing a man and a woman standing next to her husband's vehicle in the parking area of her apartment complex. The woman said she saw the man puncture the tires on her husband's vehicle using a screwdriver or similar sharp instrument. While the woman said she did not know the exact identity of the man, she said she recognized the woman as a resident of her apartment complex.</p> <p>The victim positively identified the (male) plaintiff as the person who vandalized her vehicle.</p> <p>An investigation was conducted and the detective submitted the results of his investigation to representatives of the Los Angeles County District Attorney's Office. A criminal complaint was filed against the plaintiff. On February 9, 2005, the plaintiff was arrested on a charge of felony vandalism.</p> <p>During the trial testimony, the detective began to question the plaintiff's criminal culpability. He reopened the investigation and concluded the plaintiff was not responsible for the crime. The plaintiff was released from custody and declared factually innocent after 106 days of incarceration.</p>

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

The arrest of an individual without probable cause is a violation of the individual's Fourth Amendment right guaranteed by the United States Constitution. A plaintiff who prevails in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

This is a case of probable liability.

The detective reasonably relied upon the positive identification of an eyewitness to further his investigation. He presented his findings to a representative of the Los Angeles County District Attorney's Office who concluded the plaintiff engaged in criminal misconduct.

County of Los Angeles
Summary Corrective Action Plan

It is believed, however, a jury would return a verdict in favor of the plaintiff based on the plaintiff's extended incarceration and the court's subsequent declaration of factual innocence.

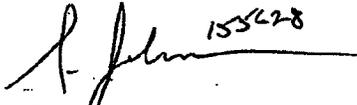
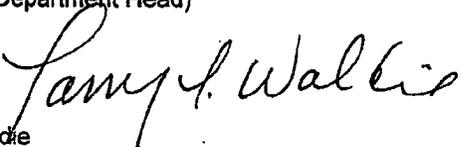
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions, if appropriate.)

No employee misconduct is alleged. No corrective measures are contemplated.

A full and final settlement at this time will avoid further litigation costs and a potential jury verdict which would likely exceed the recommended settlement amount.

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: 4-24-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 04/28/09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Franklin G. Silva, et al. v. County of Los Angeles
CASE NUMBER	BC 349175
COURT	Los Angeles Superior Court
DATE FILED	March 17, 2006
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$900,000, plus waiver of any known County hospital bill from 2005.
ATTORNEY FOR PLAINTIFF	Neil J. Fraser, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On March 7, 2005, Franklin Silva was placed in the custody of the Los Angeles County Sheriff's Department ("LASD"). To investigate the possibility of infection, on March 18, 2005, LASD personnel obtained a culture test from a skin lesion on Mr. Silva's right foot. The culture was sent to an outside laboratory.</p> <p>The culture test results (which identified the presence of infection), became available on March 20, 2005, and was processed by LASD medical staff on March 22, 2005. Mr. Silva was transferred to LAC+USC Medical Center where he received appropriate care for his infection.</p>

In spite of the treatments provided to Mr. Silva, the infection spread through his body causing injuries to his right foot and his right arm. As a result of his injuries, Mr. Silva had to undergo a surgical procedure where his right foot was amputated.

Mr. Silva filed a lawsuit for negligence and violation of civil rights against the County of Los Angeles. Mrs. Silva also brought an action for loss of consortium against the County. The plaintiffs contend that LASD personnel delayed the processing of the culture test results, which caused a delay in treatment of Mr. Silva's infection.

PAID ATTORNEY FEES, TO DATE	\$265,882.80
PAID COSTS, TO DATE	\$95,480.72

Summary Corrective Action Plan

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Date of incident/event:	03-18-05/ Date patient reported an open sore to his right great toe
Briefly provide a description of the incident/event:	A failure to review a positive laboratory culture in a timely manner resulted in a delay of treatment for necrotizing fasciitis infection. The infection resulted in an above-the-knee amputation to the patient's right leg. The amputation was performed on April 11, 2005, at Huntington Memorial Hospital.

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

Failure to adequately manage the inmate's infection.

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)

On September 8, 2006, the Methicillin Resistant Staphylococcus Aureus (MRSA) policy and procedure was updated. This revision indicates that presumptive antibiotic treatment for MRSA will be initiated for all patients with signs of skin infection.

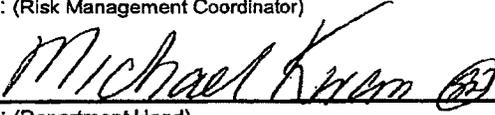
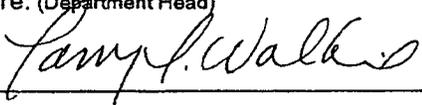
Established Interim Directive on April 3, 2008, for laboratory personnel to ensure timely delivery of reports.

In September 2008, additional Clinical Laboratory Scientists were added to Clinical Science Support Services (CSSS) to ensure timely validation, delivery, and review of reports.

A multi-year process was initiated to create an interface between the electronic medical record and the contract laboratory. On February 19, 2009, the interface was completed which allows the medical provider to review all laboratory reports electronically.

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: 3/23/09
Signature: (Department Head) 	Date: 3/23/09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Estate of Michael Buford, et al. v. County of Los Angeles</u>
CASE NUMBER	CV 06-7940
COURT	United States District Court
DATE FILED	January 15, 2008
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department ("LASD")
PROPOSED SETTLEMENT AMOUNT	\$395,000
ATTORNEY FOR PLAINTIFF	Robert Mann, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>Michael Buford, a 32-year-old male, was arrested and then placed in custody of LASD on September 7, 2005. Since Mr. Buford was complaining of respiratory problems, he was continuously examined and evaluated by LASD medical personnel.</p> <p>On September 23, 2005, LASD medical personnel ordered several laboratory screening tests. The tests were sent out to an outside laboratory and turned out to be positive. However, these test results were not communicated to LASD physicians.</p>

Mr. Buford continued to receive treatment for his lung infection at LASD and at LAC+USC Medical Center ("LAC+USC").

Mr. Buford's respiratory condition deteriorated further. He died on November 25, 2005, at LAC+USC. At LAC+USC, the cause of death was determined to be emphysema, and the Coroner Department's autopsy report concluded that the inmate died from Chronic Obstructive Pulmonary Disease.

The Estate of Mr. Buford, his mother and his son filed a lawsuit against the County of Los Angeles alleging negligence and violation of civil rights. The plaintiffs contended that the LASD medical personnel failed to provide adequate treatment to Mr. Buford.

PAID ATTORNEY FEES, TO DATE

\$233,465.34

PAID COSTS, TO DATE

\$41,983.86

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:	11/25/05 Date of death
Briefly provide a description of the incident/event:	A failure to review a positive human immunodeficiency virus (HIV) laboratory test resulted in the patient not receiving appropriate treatment. He expired on November 25, 2005, at the Los Angeles County + University of Southern California Medical Center.

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

Failure to timely process the laboratory results.

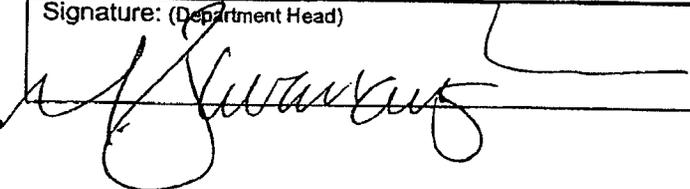
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Effective July 12, 2006, an interim directive was established for Clinical Science Support Services personnel to call and fax all positive HIV reports to each facility.

A multi-year process was initiated to create an interface between the electronic medical record and the contract laboratory. On February 19, 2009, the interface was completed which allows the medical provider to review all laboratory reports electronically in the medical record.

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: 04/22/09
Signature: (Department Head) 	Date: 4/23/09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Hermelinda Arcila and Raul Arceda Ruiz v. County of Los Angeles
CASE NUMBER	PC 042869
COURT	Los Angeles Superior Court North Valley District
DATE FILED	May 20, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$325,000
ATTORNEY FOR PLAINTIFF	Anthony N. Ranieri, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a medical malpractice case brought by Hermelinda Arcila and Raul Arceda Ruiz, for the injuries Hermelinda Arcila suffered when undergoing a removal of a benign lesion from her forehead at Olive View Medical Center ("OVMC").</p> <p>On September 24, 2007, Ms. Arcila presented to OVMC for removal of a benign skin lesion on her right eyebrow. During the procedure the lower part of her face was covered by a surgical drape. The anesthesiologist involved in the procedure placed a mask on the patient's face, which was also covered by the drape, providing her with oxygen.</p>

When the surgeon used an electrical device to stop the bleeding, the oxygen that was coming through the mask caught fire. The incident burned the skin under the oxygen mask and the skin around Ms. Arcila's eyes.

Hermelinda Arcila filed a case for medical malpractice against the County of Los Angeles. Her husband, Raul Arceda Ruiz, also filed an action for Loss of Consortium. The plaintiffs alleged that medical staff failed to utilize adequate procedures to prevent and/or caused the outbreak of a surgical fire during Ms. Arcila's mole removal procedure on September 24, 2007.

PAID ATTORNEY FEES, TO DATE	\$27,811.50
PAID COSTS, TO DATE	\$15,580.49

Summary Corrective Action Plan



Date of incident/event:	September 24, 2007
Briefly provide a description of the incident/event:	On September 24, 2007, Hermelinda Arcila underwent removal of a benign skin lesion on her right eyebrow. Prior to the procedure, an oxygen mask was placed over Ms. Arcila's nose and mouth and Ms. Arcila's face was covered with a surgical drape exposing the eyebrow area. When the surgeon used an electrical device to stop the bleeding, the oxygen coming through the mask caught fire. The event burned Ms. Arcila's face under the oxygen mask and around the eyes.

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

- Failure to protect the patient from burn during surgery

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 facility specific policy was revised to include a pause prior to the use of an electro-surgical device. The policy also includes methods for draping the face when oxygen is in use.
- Humidification gauges were moved into the surgical area for ongoing monitoring
- A system-wide survey was completed for the use of humidification monitors in the OR. All DHS facilities have humidification monitors in the ORs that are tracked daily.
- An advisory was developed by anesthesia for prevention and management of operating room fires that is consistent with the DHS "Prevention and Management of Surgical Fires and Burns" module.
- A system-wide module and post-test for "Prevention and Management of Surgical Fires and Burns" was distributed in 2006 to all DHS facilities and was revised and redistributed in 2008 to all DHS facilities.
- DHS staff system-wide are re-educated at least annually for fire prevention and management.

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. McKenzie</i>	Date: 4/30/09
Signature: (Interim Chief Medical Officer) <i>R. Splawn</i>	Date: 4/23/09
Signature: (Interim Director) <i>J. [unclear]</i>	Date: 4-23-09

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

April 20, 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: Richard D. Weiss and Brian Chu; Department of Public Works: Mike Hayes and Raj Patel; Chief Executive Office: John Sterritt; Outside Counsel: Deborah Fox of Meyers Nave.

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 the items listed as 4(a) and 4(b) below.

4. Report of actions taken in Closed Session.

At 10:55 a.m., the Claims Board reconvened in open session and reported the actions taken in closed session as follows:

- a. Rebecca Rickley v. County of Los Angeles, et al.
United States District Court Case No. CV 08-4918-SVW

This lawsuit arises from a series of code enforcement disputes involving the Building and Safety Division of the Department of Public Works; settlement is recommended in the amount of \$50,000.

No reportable action taken.

- b. Linda Richardson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. LC 074 962

This lawsuit arises from injuries received when a visitor to the Van Nuys courthouse sat in a chair and the chair collapsed; settlement is recommended in the amount of \$75,000.

The Claims Board approved settlement of this matter in the amount of \$75,000.

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

5. Approval of the Minutes for the April 6, 2009, meeting of the Claims Board.

The Minutes for the April 6, 2009, 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 11:30 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza