

**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, JULY 8, 2010, AT 10:00 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. Bertha Ruiz v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 054 326

This dangerous condition lawsuit arises from a single vehicle automobile accident which occurred on Glendora Ridge Road.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Katherine Voyer v. COLA and Ronnie Williams
Los Angeles Superior Court Case No. BC 349 347

This lawsuit concerns allegations that a Sheriff's Department employee was the subject of discrimination, sexual harassment, and violation of the Public Safety Officers Procedural Bills of Rights; settlement is recommended in the amount of \$790,000.

Action Taken:

The Claims Board continued this matter.

Absent None

Vote Unanimously carried

- 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 June 21, 2010, regular meeting of the Claims Board.

Action Taken:

The minutes for the meeting of June 21, 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	Bertha Ruiz and Roel De Jesus v. County of Los Angeles, et al.
CASE NUMBER	KC 054326
COURT	Los Angeles Superior Court
DATE FILED	11/17/2008
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ \$50,000
ATTORNEY FOR PLAINTIFF	Chad Biggins, Esq.
COUNTY COUNSEL ATTORNEY	Tighe F. Hudson Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a single vehicle accident which occurred midday on April 22, 2008 on Glendora Ridge Road. Bertha Ruiz (age 19) and Roel De Jesus (age 19) were passengers in the vehicle driven by 24 year old Francisco Vargas. The driver lost control of the vehicle on a sharp curve, veered off the roadway and crashed down the steep mountainside. Plaintiffs allege that the roadway lacked guardrail and signage which created a dangerous roadway condition and that roadway features contributed to this accident.

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 which resulted in this recommended settlement with the plaintiffs.

PAID ATTORNEY FEES, TO DATE	\$	\$87,463
PAID COSTS, TO DATE	\$	\$30,281



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/Lawsuit:	Bertha Ruiz and Roel De Jesus
Date of incident/event:	April 22, 2008
Briefly provide a description of the incident/event:	<p>On April 22, 2008, at 2:00 p.m., Bertha Ruiz and Roel De Jesus were passengers in a 1994 Acura Integra driven by Francisco Barranco Vargas, and were traveling westbound on Glendora Ridge Road, 6.4 miles west of post marker 0.1/Mount Baldy Road, in the Angeles National Forest.</p> <p>The plaintiffs state they were traveling at a speed appropriate for the area when their vehicle lost traction "due to the unsafe and poorly maintained roadway"; subsequently went through a stone wall and then down the embankment.</p> <p>The plaintiffs allege that the subject stone wall had been struck and damaged by previous accidents and further contend that the County failed to adequately warn drivers about the curve at this location and created a dangerous condition of the roadway.</p>

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

During the course of litigation, it was learned that prior to the incident, the driver of the vehicle had the right front axle serviced and repaired on April 12, 2008. According to the driver, while traveling along Glendora Ridge Road at the incident location, the axle broke which then caused him to lose control of the vehicle. The driver stated that the broken axle is the sole cause of the accident.

Based on our review, the roadway was inspected and maintained in accordance with our standards and no design or maintenance related issues were found to have contributed in any way to the incident. Mr. Vargas lost control of his vehicle due to his own negligence and/or mechanical failures associated with his vehicle, which resulted in an unreasonable and/or unintended use of the roadway.

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

In keeping with the County's Risk Management Goals to reduce the costs of litigation, Public Works has agreed to resolve the case at the proposed settlement offer. And while we agree with the driver's sworn statement that there was nothing wrong with the roadway, and believe as he does that the root cause of this accident was the mechanical failure of the car's front axle, we propose the following measures at the incident location:

By May 31, 2010, our Road Maintenance Division will regrade the existing drainage invert along the shoulder at the incident location to reduce the risk of out-of-control vehicles vaulting over the existing aesthetic wall. By June 30, 2010, our Traffic & Lighting Division (T&L) will complete a traffic study of the curve at this location to determine if any additional devices or traffic control measures are warranted. T&L will also evaluate the need/value of installing additional signage on Glendora Ridge Road, advising motorists that racing, drifting, and/or speeding is unlawful.

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

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

Signature: (Risk Management Coordinator) <i>for Steve M. Hennessee</i> Steven G. Steinhoff	Date: 3-17-2010
Signature: (Director) Gail Farber <i>Gail Farber</i>	Date: 3-22-10.

RS:psr
P4:RUJZ.SCAP1
Robert Chavez
Robert Chavez, CEO PWD

5/18/10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

June 21, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:31 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 F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu, Ruben Baeza, and Vicki Kozikoujekian; Sheriff's Department: Lynn Hughes; Department of Public Social Services: Sharon Fisher.

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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e).

4. Report of actions taken in Closed Session.

At 11:17 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- 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.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

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

- b. Bertha Ruiz. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 054 326

This dangerous condition lawsuit arises from a single vehicle automobile accident which occurred on Glendora Ridge Road; settlement is recommended in the amount of \$50,000.

Action Taken:

The Claims Board continued this item.

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

- c. Alejandro Franco v. County of Los Angeles
United States District Court Case No. CV 09-00893

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

Action Taken

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

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

- d. Cherise Sorbello v. County of Los Angeles, et al.
Orange County Superior Court Case No. 00119849

This lawsuit arises 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 \$30,000.

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

- e. Raul Jimenez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 396 567

This lawsuit arises from a vehicle accident involving an employee of the Department of Public Social Services.

The Claims Board approved settlement of this matter in the amount of \$48,000.

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

Approval of the minutes for the June 7, 2010, regular meeting of the Claims Board and the June 9, 2010, special meeting of the Claims Board.

5. **The minutes of the June 7, 2010, regular meeting of the Claims Board and the June 9, 2010, special meeting of the Claims Board were approved.**

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

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

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 11:25 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By *Dorothy Dunson*
Dorothy Dunson