

**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 16, 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. Katherine Voyer v. County of Los Angeles, et al.  
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.

**Action Taken:**

**The Claims Board recommended settlement to the Board of Supervisors in the amount of \$790,000.**

Absent: None

Vote: Unanimously carried

- b. Aide Zuniga v. County of Los Angeles  
Los Angeles Superior Court Case No. YC 059 748

This lawsuit arises from injuries received from a slip and fall on a sidewalk near the Harbor-UCLA Medical Center in Carson.

**Action Taken:**

**The Claims Board approved settlement of this matter In the amount of \$55,000.**

Absent: None

Vote: Unanimously carried

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

- c. County of Los Angeles v, U.S.A. Waste of California, et al.  
Los Angeles Superior Court Case No. BC 345 002

This matter concerns the remediation of environmental contamination at the former Cal Compact landfill.

**Action Taken**

**The Claims Board recommended partial settlement to the Board of Supervisors whereby the County will receive payment of \$185,000.**

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. Approval of the minutes of the August 2, 2010, regular meeting of the Claims Board.

**Action Taken:**

**The minutes of the August 2, 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	Aide Zuniga v. County of Los Angeles
CASE NUMBER	TC023274
COURT	Los Angeles Superior Court
DATE FILED	July 9, 2009
COUNTY DEPARTMENT	Public Works, Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 55,000.00
ATTORNEY FOR PLAINTIFF	Milton Jones
COUNTY COUNSEL ATTORNEY	Jerry Custis
NATURE OF CASE	<p>Plaintiff alleges she tripped and fell on a step east of a parking lot at Harbor-UCLA Medical Center. The incident site was at the junction of a walkway leading out of the parking lot to the public sidewalk on the west side of Vermont Avenue, south of Carson Street.</p> <p>Plaintiff claimed that she was distracted by a nearby post as she approached the step. She said she placed her foot on the step in such a way that it slipped down to the sidewalk level, causing her to fall forward. She suffered fractures of two bones in her left wrist.</p>

Plaintiff alleges that the incident site was dangerous because a step was not to be expected in such a location and, in combination with the post, would cause pedestrians to walk such that they would not be warned about the approaching step. Plaintiff claims damages for medical expenses, pain and suffering, loss of income and loss of future earning capacity.

The County contended that the step was easily visible to any pedestrian in plaintiff's position, that it was and is in conformity with all applicable codes and standards and that it was built in accordance with approved plans.

Due to the uncertainties of trial, the evidence pointing to County liability, and the potential exposure to an adverse verdict, the County engaged in settlement negotiations with the plaintiff, resulting in the recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$	34,527
PAID COSTS, TO DATE	\$	7,713



**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: Date of incident/event:	Aide Zuniga May 30, 2008
Briefly provide a description of the incident/event:	On May 30, 2008, Ms. Aide Zuniga was walking eastbound on the northeast pedestrian pathway within the parking lot area of the Harbor-UCLA Medical Center that leads to Vermont Avenue, when she stepped from the 4-inch single step from the hospital pathway and fell onto the public sidewalk. The plaintiff further states there was a metal post placed near the step that distracted her and did not provide adequate space for her to maneuver through the area. The plaintiff sustained injuries to her left wrist, shoulder, and left arm as a result of the incident.

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

Ms. Aide Zuniga testified she was not watching where she was walking and therefore did not see the 4-inch vertical displacement from the hospital pedestrian pathway that extends onto the public sidewalk. Although this condition is somewhat unique and may not be readily apparent to pedestrians entering or exiting the hospital premises at this location, it does not violate codes.

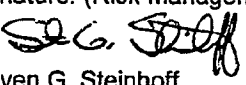

2. Briefly describe recommended corrective actions:  
 (Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The settlement of this case was considered a business decision to avoid the risks associated with going to trial. The Departments of Public Works and Health Services staff have been working cooperatively to defend the County and consider actions that might reduce the chances of future claims.


1. On September 1, 2009, the Department of Health Services (DHS) painted the 4-inch step located at the northeast and southeast entrances/exits with yellow paint to enhance the pedestrian awareness of the steps at the sidewalk.
2. On May 3, 2010, DHS commenced construction of the improvements to the unique entrances/exits. These improvements included removal of the steps and metal posts and the construction of ramps, which connect the parking lot walkway and the public sidewalk flush without a step. DHS will also place signage at the non-American with Disabilities Act (ADA) compliant entrances/exits directing pedestrians to the designated ADA compliant entrance/exit locations.

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 Countywide 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 Countywide or other department implications.

Signature: (Risk Management Coordinator)  Steven G. Steinhoff	Date: 7-12-10
Signature: (Director)  Gail Farber	Date: 7-12-10.

**Chief Executive Office Risk Management Branch**

Name: Robert Chavez	Date: 7-22-10
Signature: 	Date:

ME:psr  
 R4:ZUNIGA SCAP1



Case Name: Zuniga, Aide File No. 08-1065629\*001



## 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:	May 30, 2008
Briefly provide a description of the incident/event:	Plaintiff was walking eastbound on the pedestrian pathway within the parking lot area of the Harbor-UCLA Medical Center that leads to Vermont Avenue, when she stepped from the 4 inch, single step from the hospital pathway and fell onto the public sidewalk. The plaintiff sustained injuries to her left wrist, shoulder, and left arm as a result of the incident.

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

- A 4-inch vertical displacement from the hospital pedestrian pathway that extends onto the public sidewalk. This condition is somewhat unique and may not be readily apparent to pedestrians entering or exiting the hospital premises at this location.

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

### SYSTEMS

- On September 1, 2009, the risers of the steps were painted yellow on both southern Vermont Avenue sidewalks in an effort to make the step more apparent.
- On June 22, 2010, the steps were removed by grinding down the facility sidewalk leading to Vermont Avenue in order to make the hospital property flush with the public County sidewalk.

### SYSTEM-WIDE

- Plant management at each DHS facility will examine uneven access hazards around their facility as part of the safety inspection program, to be implemented by the third



quarter of 2010-2011.

- The identified hazards will result in necessary corrective action plans, to be submitted/ completed within three months of identification.
- A timeline will be provided listing anticipated completion dates, if the corrective action plans are not completed within the three months identified.
- Documentation will be maintained in the Facility Management database.

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 for assistance)

- Potentially has County-wide 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 County-wide or other department implications.

Name: (Risk Management Coordinator)	
Kim McKenzie, RN, MSN, CPHQ, Director, Quality Improvement and Patient Safety	
Signature: <i>Kim McKenzie</i> <sup>ma</sup>	Date: 7.16.10

Name: (Department Head)	
John F. Schunhoff, Ph.D, Interim Director	
Signature: <i>John F. Schunhoff</i>	Date: 7-16-10

**Chief Executive Office Risk Management**

Name: Robert Chavez	
Signature: <i>Robert Chavez</i>	Date: 07-20-10

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	County of Los Angeles v. U.S.A. Waste of California, et al.
CASE NUMBER	BC345002
COURT	Los Angeles Superior Court Central District
DATE FILED	December 22, 2005
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	Accept \$185,000 Settlement Offer
ATTORNEY FOR PLAINTIFF	William D. Brown, Esq. of Brown and Winters
COUNTY COUNSEL ATTORNEY	Casey Youn
NATURE OF CASE	This is an environmental contamination case involving the Cal Compact Landfill. The County and Garbage Disposal Districts are seeking contribution from other potentially responsible parties for costs they incurred for the contamination clean-up.
PAID ATTORNEY FEES, TO DATE	\$ 56,949 (In-House Attorney Fees)
PAID COSTS, TO DATE	\$ 19,323

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 2, 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: Andrea Ross; Gordon Trask; and Jonathan McCaverty; Department of Health Services: Gail Anderson; Sheriff Department: Patrick Hunter; and Lynn Hughes.

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.**

4. Report of actions taken in Closed Session.

**At 10:52 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

a. Claim of County of Los Angeles for Indemnification

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 \$40,000.**

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

b. Elida Mercedes Portillio 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.**

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

- c. Walter Talley v. County of Los Angeles, et al.  
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.**

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

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

**Action Taken:**

**The minutes of the July 19, 2010, 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 10:57 a.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By *Dorothy Dunson*  
Dorothy Dunson