

**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 17, 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.

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. Lily Kwok v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 401 347

This lawsuit arises from an automobile accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$60,000.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. William Steinberg, et al. v. Los Angeles County Sheriff's Department, et al.
Los Angeles Superior Court Case No. MC 020 218

This lawsuit arises from an automobile accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$145,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Sheriff's Department's budget.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Lettisse R. Bell v. County of Los Angeles
Los Angeles Superior Court Case No. BC 407 847

This lawsuit concerns allegations that the Probation Department failed to engage in an adequate interactive process and did not provide reasonable accommodation for an employee's disability. (Continued from the meeting of May 3, 2010.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000 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. Tremayne Cole, Sr., and Shemeshia Page v. County of Los Angeles
Los Angeles Superior Court Case No. VC 052 024

This medical negligence/wrongful death lawsuit arises from treatment received by a patient at LAC+USC Medical Center, after being transferred from Los Padrinos Juvenile Hall; settlement is recommended in the amount of \$400,000.

Action Taken:

The Claims Board continued this item.

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 of the May 3, 2010, regular meeting of the Claims Board.

Action Taken:

The minutes for the meeting of May 3, 2010, regular 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	Lily Kwok v. County of Los Angeles, et al.
CASE NUMBER	BC401347
COURT	Los Angeles Superior Court
DATE FILED	01/09/2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 60,000
ATTORNEY FOR PLAINTIFF	Paul S. Zuckerman, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On January 9, 2008, at approximately 5:10 p.m. Lily Kwok was traveling in the westbound number one lane on Sunset Boulevard towards its intersection with Elysian Park Avenue, City of Los Angeles. At the same time, a Sheriff's patrol unit was traveling directly behind Mrs. Kwok's vehicle. As Mrs. Kwok slowed and then stopped for a red traffic signal in her direction, the Sheriff's deputy also attempted to slow. The deputy, however, was unable to stop the patrol unit in time before it collided into the rear of Mrs. Kwok's vehicle.

As a result of the collision, Mrs. Kwok sustained soft tissue injuries to her neck, shoulder and lower back. She claims radiating pain to her lower extremities and had to undergo several dagnostic studies before resorting to corrective surgery. While somewhat improved, she continues to experience soft tissue pain in her left leg, low back and cervical spine areas.

Mrs. Kwok filed suit against the County and its Sheriff's deputy contending motor vehicle negligence and vicarious liability.

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	\$	54,919
PAID COSTS, TO DATE	\$	19,681



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:	Wednesday, January 9, 2008, 5:10 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Kwok v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan Number 2010-010)</p> <p>On Wednesday, January 9, 2008, at approximately 5:10 p.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle west on Sunset Boulevard, east on Sunset Boulevard, Los Angeles, when the vehicle he was driving collided with the plaintiff's vehicle.</p>

1. Briefly describe the root cause(s) 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 plaintiff alleges injuries to her neck, shoulder, and back.

The plaintiff's vehicle, a 1996 Toyota Camry, California License Number 3BRN997, sustained minor damage.

The patrol vehicle, a 2006 Ford Crown Victoria, California License Number 1149352, 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 procedure/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.

This traffic collision was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department. Their investigation concluded that the driver of the patrol vehicle caused the collision by violating California Vehicle Code Section 22350, Basic Speed Law.

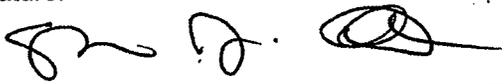
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

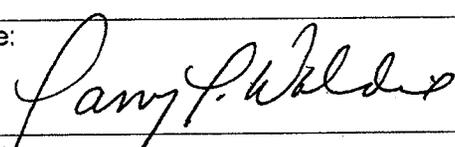
This summary corrective action plan has no countywide implications (see #3 below).

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)

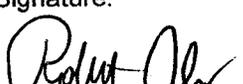
- ^{re} Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain, Risk Management Bureau	
Signature: 	Date: 3/29/10

Name: (Department Head)	
Larry L. Waldie, Undersheriff	
Signature: 	Date: 03/30/10

Chief Executive Office Risk Management Branch

Name:	
Robert Chavez	
Signature: 	Date: 04-07-10

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	William Steinberg and Lenora Steinberg v. Los Angeles County Sheriff's Department and Robert Garcia
CASE NUMBER	MC020218
COURT	Los Angeles County Superior Court
DATE FILED	March 5, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$110,000 for Leonora Steinberg; \$35,000 for William Steinberg
ATTORNEY FOR PLAINTIFF	Jack C. Sevey, Esq.
COUNTY COUNSEL ATTORNEY	Jerry M. Custis
NATURE OF CASE	Husband and wife Lenora Steinberg, 72, and William Steinberg, 73, sued the Sheriff's Department and Deputy Robert Garcia for personal injury, lost income and property damage arising from an intersectional collision with a Sheriff's patrol car west of Lancaster. Sheriff's Deputy Robert Garcia, on patrol, was driving south on 90th Street West. He stopped at a stop sign at Avenue J, then attempted to cross that avenue. The Steinbergs' car, traveling at 55 m.p.h. westward on Avenue J, hit the patrol car broadside. There

was no stop sign or signal for the Steinberg car, so it had the right of way.

Mrs. Steinberg suffered a broken patella, severe chest bruising and other bruising in the accident.

At present, Mr. Steinberg complains of dull and constant back pain. He says he becomes fatigued each day and must lay down in mid-afternoon.

The case presents considerable risk of liability in the event it goes to trial. Given these uncertainties and the nature of the injuries claimed, resolution of this case through settlement provides adequate compensation for the plaintiffs and eliminates the risk of higher damages being assessed against the County.

PAID ATTORNEY FEES, TO DATE	\$	27,200
PAID COSTS, TO DATE	\$	9,413

Case Name: Steinberg v. Los Angeles County Sheriff's Department, et al.



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:	Wednesday, July 9, 2008; 6:45 p.m.
Briefly provide a description of the incident/event:	<p><u>Steinberg v. Los Angeles County Sheriff's Department</u> (Summary Corrective Action Plan #2010-008CR)</p> <p>On Wednesday, July 9, 2008, at approximately 6:45 p.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle south on 90th Street West, north of Avenue J, Lancaster (Unincorporated Los Angeles County). As the deputy sheriff entered the intersection of Avenue J and 90th Street West, the vehicle he was driving was struck by the plaintiff's vehicle.</p>

1. Briefly describe the root cause(s) 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.

Following the collision, one plaintiff (driver of the second vehicle) was transported to a local medical facility for treatment. He sustained severe bruising and abrasions. He also participated in physical therapy.

His passenger (also a plaintiff), was transported to a local medical facility for treatment. She sustained severe bruising and abrasions, and a fractured kneecap. She underwent surgery to repair her kneecap. She also participated in physical therapy.

The plaintiffs' vehicle, (a 1998 Oldsmobile, California License Number 4DIL982), sustained major damage.

The deputy sheriff and his passenger, also a deputy sheriff, sustained minor injuries.

The patrol vehicle, (a 2007 Ford Crown Victoria, California License Number 1254636), 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 adequate policies and procedures/protocols in effect at the time of the incident.

County of Los Angeles
Summary Corrective Action Plan

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

The traffic collision was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department. Their investigation concluded that the driver of the patrol vehicle caused the collision by failing to yield the right-of-way from a posted stop sign (a violation of California Vehicle Code Section 21802(a), Stop Signs: Intersections). The investigation also concluded that the plaintiff likely did not contribute to the cause of the collision.

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

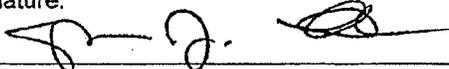
This summary corrective action plan has no countywide implications (refer to #3 below).

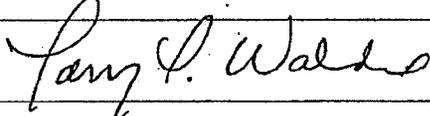
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has an implication 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(s) implications.

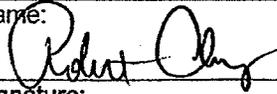
Needs to be checked

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain, Risk Management Bureau	
Signature: 	Date: 3/18/10

Name: (Department Head)	
Larry Waldie, Undersheriff	
Signature: 	Date: 03/23/10

Chief Executive Office Risk Management Branch

Name: 	
Signature: Robert Chavez	Date: 4/27/10

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tremayne Cole, Sr., and Shemeshia Page v. County of Los Angeles, et al.
CASE NUMBER	VC 052024
COURT	Los Angeles Superior Court - South East District
DATE FILED	October 23, 2008
COUNTY DEPARTMENT	Department of Health Services and Probation Department
PROPOSED SETTLEMENT AMOUNT	\$400,000
ATTORNEY FOR PLAINTIFF	Randy H. McMurray, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On February 5, 2008, Tremayne Cole, was placed in the custody of one of the facilities of the County's Probation Department.</p> <p>Tremayne began having a fever and a headache. He received treatment for his condition.</p> <p>On February 19, 2008, Tremayne was transported to LAC+USC Medical Center where he was diagnosed with an infection. On March 4, 2008, Tremayne died as a result of complications arising out of his infection.</p>

Tremayne's parents filed a lawsuit against the County of Los Angeles alleging that the County staff delayed in providing the necessary care to Tremayne, and that such delay contributed to his death.

PAID ATTORNEY FEES, TO DATE

\$153,095

PAID COSTS, TO DATE

\$19,870.69

Case Name: COLE



Summary Corrective Action Plan

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Date of incident/event:	March 4, 2008
Briefly provide a description of the incident/event:	On February 5, 2008, Tremayne Cole was placed in the custody of one of the facilities of the County's Probation Department. Tremayne began having fever and headache. He received treatment for his condition. On February 19, 2008, Tremayne was transported to LAC+USC Medical Center where he was diagnosed with an infection. On March 4, 2008, Tremayne died as a result of complications arising from his infection.

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

Delay in seeking physician involvement resulting in patient death.

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 taken.
- Nursing procedures/policies/protocols were revised for documentation, patient care and follow up to more clearly delineate responsibilities and expectations.
- A procedure was implemented for hand-off communication to improve communication among caregivers regarding patient care responsibilities.
- A procedure was implemented for nursing clinical encounters to provide systematic review of clinical encounters.
- Nursing and Medical staff throughout JCHS were educated on newly developed and revised policies/procedures/protocols pertaining to their services.
- A nurse with quality improvement experience was permanently assigned to JCHS in November 2008.
- An acting clinical nursing director was assigned to JCHS in February 2010.
- A process was implemented to notify the Director of Probation at the respective facility of all missed dental appointments.

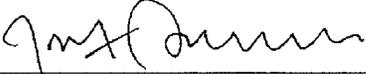
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).

County of Los Angeles
Summary Corrective Action Plan

X Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: 	Date: 4/26/10

Name: (Department Head) John F. Schunhoff	
Signature: 	Date: 4-26-10

Chief Executive Office Risk Management Branch

Name: 	
Signature: Robert Chavez	Date: 04-16-10

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COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

May 3, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:30 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: Melissa McCaverty, Stephen R. Morris, Manuel A. Valenzuela, Jr., and Narbeh Bagdasarian; Department of Public Works: Michael Hays and Barbara Knighton; Department of Health Services: Stephanie Hall, M.D., Nicholas Testa, Kim McKenzie, and Bonnie Bilitch; Office of Affirmative Action: Hayward Harris, Jr.; Outside Counsel: Clay Averbuck, Avi Burkwitz, and Peter Bollinger.

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 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f).

4. Report of actions taken in Closed Session.

At 11:56 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Marvin and Pamela Richardson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 018 998
(Consolidated with MC 018 987 and MC 019 017)

This lawsuit arises from an automobile accident involving an employee of the Department of Public Works.

Action Taken:

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

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

- b. Richard Farmer v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 018 987
(Consolidated with MC 018 998 and MC 019 017)

This lawsuit arises from an automobile accident involving an employee of the Department of Public Works.

Action Taken:

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.

- c. Donald and Geraldine Mace v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 019 017
(Consolidated with MC 018 987 and MC 018 998)

This lawsuit arises from an automobile accident involving an employee of the Department of Public Works.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$130,000.

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

- d. Lettisse R. Bell v. County of Los Angeles
Los Angeles Superior Court Case No. BC 407 847

This lawsuit concerns allegations that the Probation Department failed to engage in an adequate interactive process and did not provide reasonable accommodation for an employee's disability; settlement is recommended in the amount of \$200,000.

Action Taken:

The Claims Board continued this matter.

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

- e. Angela Contreras v. County of Los Angeles
Los Angeles Superior Court Case No. BC 391 870

This lawsuit concerns allegations of sexual harassment and retaliation by the Office of Public Safety; settlement is recommended in the amount of \$25,000.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$25,000.

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

- f. Michelle Schroeder v. County of Los Angeles
Los Angeles Superior Court Case No. BC 376 276

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at LAC+USC Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,400,000 plus assumption of the Medi-Cal lien for \$1,147.14.

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

5. Approval of the minutes for the April 19, 2010, regular meeting of the Claims Board.

The minutes of the April 19, 2010, 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.

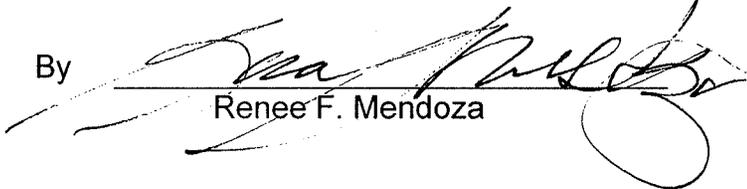
No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 12:06 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza