

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, FEBRUARY 1, 2010, AT 9:30 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. Moreno Cortez v. County of Los Angeles, et al.
U. S. District Court Case No. CV-00-08395 SVW

This lawsuit seeks compensation for the death of an inmate in the custody of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$65,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes for the January 4, 2009, regular meeting of the Claims Board and the January 21, 2010, Special meeting of the Claims Board.

Action Taken:

The minutes for the January 4, 2010, regular meeting of the Claims Board and the January 21, 2010, Special meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Moreno Cortez v. County of Los Angeles
CASE NUMBER	CV-00-8395 SVW
COURT	U.S. District Court
DATE FILED	5/4/2000
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 65,000
ATTORNEY FOR PLAINTIFF	Law Offices of Barry S. Zelner
COUNTY COUNSEL ATTORNEY	Gordon Trask
NATURE OF CASE	<p>In this wrongful death action, the Plaintiffs allege that the Sheriff's Department failed to protect their decedent, who was an inmate in the Los Angeles County jail system and was killed by fellow inmates.</p> <p>The Sheriff's Department contends that they took all reasonable steps to protect the decedent.</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</p>

amount of \$65,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	226,929
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PAID COSTS, TO DATE	\$	19,935
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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>Morena A. Cortez et al. v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-026)</p> <p style="text-align: center;">Saturday, July 24, 1999; 11:45 p.m.</p>
Briefly provide a description of the incident/event:	<p>On July 24, 1999, at approximately 11:45 p.m., the plaintiffs (a minor) father was killed by five inmates in a jail cell while incarcerated in the Los Angeles County Sheriffs Department's Men's Central Jail.</p>

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

A public entity is responsible for the intentional and wrongful acts of its employees when the acts are committed in the course and scope of employment. A public entity and its employees may also be held liable for the violation of an individual's federal civil rights when its employees are deliberately indifferent to the security of an inmate in its custody.

The plaintiff alleges the Los Angeles County Sheriffs Department failed to protect his father from harm after twice being notified that the decedent may be in jeopardy. The decedent signed a waiver acknowledging the Department's warnings and attempts to re-house him (even going so far as to physically resist attempts to assist him), however, he was killed by five inmates with whom he shared a cell while incarcerated in the Los Angeles County Sheriffs Department's Men's Central Jail.

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

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

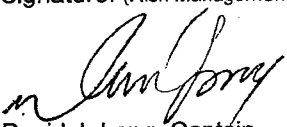
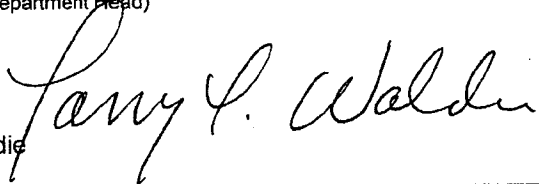
The Los Angeles County Sheriffs Department's training curriculum addresses the circumstances which occurred in this incident.

An administrative review of the incident revealed employee misconduct. Appropriate administrative action was taken.

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: 12-31-09

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

January 4, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:34 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: John Naimo, Steven NyBlom, and John F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Manuel Valenzuela, Steve Estabrook, Lauren Black, Milicent Rolon, Narbeh Bagdasarian, and Ed Lewis; Office of Affirmative Action: David Kim; Fire Department: P. Michael Freeman, Fire Chief and Michael Kranther; Department of Children and Family Services: Jennifer Lopez and George Smith; Probation Department: Tracy Jordan-Johnson; Department of Health Services: Kim McKenzie and Nina Park; Outside Counsel: Christy O'Donnell and Elizabeth Kessel.

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 9:38 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 1:40 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Joaquin F. v. Refugio Para Ninos Foster Family Agency, et al.
Los Angeles Superior Court Case No. PC 043 327

This lawsuit concerns allegations of abuse of a minor in foster care.

The Claims Board approved settlement of this matter in the amount of \$35,000.

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

- b. Erik P. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 400 273

This lawsuit concerns allegations that a minor in the custody of the Probation Department was sexually assaulted by another minor. (Continued from the December 7, 2009 and the December 21, 2009 meetings.)

The Claims Board approved settlement of this matter in the amount of \$93,000.

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

- c. Michael Jones v. County of Los Angeles
Los Angeles Superior Court Case No. BC 386 849

This lawsuit concerns allegations that the Probation Department failed to accommodate an employee's disability. (Continued from December 7, 2009 meeting.)

The Claims Board approved settlement of this matter in the amount of \$92,500.

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

- d. Ruben Romero, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 043 490

This medical negligence/wrongful death lawsuit arises from treatment received by a patient while hospitalized at the Olive View Medical Center.

(Continued from the November 16, 2009 meeting.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$382,500.

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

- e. 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; settlement is recommended in the amount of \$150,000.

The Claims Board continued this matter.

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

- f. 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; settlement is recommended in the amount of \$325,000.

The Claims Board continued this matter.

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

5. Claims Board Procedures.

No reportable action was taken.

6. Approval of the minutes for the December 21, 2009 meeting of the Claims Board.

The minutes for the December 21, 2009 meeting of the Claims Board were approved.

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

7. 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.

8. Adjournment.

The meeting was adjourned at 1:50 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Michelle Ramelet

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

January 21, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:31 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: John Naimo, Steven NyBlom and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Stephen Morris, Rich Mason, Vicki Kozikoujekian, Gordon Trask, and Brian Chu; Fire Department: P. Michael Freeman, Fire Chief and Michael Kranther; Office of Affirmative Action: David Kim; Probation Department: Tracy Jordan-Johnson; Department of Mental Health: Robert Greenless and Robin Kay; Department of Public Works: Michael Hays and Keith Lehto; Outside Counsel: Christy O'Donnell, Diana Ratcliff, and Rollin Ransom.

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 8:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(h) below.

4. Report of actions taken in Closed Session.

At 10:51 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

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 the January 4, 2009 meeting.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

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

- 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 the January 4, 2009 meeting.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$325,000.

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

- 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.)

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

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

- 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.

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.

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

- 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.

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

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

- 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.

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

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

- 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.

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

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

- h. Claim of Theresa Varsos

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

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

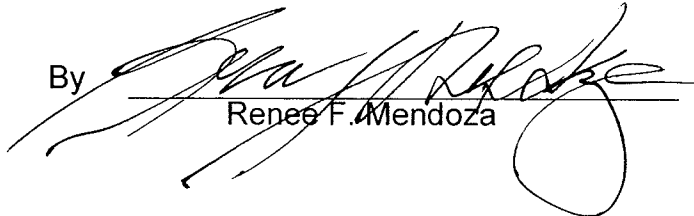
The vote of the Claims Board was unanimous with all members being present.

5. Adjournment.

The meeting was adjourned at 10:54 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza