COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller

Steven E. NyBlom
Chief Executive Office

John F. Krattli
Office of the County Counsel

NOTICE OF SPECIAL MEETING

The County of Los Angeles Claims Board will hold a special meeting on **Friday, October 8, 2010, at 8:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.

2. Opportunity for members of the public to address the Claims Board on items of interest that are 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. Ryley E. v. Westside Union Elementary School District and Department of Mental Health

      This matter concerns allegations of deprivation of mental health services by the Los Angeles County Department of Mental Health; settlement is recommended in the amount of $30,183.10.

      See Supporting Documents

   b. London Jones v. County of Los Angeles
      Los Angeles Superior Court Case No. VC 052 718

      This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Fire Department; settlement is recommended in the amount of $27,200. (Continued from the special meeting of September 27, 2010.)

      See Supporting Documents

c. Sandra Laguerre v. County of Los Angeles
Los Angeles Superior Court Case No. BC 413 948

This lawsuit concerns allegations that the Department of Public Social Services violated the California Family Rights Act; settlement is recommended for $87,000.

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the September 27, and the September 29, 2010, special meetings of the Claims Board.

See Supporting Documents

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Ryley E. v. Westside Union Elementary School District and Los Angeles County Department of Mental Health
CASE NUMBER		California Special Education Hearing Office (Case No. 2010050008)
COURT		Not Applicable
DATE FILED		April 30, 2010
COUNTY DEPARTMENT		Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	$	30,183.10 (in two warrants)
ATTORNEY FOR PLAINTIFF		Newman • Aaronson • Vanaman
COUNTY COUNSEL ATTORNEY		Andrea E. Ross Senior Deputy County Counsel (213-787-2310)
NATURE OF CASE		This case involves a special education student, Ryley E., who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. The case went through administrative mediation which resulted in an agreement between plaintiff and the Los Angeles County Department of Mental Health ("DMH"). The settlement consists of reimbursement to Ryley's parent ("Parent ") in an amount not to exceed $26,183.10,

as compensation for failure to implement the mental health treatment services to which Ryley was entitled, and $4,000.00 in attorney's fees.

DMH agreed to reimburse Parent in an amount not to exceed $26,183.10, for the costs of providing residential and psychotherapy services, which costs are DMH's responsibility under applicable law. Westside Union Elementary School District ("WUESD") agreed to reimburse Parents for the costs of residential tuition and providing educational services, which costs are the school district's responsibility under applicable law. DMH and WUESD each agreed to pay $4,000.00 of the total amount of $8,000.00 in attorney's fees.

PAID ATTORNEY FEES, TO DATE	$	None
PAID COSTS, TO DATE	$	None

Ryley E v. Los Angeles Unified School District; Los Angeles County Department of Mental Health

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:	2009-2010 School Year
Briefly provide a description of the incident/event:	This case involves a special education student, Ryley E., who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. The case went through administrative mediation which resulted in an agreement between plaintiff and the Los Angeles County Department of Mental Health ("DMH"). "). The settlement consists of reimbursement to Ryley's parent ("Parent ") in an amount not to exceed $26,183.10, as compensation for failure to implement the mental health treatment services to which Ryley was entitled, and $4,000.00 in attorney's fees. DMH agreed to reimburse Parent in an amount not to exceed $26,183.10, for the costs of providing residential and psychotherapy services, which costs are DMH's responsibility under applicable law. Westside Union Elementary School District agreed to reimburse Parents for the costs of residential tuition and providing educational services, which costs are the school district's responsibility under applicable law. DMH and LAUSD each agreed to pay $4,000 of the total amount of $8,000.00 in attorney's fees.

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

Ryley E. is a student with emotional disturbance. DMH received the request for an AB3632 assessment in July 2009. In August 2009, Parent signed the DMH Assessment Plan. In September 2009, an IEP was convened to formalize the DMH recommendation for outpatient services. Student's functioning continued to decline, and Parent requested a second assessment. The DMH re-assessment was completed December 2009. At that time, the DMH Assessor determined again that Student outpatient services were the appropriate level of treatment required to support the instructional setting the District had proposed for Student. Parent determined that immediate residential placement was necessary in order to maintain the safety and welfare of Student. Parent unilaterally placed Ryley at Heritage Center, Provo, Utah, on December 20, 2009.

In Student's Due Process complaint, dated on or about April 30, 2010, Parent alleged that the outpatient recommendation was inadequate to meet Student's needs, and further, that Student was unable to access the outpatient services in a timely manner in that the nearest DMH contractor advised Parent there would be no appointments available until December 2009.

On or about April 30, 2010, Parent filed for Due Process, citing a failure on the part of the school district of responsibility and DMH to offer Ryley FAPE. In the Due Process filing, Parent stated that the second assessment was insufficient to assess Ryley's treatment needs, and failed to develop or consider pertinent information related to formulating the treatment. On July 30, 2010, a settlement agreement to resolve Parent's claims was reached between Petitioner and Respondents.

As Ryley was unable to access DMH-recommended outpatient services in a timely manner, DMH agreed to reimburse Parent for her payments to private therapist.

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

None identified.

Ryley E. had demonstrated behaviors that put her at significant risk, both physically and psychologically. As a student who was approved for special education with mental health treatment needs, Ryley was entitled to appropriate levels of services in order to enable her to access and benefit from his special education program. Given the current state of special education law, especially as interpreted by the courts to approve reimbursements, it would have been difficult for DMH to have prevailed at the administrative hearing. Resolving this case prior to an administrative hearing greatly reduces the total compensatory damages and related costs and fees.

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).
- X Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) Mary Ann O'Donnell	
Signature: Mary Ann O'Donnell	Date: 09-15-10

Name: (Department Head) Marvin J. Southard	
Signature:	Date: 9-20-10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: Robert Chavez	Date: 9/20/10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		London Jones v. County of Los Angeles
CASE NUMBER		VC052718
COURT		Los Angeles County Superior Court, Southeast District
DATE FILED		February 3, 2009
COUNTY DEPARTMENT		Fire
PROPOSED SETTLEMENT AMOUNT	$	27,200.00
ATTORNEY FOR PLAINTIFF		Paul W. Ralph Law Offices of Paul W. Ralph
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel General Litigation Division
NATURE OF CASE		On December 27, 2007, a Los Angeles County paramedic vehicle was responding to an emergency call when it collided with a vehicle driven by plaintiff. The collision occurred at the intersection of Pioneer Boulevard and Los Coyotes Boulevard/Eberle Street in Lakewood. Plaintiff alleges that the paramedic vehicle negligently caused the collision by unsafely entering into the intersection. The County claims plaintiff negligently failed to yield to the paramedic unit.

		Due to the risks and uncertainties of litigation, the Fire Department proposes a full and final settlement of the case in the amount of $27,200.00.
PAID ATTORNEY FEES, TO DATE	$	42,004.60
PAID COSTS, TO DATE	$	4,710.20

REVISED

Case Name: London Jones v. County of Los Angeles, 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:	December 27, 2007
Briefly provide a description of the incident/event:	A vehicle collision occurred at the intersection of Pioneer Boulevard and Los Coyotes Boulevard between a passenger vehicle and a Los Angeles County Fire Department paramedic squad, approximately one (1) mile from Fire Station 30. The intersection is owned by and the boundary between the cities of Lakewood and Cerritos. Both vehicles sustained extensive damage, the driver's side of the passenger vehicle was destroyed requiring the door to be cut off to extricate the driver. The paramedic squad sustained front end damage. The driver of the passenger vehicle and the two County fire fighter paramedics in the squad sustained minor injuries. The driver of the passenger vehicle was taken from the scene by ambulance to the hospital for evaluation and treatment of minor cuts to hands and face, and discharged. The two County fire fighter paramedics were taken by second ambulance to the hospital, treated and released. The County's claim against the adverse party for property damage recovered $10,384.49.

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

A dispute exists as to whether the traffic signal was red or green for each party, and if the paramedic squad's lights and siren were activated. If the signal was red, the November 2005 procedures state that the vehicle operator shall stop at intersections, but the two paramedics were not trained on the November 2005 procedure and were operating based on the 2000 and February 2005 procedures which requires the driver to slow to a speed or approach an intersection at a speed which will allow stopping of the vehicle. No other witness could confidently speak to all aspects of the details surrounding these events. The fact that an ambulance responding to the same incident went through the intersection before the paramedic squad, may have caused confusion for the other party, who failed to yield to an authorized emergency vehicle, which left no time for the paramedic squad to stop.

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

Corrective Action:

1. The Department's vehicle operations manual at the time of the incident stated that vehicle operators shall stop at signal controlled intersections that display a red light in the direction of travel of the emergency vehicle. As of June 29, 2010, the policy was updated to approach signal-controlled or stop sign intersections at a speed that will allow the emergency vehicle to stop if cross traffic enters the intersection. The updated policy is disseminated to all Department employees and resides in the operating manuals. (Chief Deputy Emergency Operations)

2. January 2009 to May 2009 – The Training Services Section, in collaboration with the regional training captains, presented a three-hour, mandatory Accident Prevention course. The course was designed for safety personnel with the rank of Captain, Fire Fighter Specialist, and Fire Fighter. The course was designed to provide safety personnel with an improved understanding of the roles and responsibilities of a Fire Department commercial driver. (Assistant Chief Technical Operations Division).

