

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL 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

THURSDAY, JANUARY 21, 2010, AT 8:30 AM

Present: John Naimo, Steven NyBlom 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.
3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).

- a. Milton Molina v. County of Los Angeles
Los Angeles Superior Court Case No. BC 392 062

This lawsuit concerns allegations of sexual harassment and retaliation by Fire Department employees.
(Continued from January 4, 2009 meeting.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Fire Department's budget.

Absent: None

Vote: Unanimously carried

- b. Mary Villegas v. County of Los Angeles
Los Angeles Superior Court Case No. BC 388 755

This lawsuit concerns allegations of sexual harassment by Fire Department employees.
(Continued from January 4, 2009 meeting.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$325,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Fire Department's budget.

Absent: None

Vote: Unanimously carried

- c. Ericka Lauderdale v. County of Los Angeles
Los Angeles Superior Court Case No. VC 051 914

This lawsuit concerns allegations that the Probation Department failed to engage in an interactive process or provide reasonable accommodation for an employee with disabilities.
(Continued from the December 21, 2009 meeting.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Probation Department's budget.

Absent: None

Vote: Unanimously carried

d. Mediated Settlement with Sierra Systems re: Department of Mental Health IT Litigation (County as Plaintiff)

This matter concerns the design and development of an information management system by Sierra Systems for the Department of Mental Health.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter whereby the County will receive payment in the amount of \$1.5 million from Sierra Systems.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

e. Jacob Perez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 053 569

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- f. Darren Lewin v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 045 470

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$28,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- g. Michael Anderson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 399 657

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$90,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

h. Claim of Theresa Varsos

This claim seeks compensation for damage caused by a sewer back-up.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$88,528.88.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

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. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Los Angeles County v. Sierra Systems, Inc.
CASE NUMBER	Prelitigation Claim brought by County against Sierra Systems
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Mental Health ("DMH")
PROPOSED SETTLEMENT AMOUNT	\$ Acceptance by County of \$1.5 million payment by Sierra to resolve and compromise all claims through FY 05-06.
ATTORNEY FOR PLAINTIFF	County is Claimant, represented by Rollin Ransom of Sidley Austin Respondent Sierra Systems is represented by Steve Allison
COUNTY COUNSEL ATTORNEY	Richard K. Mason
NATURE OF CASE	This mediated settlement with Sierra Systems is related to the earlier settlements in 2006, 2007, and 2009 of the protracted litigation, brought by certain providers of mental health services, alleging approximately \$25 million in damages for unreimbursed services, involving DMH and the State of California with respect to DMH's information technology system, which was modified to comply with the requirements of the federal HIPAA

regulations. In these cases. Plaintiff providers alleged that DMH breached its contractual obligations to them by not timely or accurately processing their claims for reimbursement to the State, resulting in denied claims. The State was also a defendant. The County asserted a cross-claim against the State for, among other things, indemnity or contribution. The County further asserted that responsibility is also shared by the plaintiff providers and the designer of the system changes, Sierra Systems. The earlier settlements resolved all disputes with the providers and the State. During the pendency of the litigation, County and Sierra entered into a tolling agreement to allow them to mediate after resolution of the underlying litigation. County and Sierra have now successfully mediated the matter to their mutual satisfaction.

PAID ATTORNEY FEES, TO DATE	\$	\$12,622.50
PAID COSTS, TO DATE	\$	\$4,706.26



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:	October 2005 (First lawsuit filed)
Briefly provide a description of the incident/event:	Contract providers of mental health services alleged in 25 lawsuits against the County and the State of California that the transition to HIPAA-compliant claiming and the design, implementation, and use of the Integrated System (IS) by DMH resulted in loss of revenue because of flawed implementation of the HIPAA Transactions and Code Sets Rules, flaws in the design and implementation of the IS, and deficiencies in DMH's operation and use of the IS.

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

The root causes of the problems which led to delays in reimbursement claims and consequent denials of such claims leading to the subject litigation are complex, but include the following:

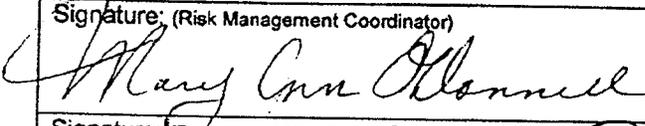
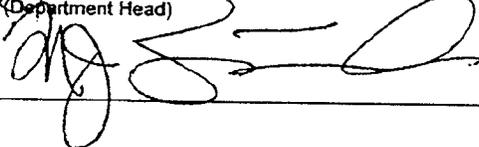
1. Errors and omissions resulting from "fast track" procurement and implementation process in order to comply with federal mandates and timelines;
2. Design errors or omissions and other related inadequate performance by Sierra Systems;
3. Incapacity of State system to receive and process claims and inadequate performance by State with respect to required systems interfaces; and
4. Provider errors and omissions and untimely and inaccurate data entry.

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

1. Correct outstanding performance and operational problems with the IS (Change Request 48)
Responsible Party: R. Greenless, Chief Information Officer, (CIO) Chief Information Office Bureau,

- (CIOB.) Completion Date: April 2006.
2. Create a Revenue Management Division (RMD) within DMH to provide effective monitoring and oversight of DMH claims processing activities. Responsible Party: Lyn Wallensak, Chief Administrative Deputy. Completion Date: May 2006.
 3. Introduce the Cognos Business Intelligence (BI) to DMH and pair it with the DMH Data Warehouse. Responsible Party: John Ortega, Chief, Data and Integration Services, CIOB Completion Date: December, 2009
 4. Develop and staff a Project Management Office (PMO) within CIOB. Responsible Party: Sharon Carlson, Associate, CIOB Completion Date: August, 2009.
 5. Develop and Maintain a DMH Project Management Methodology based on Industry Best Practices. Responsible Party: Sharon Carlson, Associate, CIOB Completion Date: February, 2005.
 6. Acquire an Integrated Behavioral Health Information System (IBHIS) to replace the IS and provide an electronic health record (EHR) system for DMH. Responsible Party: Robert Greenless, CIO, CIOB Completion Date: Initial Production Use - September, 2013.

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: 6-8-09
Signature: (Department Head) 	Date: 6-8-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jacob Perez v. County of Los Angeles, et al.
CASE NUMBER	KC053569
COURT	Los Angeles County Superior Court South East District
DATE FILED	August 6, 2008
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 40,000.00
ATTORNEY FOR PLAINTIFF	Coughlin & Conforti
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On August 6, 2006, a Sheriff Department employee, while in the course and scope of his employment, caused an automobile collision.</p> <p>Plaintiff claims that the Sheriff Department employee negligently rear ended the car in which he was a passenger. County claims that the Sheriff Department employee believed that he was traveling at a reasonable speed with enough clearance in front of him.</p> <p>Due to the risks and uncertainties of litigation, the Sheriff's</p>

Department proposes a full and final settlement of the case in the amount of \$40,000.

PAID ATTORNEY FEES, TO DATE \$ 15,829.00

PAID COSTS, TO DATE \$ 5,763.00

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><u>Jacob Perez v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-029)</p> <p>Tuesday, August 8, 2006; 4:55 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Tuesday, August 8, 2006, at approximately 4:55 p.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle west on Colima Road, west of Batson Avenue (Unincorporated Los Angeles County), when the vehicle he was driving collided with the plaintiff's vehicle.</p>

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

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

As a result of this collision, the plaintiff alleged headaches, neck pain, and tingling in the upper extremities. He was transported via ambulance to a local medical facility for treatment.

The plaintiff's vehicle, a 1997 Mercedes Benz C280, California License Number 4TJS478, sustained moderate damage.

The patrol vehicle, a 2002 Ford Crown Victoria, California License Number 1130979, sustained moderate damage.

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 relevant policies and procedures/protocols in effect at the time of this incident.

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

County of Los Angeles
Summary Corrective Action Plan

This traffic collision was thoroughly investigated by representatives from the California Highway Patrol. Their investigation concluded that the deputy sheriff caused the collision by violating California Vehicle Code section 22350, Unsafe Speed.

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: 12-17-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 12/22/09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darren Lewin v. County of Los Angeles, et al.
CASE NUMBER	PC045470
COURT	Los Angeles County Superior Court North Valley District
DATE FILED	May 20, 2009
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 28,000.00
ATTORNEY FOR PLAINTIFF	Law Offices of Robert A. Brenner
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On August 11, 2008, a Sheriff Department employee, while in the course and scope of his employment, caused an automobile collision during a surveillance of drug traffickers.</p> <p>Plaintiff claims that the Sheriff Department employee negligently entered the intersection against a red light. The County claims that the Sheriff Department employee believed that the intersection was clear and proceeded cautiously.</p> <p>Due to the risks and uncertainties of litigation, the Sheriff's Department proposes a full and</p>

final settlement of the case in the amount of \$28,000.

PAID ATTORNEY FEES, TO DATE	\$	Less than \$700.00
PAID COSTS, TO DATE	\$	Less than \$700.00



Summary Corrective Action Plan

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Date of incident/event:	<p style="text-align: center;"><u>Darren Lewin v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-030)</p> <p>Monday, August 11, 2008; 7:30 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Monday, August 11, 2008, at approximately 7:30 p.m., an on-duty Los Angeles County deputy sheriff was driving an unmarked surveillance vehicle east on Roscoe Boulevard, Los Angeles. After stopping at a red light at Tampa Avenue, the deputy sheriff entered the intersection against the red light and collided with a vehicle in which the plaintiff was a passenger.</p>

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

A public entity is liable for injuries and damages proximately caused by 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 plaintiff sustained a laceration over his left eye, as well as soft tissue injuries to his neck, back, head, and abdomen.

The vehicle in which the plaintiff occupied, a 1998 Ford Explorer, California License Number 4ASC559, sustained major damage.

The vehicle driven by the deputy sheriff, a 2003 Mercury Mountaineer, California License Number 5CMV985, sustained major damage.

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 relevant policies and procedures/protocols in effect at this time of the incident.

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

County of Los Angeles
Summary Corrective Action Plan

This traffic collision was thoroughly investigated by representatives from the Los Angeles Police Department and representatives from the Los Angeles County Sheriff's Department. Their investigations concluded that the deputy sheriff caused the collision by violating California Vehicle Code section 21453(a), Circular Red or Red Arrow.

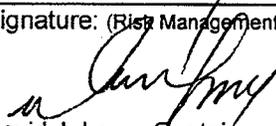
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

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: 12-16-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 12-22-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Anderson, Michael v. County of Los Angeles, et al.
CASE NUMBER	BC399657
COURT	Los Angeles Superior Court
DATE FILED	October 9, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 90,000
ATTORNEY FOR PLAINTIFF	Peter Goldstein
COUNTY COUNSEL ATTORNEY	Gordon W. Trask
NATURE OF CASE	<p>Plaintiff Michael Eric Anderson who was an inmate in Men's Central Jail alleges that he was subjected to excessive force by Sheriff's Deputies.</p> <p>The Sheriff's Deputies contend that the use of force was reasonable and in response to Mr. Anderson's resistance.</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</p>

attorneys' fees, a full and final settlement of the case in the amount of \$90,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 105,659

PAID COSTS, TO DATE \$ 29,982



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>Michael Anderson v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-023CR)</p> <p>Thursday, November 8, 2007; 4:35 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Thursday, November 8, 2007, at 4:35 p.m., the plaintiff was involved in a physical altercation with Los Angeles County sheriff's deputies assigned to the Los Angeles County Sheriff's Department's Men's Central Jail. The plaintiff alleges that during the altercation, he sustained two broken ribs, a broken nose, a broken orbital bone, a facial laceration, and bruising.</p>

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

A public entity is responsible for the intentional, wrongful, and negligent acts of its employees when the acts are committed in the course and scope of employment. A public entity may also be held liable for a violation of an individual's federal civil rights when an employee uses excessive force in controlling an inmate.

The plaintiff asserted that he suffers from claustrophobia and suffered a panic attack on the day of the incident. The plaintiff alleges that Los Angeles County sheriff's deputies entered his cell and used excessive force to subdue him.

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 and relevant policies and procedures/protocols in effect at the time of the incident.

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

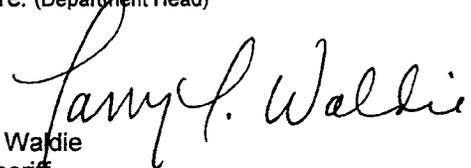
The Los Angeles County Sheriff's Department's administrative review revealed no employee misconduct.

No corrective action measures are recommended or contemplated.

County of Los Angeles
Summary Corrective Action Plan

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: 12-30-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 01-05-10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Theresa Varsos
CASE NUMBER	Unlitigated claim
COURT	N/A
DATE FILED	January 6, 2009
COUNTY DEPARTMENT	Public Works - Sewer Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 88,528.88
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non litigated claim involves property damages arising from a sewer backup at the residential home of Theresa Varsos located in Rancho Palos Verdes. A County sewer crew investigated the complaint and found that wastewater from a sewer mainline intruded into the two story home. The County crew rodded the mainline and relieved a stoppage created by overgrown tree roots. The sewage, however, caused damage to the interior flooring, drywall, cabinetry, baseboards, paint, and other personal property. The sewer mainline is maintained by the County as part of the

Consolidated Sewer Maintenance District. 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.

PAID ATTORNEY FEES, TO DATE	\$	0
PAID COSTS, TO DATE	\$	400



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 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.

Claim:	Theresa Varsos
Date of incident/event:	December 27, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage backup that occurred at 6862 Abbottswood Drive in the City of Rancho Palos Verdes. The effluent flooded the first floor of the residence. There was also contamination on the second floor caused by the trekking of sewage from the first floor to the upstairs area.</p> <p>Public Works responded and a Sewer Maintenance Division crew confirmed the existence of a mainline blockage created by roots and the accumulation of debris between Manhole Nos. 643 and 644.</p>

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

The cause of the sewer backup was a tree root blockage of the sewer mainline between Manhole Nos. 643 and 644.

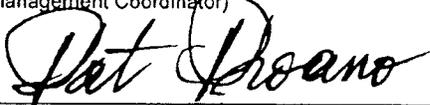
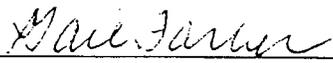
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

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

This segment of the mainline was placed on a quarterly hydro periodic to prevent future blockage and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. The mainline will also continue to be inspected semi-annually, as part of the Preventive Maintenance Program.

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 a County-wide implication.
- 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) Pat Proano 	Date: 6/14/09
Signature: (Director) Gail Farber 	Date: 6-15-09