COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Rocky A. Armfield
Chief Executive Office

John F. Krattli
Office of the County Counsel

John Naimo
Auditor-Controller

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on Monday, September 21, 2009, at 9:30 a.m., in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.

2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.

3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

   a. Rafael Martinez, et al. v. County of Los Angeles
   Los Angeles Superior Court Case No. TC 020 608

   This lawsuit seeks compensation for injuries received in an automobile accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of $220,000.

   See Supporting Documents

   b. Craig W. Ginsburg v. County of Los Angeles, et al.
   Los Angeles Superior Court Case No. MC 018 533

   This dangerous condition lawsuit arises from a slip and fall incident at the Acton Rehabilitation Center; settlement is recommended in the amount of $90,000 plus a waiver of medical expenses in the amount of $374,586.

   See Supporting Documents

c. Theresa Beck v. County of Los Angeles
Los Angeles Superior Court Case No. BC 385 489

This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and failure to reasonably accommodate; settlement is recommended in the amount of $200,000 plus a waiver of $47,765 in medical bills.

d. Sandra Isabel Amezola-Briceno v. County of Los Angeles
Los Angeles Superior Court Case No. BC 384 789

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to sexual harassment; settlement is recommended in the amount of $30,000.

e. Willie Woods v. County of Los Angeles
Los Angeles Superior Court Case No. BC 378 891

This lawsuit concerns allegations of racial discrimination, retaliation, and failure to investigate by an employee of the Department of Children and Family Services; settlement is recommended in the amount of $140,000.

f. Jasmine L., et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 303 732

This lawsuit concerns allegations of deprivation of educational and mental health services and the use of inappropriate physical restraint by the Department of Children and Family Services; settlement is recommended in the amount of $150,000.

See Supporting Documents

g. Ariel M. v. Antelope Valley Union High School District and Los Angeles County Department of Mental Health
Case No. N2009010703

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health; settlement is recommended in the amount of $60,510.

See Supporting Documents

4. Report of actions taken in Closed Session.

5. Approval of the minutes for the August 17, 2009, regular meeting of the Claims Board and the September 2, 2009, special meeting of the Claims Board.

   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.

7. Adjournment.

G

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ariel M. v. Antelope Valley Union High School District and Los Angeles County Department of Mental Health
CASE NUMBER	California Special Education Hearing Office (Case No. N2009010703)
COURT	Not applicable
DATE FILED	March 26, 2009
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	$60,510 (in two warrants)
ATTORNEY FOR PLAINTIFF	Andrea M. Tytell
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Senior Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Ariel M., in the Antelope Valley Union High School District ("AVUHSD") who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Parents requested reimbursement from both AVUHSD and the Los Angeles County Department of Mental Health ("DMH") for costs incurred pertaining to expenses parents incurred for unilaterally placing

	Ariel in a residential placement facility. A mediation was held and resolution was reached whereby DMH agreed to reimburse the parents for the costs of the residential placement of Ariel in the amount of $51,510 and pay a portion of parent's attorney's fees in the amount of $9,000.
PAID ATTORNEY FEES, TO DATE	None
PAID COSTS, TO DATE	None

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:	March 26, 2009
Briefly provide a description of the incident/event:	This case involves special education student Ariel M. who's parents allege deprivation, both procedurally and substantively , of (1) her educational rights, and (2) related services to which she was entitled. The case went administrative mediation which resulted in an agreement between plaintiff, the Antelope Valley Union High School District ("AVUHSD"), and the Department of Mental Health ("DMH"). The settlement is two pronged. First, DMH agreed to reimburse the parents for the costs of providing counseling services while DMH was seeking residential placement treatment services in the amount of $51,510.00. Second, DMH agreed to pay a portion of the plaintiffs' attorneys' fees in the amount of $9,000.00.

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

Ariel had demonstrated behaviors that put her in immediate personal and psychological safety. Her parents selected Island View on the basis that Island View was a DMH-contracted program. However, it was unknown to the parents that the State Auditor-Controller found that Island View did not meet the requirements of a non-profit entity. As a student who was approved for special education with mental health treatment needs, Ariel was entitled to appropriate levels of services, in this case residential treatment, in order to enable her to access and benefit from her special education program. Given the current state of special education law, especially as interpreted by the courts, it would have been difficult for DMH to have prevailed at the administrative hearing. Resolving this case prior to an administrative hearing greatly reduced the total compensatory damages and related costs and fees.

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

There are no recommended corrective actions since this settlement reflects a compromise of the parents' unilateral action.

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) Mary Ann Maxwell	Date: 9-10-09
Signature: (Department Head) Robin Kay for Marvin J. Southard	Date: 9-10-09

F

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Jasmine L., et al. v. COLA
CASE NUMBER		BC303732
COURT		Los Angeles Superior Court
DATE FILED		October 7, 2003
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	150,000
ATTORNEY FOR PLAINTIFF		Girardi & Keese (310) 203-2210 Law Offices of Sanford Jossen (310) 546-9118
COUNTY COUNSEL ATTORNEY		Lauren M. Black Principal Deputy County Counsel (213) 974-0695
NATURE OF CASE		Seventeen dependent minors who resided at MacLaren Children's Center ("MCC") between September 2000 and February 2002 filed this lawsuit alleging they did not receive appropriate mental health and educational services. Plaintiffs further allege they were assaulted by MCC staff through the inappropriate use of physical restraint.
PAID ATTORNEY FEES, TO DATE	$	307,590
PAID COSTS, TO DATE	$	34,414

Summary Corrective Action Plan Department of Children and Family Services

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:	2000-2002
Briefly provide a description of the incident/event:	17 children who allege that they were physically abused while placed at MacLaren Children's Center (MCC.)

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

The root cause(s) of this claim/lawsuit is (are):

Inadequate health and mental health services for special needs children resulting in placement in congregate care.

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

Corrective actions to address root cause

Closure of MCC in 2003

Systemic improvements have been made and specialized services are being provided to children who would previously have resided at MCC. Some of the systemic improvements include the expansion of medical hubs, standardized mental health screenings for children entering foster care, collaboration with the Department of Mental Health (DMH) and the creation of a Child Welfare Division within DMH, and increases in the County's capacity to provide in-home mental health services. Wraparound services have been increased so that these children can grow in less restrictive environments. We are utilizing Structured Decision-Making (SDM) to increase consistency in decision-making. Additionally, we have implemented Team Decision Making (TDM) at significant decision points for a child and his/her family.

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) Jonathan Byers	Date: 6/29/09
Signature: (Department Head) Patricia S. Ploehn, Director	Date: 7-6-09

B

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Craig W. Ginsburg v. County of Los Angeles
CASE NUMBER		MC018533
COURT		Los Angeles Superior Court
DATE FILED		9/26/2007
COUNTY DEPARTMENT		Public Health
PROPOSED SETTLEMENT AMOUNT	$	90,000 plus waiver of $374,586 hospital bill
ATTORNEY FOR PLAINTIFF		Robert Lepore, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE		On 12/24/2006, Claimant was a resident patient at the Acton Rehabilitation Center (ARC). In the late afternoon, Mr. Ginsburg was in the ARC cafeteria kitchen when he slipped/tripped and fell allegedly on a spot of liquid on the floor. He fell forward and received a laceration over his left eye that required stitches. He also sustained soft tissue injuries to his low back and left shoulder. He received a discectomy and fusion of his lumbar spine at a County hospital in August 2007. Claimant filed suit against the County contending that it

		maintained a dangerous condition of public property. The County contends that it performed adequate and timely safety inspections for floor spillage and that Claimant was comparatively negligent in injuring himself. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.
PAID ATTORNEY FEES, TO DATE	$	21,387
PAID COSTS, TO DATE	$	4,870

Summary Corrective Action Plan

Ginsburg v. County of Los Angeles

Plaintiff:	Ginsburg, Craig
Court case #:	MC018533
County file #:	07-10535930
Carl Warren file #:	A-0041

Date of incident/event:	12/24/2006. Claim filed 6/16/07.
Briefly provide a description of the incident/event:	Personal injury/dangerous condition case. Plaintiff, a resident at the Antelope Valley Rehabilitation Center (AVRC), entered the kitchen work area on 12/24/06 through a back door after serving hours and asked to assist and get fed. The cook in charge incorrectly assumed Plaintiff was an authorized, trained volunteer worker from the resident population. While walking to get food, Plaintiff fell and cut his head on a counter. The cook witnessed this and said he saw no foreign matter on the floor, but Plaintiff said he saw a small "smear" on the floor after his fall. Plaintiff was treated on the scene and at a local hospital, receiving three stitches. Plaintiff claimed pain in his right shoulder and neck, and lower back. X-rays and a CT scan found no fractures. Subsequent MRIs revealed severe spinal stenosis,

	indicating Plaintiff had a longstanding, lower back condition. Plaintiff was seen at the same hospital on 4/07 after he fell down stairs at home, X-rays showed no changes from the films taken 12/06. Plaintiff eventually received back surgery at LAC+USC, acquiring a MRSA infection in the surgery site.

Root causes of the claim/lawsuit:

Root cause 1: Unauthorized access to work area of kitchen.

a. The kitchen lacked a system for tracking if residents were authorized workers.
b. The kitchen lacked physical security for the employee entrance.
c. The kitchen lacked signage regarding unauthorized entrance.

Root cause 2: Foreign matter on the floor may have contributed to the slip and fall.

Root cause 1 corrective actions.

a. Beginning on September 30, 2009, a daily listing of authorized resident workers will be prepared by the AVRC Administration, and posted in the kitchen daily to the Chief Cook. Cooks in charge of each shift will check if persons entering the kitchen are so authorized, and deny entry if they are not.
b. By September 30, 2009, the rear employee entrance door will be altered to a self-locking, alarmed door that is fire-code compliant.
c. By September 30, 2009, appropriate signage will be posted at all kitchen entrances.

Root cause 2 corrective actions.

a. The nature of kitchen operations is that spills and drips occur frequently. Scheduled inspections for such occurrences are not productive, since they may happen at any time. By September 30, 2009, assigned staff will be re-instructed to constantly inspect for, and clean up, foreign matter on the floor.
b. By September 30, 2009, require that kitchen employees wear footwear that

fully encloses the foot and has slip resistant soles.

c. By September 30, 2009, provide a slip resistant flooring surface or slip resistant floor covering mats in areas where spills or wet areas are likely to occur.
d. By September 30, 2009, keep aisles and heavy traffic areas clear at all times.
e. By September 30, 2009, promptly store delivered goods in designated areas to maintain safe walking and working areas.

3. Applicability of corrective actions to other County departments:

The corrective actions may apply to other departments that operate food services.

Signature: (Risk Management Coordinator & Author)	Date: July 28, 2009
Signature: Director	Date: July 30, 2009
Signature: Chief Deputy	Date: 7.28.09

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

313 North Figueroa Street, Room 708
Los Angeles, California 90012
TEL (213) 240-8156 • FAX (213) 481-2739

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CORRECTIVE ACTION PLAN

Program: Alcohol and Drug Program (ADP)
Plaintiff: Ginsburg, Craig
Court case #: MC018533 (Lancaster)
County file #: 07-10535930
Carl Warren file #: A-0041

BACKGROUND:

Personal injury case. Plaintiff, a 48 year old resident at the Antelope Valley Rehabilitation Center, entered the kitchen work area on 12/24/06 via a rear entrance after serving hours, asking to assist and get fed. The cook in charge incorrectly assumed Plaintiff was an authorized, trained volunteer worker from the resident population, and allowed Plaintiff to take out some trash. The cook then instructed Plaintiff to serve himself a meal.

While walking to get the meal, Plaintiff, who is blind in one eye, slipped and fell, cutting his head on a counter. The cook witnessed this and said he thought Plaintiff tripped on an elevated catch basin. The Plaintiff's depth perception may be less than ideal, due to blindness. The cook saw no foreign matter on the floor, but Plaintiff said he saw a small "smear" on the floor after his fall, and claimed he did not trip over the elevated catch basin.

Plaintiff was treated on scene and received three stitches at a hospital for the cut. Plaintiff claimed pain in his right shoulder and neck, and lower back. X-rays and a CT scan found no fractures. Subsequent MRIs revealed severe spinal stenosis, indicating Plaintiff had a longstanding, lower back condition. Plaintiff was seen at the same treating hospital on 4/07 after he fell down stairs at home, X-rays taken then showed no changes from the films taken in 12/06. Plaintiff eventually received back surgery at LAC+USC, acquiring a MRSA infection in the surgery site. The LAC+USC medical costs were $374,586, but were waived by an agreement with County Counsel. The Department of Public Health agreed to pay Plaintiff $90,000 in the settlement.

SYSTEM ISSUES AND CORRECTIVE ACTION STEPS

System issue 1 – Unauthorized access to work area of kitchen.

a. The kitchen lacked a system for tracking if residents were authorized workers.
b. The kitchen lacked physical security for the employee entrance.
c. The kitchen lacked signage regarding unauthorized entrance.

Corrective actions for system issue 1:

a. Beginning September 30, 2009, a daily listing of authorized resident workers will be prepared by the AVRC Administration, and posted daily in the kitchen by the Chief Cook. Cooks in charge of each shift will check if persons entering the kitchen are so authorized, and deny entry if they are not.
b. By September 30, 2009, the rear employee entrance door will be altered to a self-locking, alarmed door that is fire-code compliant.
c. By September 30, 2009, appropriate signage regarding restricted entry will be posted at all kitchen entrances.

System issue 2 – Foreign matter on the floor may have contributed to the slip and fall.

Corrective actions for system issue 2:

a. Scheduling inspections for spills was considered. However, the nature of kitchen operations is that spills and drips occur frequently, and therefore must be monitored for continuously. By September 30, 2009, assigned staff will be re-instructed to constantly inspect for, and clean up, spilled foreign matter.
b. By September 30, 2009, require that kitchen employees wear footwear that fully encloses the foot and has slip resistant soles.
c. By September 30, 2009, provide a slip resistant flooring surface or slip resistant floor covering mats in areas where spills are likely to occur.
d. By September 30, 2009, keep aisles and heavy traffic areas clear at all times.
e. By September 30, 2009, promptly store delivered goods in designated areas to maintain safe walking and working areas.

Verification for corrective actions:
The departmental Risk Manager will follow up all corrective actions for completion no later than October 1, 2009. The departmental Audit & Investigation Division will conduct a verification of corrective action completions no later than October 31, 2009.

PERSONNEL ISSUES

The assistant cook could have chosen to make an effort to verify the Plaintiff's implied status as an authorized volunteer worker. But, it probably would have been fruitless, considering there was reduced staffing of the facility on a Christmas holiday eve. No formal personnel action was taken. Staff was reminded of the need for proper security.

Department of Public Health
Corrective Action Plan
Ginsburg case, MC018533

CONCURRENCE:

The above corrective action plan has been approved for implementation.

Written by: Jim Day Date: August 19, 2009
Risk Manager

Approved by: Jonathan Eheldy Date: 8/25/09
Director

Approved by: Ronald J. Date: 8.20.09
Chief Deputy

A

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Martinez, Rafael, et al. v. County of Los Angeles.
CASE NUMBER	TC020608
COURT	Los Angeles Superior Court
DATE FILED	July 10, 2007
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$220,000
ATTORNEY FOR PLAINTIFF	John Carpenter, Esq.
COUNTY COUNSEL ATTORNEY	Harold G. Becks, Esq.; Harold G. Becks & Associates
NATURE OF CASE	Two Sheriff's Deputies in a marked patrol unit were responding without emergency lights and siren to a Sheriff-related shooting. They were traveling between 57 and 63 miles per hour. Mr. Martinez and his passenger, Analicia Hurtado entered the intersection at 117th street proceeding east. As the Sheriff's Deputies approached the intersection northbound on Figueroa, they observed Mr. Martinez roll his vehicle through the stop sign and accelerate through the intersection. The Deputy swerved right, but was unable to avoid the collision. As a result of the collision, the patrol unit overturned and came to rest in an adjacent MTA parking lot. Mr. Martinez' vehicle spun counter clockwise and came to rest against a 105 freeway overpass pillar.

This is a case of disputed liability. The Sheriff Deputy was driving between 57 and 63 miles per hour without lights and siren through a residential area at 9:20 p.m. The posted speed limit is 35 miles per hour. Plaintiffs will argue that the Deputies were reckless in responding to a call to assist a fellow officer. A jury may conclude that the Deputy's conduct vitiates our arguments against the plaintiff and award damages accordingly.

PAID ATTORNEY FEES, TO DATE	$214,946.94
PAID COSTS, TO DATE	$95,770.76

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:	**Rafael Martinez v. County of Los Angeles** (Summary Corrective Action Plan #2009-014CR) Wednesday, May 10, 2006; 9:20 p.m.
Briefly provide a description of the incident/event:	On Wednesday, May 10, 2006, at approximately 9:20 p.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle north on Figueroa Street in response to radio call of another deputy sheriff involved in a shooting. As the deputy entered the intersection of Figueroa Street and 117th Street, Los Angeles, the vehicle he was driving collided with the plaintiff's vehicle.

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.

As a result of this traffic collision, the plaintiffs (a 68-year-old man and his passenger, a 57-year-old woman) allege they sustained soft tissue injury as well as ongoing neurological and orthopedic complaints to various parts of their bodies including their arms, legs, neck, back and head. Each received lumbar, thoracic, and cervical outpatient discectomy surgeries and chiropractic treatment. The woman also alleges depression, brain injury, memory, and hearing loss. The plaintiffs' orthopedist has recommended further orthopedic procedures with a neurologic surgeon.

The plaintiff's vehicle (2003 Chevrolet Malibu, California License Number 5ALV633) was declared a total loss.

The driver of the patrol vehicle, as well as his passenger, received treatment at a local hospital and were subsequently released.

The patrol vehicle (2001 Ford Crown Victoria, California License Number E1113505) operated by the deputy sheriff was declared a total loss.

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 the incident.

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

This traffic collision was thoroughly investigated by an officer from the Los Angeles Police Department. The officer concluded that the primary collision factor in this traffic collision was the plaintiff's violation of California Vehicle Code section 21802(a), Stop Signs: Intersections.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. 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.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) David J. Long, Captain Risk Management Bureau	Date: 7-30-09
Signature: (Department Head) Larry L. Waldie Undersheriff	Date: 08-07-09

MINUTES

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 17, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:33 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: Rocky Armfield, John F. Krattli, and John Naimo.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu, Narbeh Bagdasarian, Eva Vera-Morrow, Karen Lichtenberg, Warren Wellen, Judith Fries, Adrienne Byers, Lauren Black, Rose Belda, Albert Kelley, and Edwin Lewis; Department of Public Health: Jim. Day; Fire Department: Michael Kranther; Department of Health Services: Stephanie Hall, M.D., Bonnie Bilitch, Pete Delgado, Kim McKenzie, Bruce Stabile, Gail V. Anderson, M.D, Maria Renteria, and Mark Wycislak, Department of Public Works: Steve Burger, Bill Winter, Dennis Denby, Steven Ross, and Gary Hildebrand; Department of Children and Family Services: Jennifer Lopez, Michelle Victor, and Lynne Condon; Probation Department: Tracy Jordan-Johnson; Outside Counsel: David Burhenn, Clay Averbuck; and Diane Ratcliff.

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 9:36 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(l) below.

4. Report of actions taken in Closed Session.

At 4:35 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Craig W. Ginsburg v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 018 533

This dangerous condition lawsuit arises from a slip and fall incident at the Acton Rehabilitation Center; settlement is recommended in the amount of $100,000 plus a waiver of medical expenses in the amount of $374,586.

The matter was continued to the next Claims Board meeting.

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

b. Shomari Glass v. County of Los Angeles
Los Angeles Superior Court Case No. MC 108 327

This lawsuit concerns emergency medical treatment provided by Los Angeles County Fire Department paramedics; settlement is recommended in the amount of $550,000 plus assumption of the remaining Medi-Cal lien in the amount of $73,376.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $550,000 plus assumption of the remaining Medi-Cal lien in the amount of $73,376.

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

c. Rafael Alarcon and Maria Alarcon v. County of Los Angeles
Los Angeles Superior Court Case No. BC 398 372

This lawsuit concerns the care provided to a patient at the LAC+USC Medical Center – Ingleside Psychiatric Hospital; settlement is recommended in the amount of $395,000.

The Claims Board continued this matter.

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

d. Renee Hurtado, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 716

This medical negligence/wrongful death lawsuit arises from treatment received by a patient while hospitalized at the Harbor/UCLA Medical Center; settlement is recommended in the amount of $305,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $305,000.

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

e. County of Los Angeles v. Sandra Shewry and State Department of Health Services
Los Angeles Superior Court Case No. BS 117 319

This lawsuit concerns payments under the State Medi-Cal Program; settlement is recommended whereby the County will receive payment in the amount of $62,908.

The Claims Board approved settlement of this matter whereby the County would receive approximately $62,908.

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

f. LAC+USC Affiliation Agreement with Hollywood Presbyterian Hospital

This matter concerns a dispute over amounts owed to the County by Hollywood Presbyterian Hospital under its Affiliation Agreement with LAC+USC medical center.

The Claims Board approved settlement of this matter whereby the County will receive payment of 90 percent of the outstanding invoices (approximately $450,000).

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

g. Hydra-Quip Corp. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 400 206

This lawsuit seeks a refund of monies deposited as a condition of approval of a tentative tract map; settlement is recommended in the amount of $140,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $140,000.

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

h. Claim of the State of California, ex rel., California Regional Water Quality Control Board, Los Angeles Region

This lawsuit concerns allegations that the Department of Public Works violated the Porter-Cologne Water Quality Control Act when it cleaned out the Sullivan Debris Basin; settlement is recommended in the amount of $100,000.

The Claims Board approved settlement of this matter in the amount of $100,000.

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

i. Jerry Gliksman, et al. v. Terry Wheeler, et al.
Los Angeles Superior Court Case No. YC 055 709

This lawsuit seeks compensation for property damage allegedly caused by a mainline sewer; authority is requested to make a statutory offer.

The Claims Board approved settlement of this matter. The substance of the settlement will be disclosed upon inquiry once the settlement is final.

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

j. Cheila Herrera, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 391 052

This lawsuit alleges that the Department of Children and Family Services wrongfully detained a newborn infant and toddler; settlement is recommended in the amount of $350,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $350,000.

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

k. Drennan Cannon v. County of Los Angeles
Los Angeles Superior Court Case No. BC 391 007

This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and retaliation, and that the Department failed to engage in the interactive process; settlement is recommended in the amount of $96,000 plus the waiver of a temporary disability claim (net value $10,350).

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $96,000 plus the waiver of a temporary disability claim (net value $10,350).

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

l. Theresa Beck v. County of Los Angeles
Los Angeles Superior Court Case No. BC 385 489
This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and failure to reasonably accommodate.

The Claims Board continued this matter.

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

5. Approval of the Minutes for the August 3, 2009, regular meeting of the Claims Board.

The Minutes for the August 3, 2009, regular 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 5:00 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Renee F. Mendoza

MINUTES

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

September 2, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 11:00 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: Rocky Armfield, John F. Krattli, and John Naimo.

Other persons in attendance at the meeting were: Office of the County Counsel: Manuel A. Valenzuela, Jr., Edwin Lewis, Ruben Baeza, Jr., and Brian Chu; Probation Department: Robert Smythe, Yolanda Johnson, and Tracy Jordan-Johnson; Department of Health Services: Bonnie Bilitch, Maria Jauregui, Evelyn Szeto, Elizabeth Baca, and David Cochran; Sheriff's Department: Patrick Hunter and Lynne Hughes; Office of Affirmative Action: David Kim; Outside Counsel: Avi Burkwitz and Nohemi G. Ferguson.

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 11:03 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 2:16 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Theresa Beck v. County of Los Angeles
Los Angeles Superior Court Case No. BC 385 489
This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and failure to reasonably accommodate.

The Claims Board continued this matter.

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

b. Darren Hamilton v. County of Los Angeles
Los Angeles Superior Court Case No. BC 366 195

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

The Claims Board approved settlement of this matter in the amount of $77,500.

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

c. Rafael Martinez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 020 608

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

The Claims Board continued this matter.

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

d. Sandra Isabel Amezola-Briceno v. County of Los Angeles
Los Angeles Superior Court Case No. BC 384 789

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

The Claims Board continued this matter.

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

5. Adjournment.

The meeting was adjourned at 3:01 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

Renee F. Mendoza