

**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, AUGUST 2, 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. Claim of County of Los Angeles

This claim for indemnification arises from a contract for temporary nursing services between the County and Medstaff, Inc. .

**Action Taken:**

**The Claims Board approved settlement of this matter whereby the County will receive payment in the amount of \$40,000.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- b. Elida Mercedes Portillo, et al. v. County of Los Angeles.  
Los Angeles Superior Court Case No. YC 059 748

This lawsuit concerns the use of deadly force by Sheriff's Deputies.

**Action Taken:**

**The Claims Board recommended settlement of this matter to the Board of Supervisors in the amount of \$750,000.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- c. Walter Talley v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 401 565

This lawsuit concerns allegations of excessive force by two Sheriff's Deputies.

**Action Taken**

**The Claims Board recommended settlement of this matter to the Board of Supervisors in the amount of \$121,500.**

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 July 19, 2010, regular meeting of the Claims Board.

**Action Taken:**

**The minutes of the July 19, 2010 meeting 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	Indemnification request to Contractor for fees incurred by the County of Los Angeles in defending and settling lawsuits.
CASE NUMBER	Not applicable
COURT	Not applicable
DATE FILED	Not applicable
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$40,000 payment to County
ATTORNEY FOR PLAINTIFF	Seyfarth Shaw, LLP
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Senior Deputy County Counsel (213-787-2310)
NATURE OF CASE	The County of Los Angeles ("County") defended and settled four lawsuits based on sexual harassment and sexual discrimination of two temporary nursing personnel. County sought indemnification from a temporary nursing contractor and reached a settlement in the amount of \$40,000, for the costs associated with defending and settling the lawsuits.

PAID ATTORNEY FEES, TO DATE

None

PAID COSTS, TO DATE

None

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Elida Mercedes Portillo v. County of Los Angeles
CASE NUMBER	YC 059748
COURT	Los Angeles County Superior Court , Southwest District
DATE FILED	July 24, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 750,000
ATTORNEYS FOR PLAINTIFF	Frank Casco and Carl Douglas
COUNTY COUNSEL ATTORNEY	Gordon W. Trask, Principal Deputy County Counsel, (213) 974-1921
NATURE OF CASE	<p>On July 24, 2008, two Sheriff's Deputies were on patrol and attempted to contact plaintiffs' decedent, who they suspected of engaging in the unlawful sales of narcotics. When the Deputies approached the decedent, who was sitting in his parked car in his family's driveway, he reached down for something and came up with an object in his hand that the Deputies believed was a gun.</p> <p>One of the Deputies fired two rounds at the decedent, killing him. No weapons were found in his automobile.</p>

The plaintiffs contend that the use of deadly force was unreasonable. The Deputies contend that they had a good faith belief that the decedent was going to shoot them, and the shots were fired in self defense.

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 amount of \$750,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	44,356
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PAID COSTS, TO DATE	\$	15,789
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Case Name: Elida Mercedes Portillo, et al. v. County of Los Angeles



## 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 23, 2009; 11:43 p.m.
Briefly provide a description of the incident/event:	<p><b><u>Elida Mercedes Portillo, et al. v. County of Los Angeles</u></b> (Summary Corrective Action Plan #2010-002CR)</p> <p>The plaintiffs, the surviving parents and brother of the decedent, allege their son and brother was shot and killed by a Los Angeles County deputy sheriff. The plaintiffs also allege that the deputies failed to summon immediate medical assistance after the shooting.</p>

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

A public entity is responsible for the intentional, wrongful, or 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 civil rights law when its employees use excessive force in the performance of their duties.

The plaintiffs allege wrongful death, assault and battery, violation of civil rights, conspiracy, failure to immediately summon medical aid, and intentional infliction of emotional distress.

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 training curriculum sufficiently addresses the circumstances which occurred in this incident.

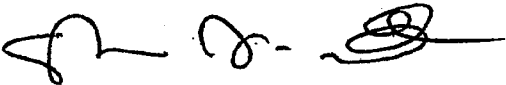
Appropriate administrative action was taken.

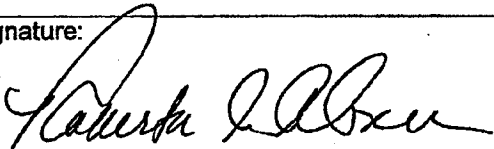


3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

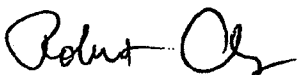
- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

**Los Angeles County Sheriff's Department**

Name: (Risk Management Coordinator) Shaun J. Mathers, Acting Captain Risk Management Bureau	
Signature: 	Date: 5/17/10

Name: (Department Risk Manager) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 05/18/10

**Chief Executive Office Risk Management Branch**

Name: Robert Chavez	
Signature: 	Date: 5/28/10

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Walter Talley v. County of Los Angeles, et al.
CASE NUMBER	BC401565
COURT	Los Angeles County Superior Court , Central District
DATE FILED	November 7, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 121, 500
ATTORNEY FOR PLAINTIFF	John P. McNicholas, Esq.
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty, Deputy County Counsel
NATURE OF CASE	<p>Plaintiff Walter Talley 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. Talley'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 attorneys' fees, a full and final settlement of the case in the</p>

amount of \$121,500 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 61,487

PAID COSTS, TO DATE \$ 12,145

Case Name: Walter Talley v. County of Los Angeles



## 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, November 14, 2007; 3:10 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Walter Talley v. County of Los Angeles</u></b> (Summary Corrective Action Plan No. 2010-015)</p> <p>On Wednesday, November 14, 2007, at approximately 3:10 a.m., two Los Angeles County deputy sheriffs were assigned to escort the plaintiff, Walter Talley (an inmate incarcerated in the Los Angeles County jail system), to a facility medical clinic because Mr. Talley complained of chest pains. Medical staff examined Mr. Talley and concluded he was not suffering a heart attack, but needed to be seen by a physician scheduled to arrive at 8:00 a.m.</p> <p>The deputies escorted the plaintiff to a holding cell adjacent to the clinic, where the plaintiff became irate. He took a combative stance and prepared to assault the deputies at which time the deputies and plaintiff became engaged in a physical altercation.</p>

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

After the altercation, Mr. Talley was taken to Los Angeles County/University of Southern California Medical Center where he was diagnosed with a fracture to his upper left cheek bone and lower left eye socket. Surgery was performed and he was discharged to the medical facility of the Twin Towers Correctional Facility.

The plaintiff also alleges emotional distress as a result of the force used by the deputies.

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.

The Los Angeles County Sheriff's Department's Executive Force Review Committee convened and conducted a review of this case. The Committee determined that the force used by the deputies was

County of Los Angeles  
Summary Corrective Action Plan

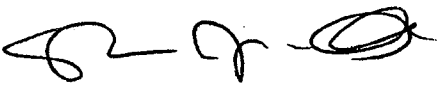
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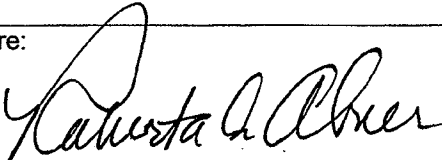
reasonable and necessary and in compliance with Department policy. Consequently, no administrative action was imposed.

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.

**Los Angeles County Sheriff's Department**

Name: (Risk Management Coordinator)  Shaun Mathers, Acting Captain Risk Management Bureau	
Signature: 	Date: 6/30/10

Name: (Department Risk Manager)  Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 07/02/10

**Chief Executive Office Risk Management Branch**

Name:	
Signature:	Date:

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County of Los Angeles  
Summary Corrective Action Plan

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conducted a review of this case. The Committee determined that the force used by the deputies was reasonable and necessary and in compliance with Department policy. Consequently, no administrative action was imposed.

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.

**Los Angeles County Sheriff's Department**

Name: (Risk Management Coordinator)  Shaun Mathers, Acting Captain Risk Management Bureau	
Signature:	Date:

Name: (Department Risk Manager)  Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date:

**Chief Executive Office Risk Management Branch**

Name: Robert Chavez	
Signature: 	Date: 07-16-10

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COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

July 19, 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 Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Rich Mason; Edward Benveniste; Robert Ragland; and Vicki Kozikoujekian. Outside Counsel: Mitzie Dobson. Department of Health Services: Kimberly McKenzie; Bonnie Bilitsch; and Dr. Stephanie Hall. Probation Department: Tracy Jordan-Johnson.

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 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below. At 12:07 p.m., the Chairperson adjourned the Closed Session to 3:45 p.m. at which time the Chairperson reconvened the Closed Session.**

4. Report of actions taken in Closed Session.

**At 12:00 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

- a. Claim of St. Mary's Medical Center

This claim by St. Mary's Medical Center seeks reimbursement for emergency medical treatment provided to a County jail inmate.

**Action Taken:**

**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.**

- b. Geneva Lofton v. County of Los Angeles  
Los Angeles Superior Court Case No. MC 020 260

This dangerous condition lawsuit arises from injuries received from a trip and fall on a sidewalk at a Probation camp.

**Action Taken:**

**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.**



**At 3:47 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

- c. Ana Jimenez-Salgado v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 397 869

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

**Action Taken:**

**The Claims Board recommended settlement of this matter to the Board of Supervisors in the amount of \$198,000 plus the assumption of a Medi-Cal lien in the amount of \$24,756.**

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

5. Approval of the minutes for the July 8, 2010, special meeting of the Claims Board.

**Action Taken:**

**The minutes of the July 8, 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 3:49 p.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By Dorothy Dunson  
Dorothy Dunson