3. September 2010 to November 2010 – Provide on-line training to all Fire Department employees who drive emergency response vehicle on the updated Emergency Vehicle Responses policy and the dangers inherent in driving an emergency response vehicle. (Chief Deputy Emergency Operations).

4. October 2010 - Emergency Operations Bureau Management shall issue a Notice of Instruction (NOI) to the two fire fighter paramedics. The NOI will reiterate Fire Department emergency vehicle response policy and procedures with emphasis that warning devices (i.e., red light bars, siren, headlights, air and hi/lo horns), in themselves are not all that is needed to proceed through an intersection in an emergency response. Special emphasis will be put on "defensive" driving techniques, especially when following another emergency vehicle (ambulance), intersection approach (i.e., emergency driver/operator responsibilities and personnel riding as passengers responsibilities), and accident avoidance procedures to reduce the risk of accidents. (Chief Deputy Emergency Operations).

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) KATHLEEN ZELENSKI, LITIGATION LIAISON / COMPLIANCE OFFICER	
Signature: Kathleen Zelenski	Date: 9/27/10

Name: (Department Head) P. MICHAEL FREEMAN	
Signature:	Date: 9/27/10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature:	Date: 9/28/10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

September 27, 2010

1. Call to Order.

This Special meeting of the County of Los Angeles Claims Board was called to order at 10:04 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, Lauren Black, Millicent Rolon, Roger Granbo, Richard Kudo, Edwin Lewis, and Manuel Valenzuela; Department of Mental Health: Zoe Trachtenberg; Department of Children and Family Services: Michelle Victor and Michele S. Brienze; Fire Department: Kathleen Zelenski; Probation Department: Tracy Jordan-Johnson; Department of Health Services: Kimberly McKenzie, Evelyn Szeto, and David Cochran; Office of Affirmative Action: David Kim; Outside Counsel: Elizabeth Kessel and Jin Choi.

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 10:07 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. Report of actions taken in Closed Session.

At 1:15 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Zachary S. v. Los Angeles Unified School District; Los Angeles County Department of Mental Health
Case No. N2010041178

This matter concerns allegations of deprivation of mental health services by the Los Angeles County Department of Mental Health.

The Claims Board approved settlement of this matter in the amount of $27,080.13.

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

b. Sean Kojoori, Sr., et al. v. County of Los Angeles
United States District Court Case No. CV -06-06954 SJO

This lawsuit concerns allegations that the Department of Children and Family Services detained two minor children without legal cause.

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

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

c. Claim of Alexis R.

This claim concerns allegations of sexual assault by an employee of the Probation Department.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $199,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Probation Department's budget.

The vote of the Claims Board was as follows:

Ayes: 2 - John Naimo and John Krattli
Abstentions: 1 - Steven NyBlom

d. London Jones v. County of Los Angeles
Los Angeles Superior Court Case No. VC 052 718

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Fire Department; settlement is recommended in the amount of $27,200.

The Claims Board continued this matter.

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

e. Armenui Keshishyan v. County of Los Angeles
Los Angeles Superior Court Case No. BC 410 142

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and harassment based on national origin and disability; settlement is recommended in the amount of $60,000.

The Claims Board continued this matter.

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

5. Approval of the minutes for the September 2, 2010, special meeting of the Claims Board.

The minutes of the September 2, 2010, special meeting of the Claims Board were approved.

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

6. Adjournment.

The meeting was adjourned at 1:25 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

September 29, 2010

1. Call to Order.

This Special meeting of the County of Los Angeles Claims Board was called to order at 1:04 p.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: Brian Chu, Roger Granbo, Mary Wickham, and Manuel Valenzuela; Sheriff's Department: Shaun Mathers; Department of Public Social Services: Anthony Marrone and Sharon Fisher; Office of Affirmative Action: David Kim; Outside Counsel: Calvin House.

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 1:14 p.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 3:15 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Savanah Kirifi v. County of Los Angeles, et al. (consolidated with Elias Aldana, et al. v. County of Los Angeles, et al. Orange County Superior Court Case No. 30-2009 00120599 (Lead consolidated with Los Angeles Superior Court Case No. BC 409 969)

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

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

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

b. Bryan David Moore, et al. v. County of Los Angeles
Compton Superior Court Case No. TC 022 412

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

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $350,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Sheriff's Department's budget.

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

c. Dolly Leong v. County of Los Angeles
Los Angeles Superior Court Case No. BC 412 381

This lawsuit concerns allegations that an employee of the Department of Public Social Services was subjected to sexual harassment and retaliation.

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

The vote of the Claims Board was as follows:

Ayes: 2 - John Naimo and John Krattli
Noes: 1 - Steven NyBlom

5. Adjournment.

The meeting was adjourned at 3:25 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Renee F. Mendoza