

**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  
MONDAY, DECEMBER 21, 2010, AT 8:30 AM**

Present: Chair John Naimo, Laurie Milhiser, 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. County of Los Angeles v. U.S.A. Waste of California, et al.  
Los Angeles Superior Court Case No. BC 345 002

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

**Action Taken:**

**The Claims Board approved settlement of this matter whereby  
the County will receive payment in the amount of \$95,000.**

Vote: Unanimously carried

Absent: None

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

- b. Jenay Jones v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 414 098

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

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$33,500.**

Vote: Unanimously carried

Absent: None

- c. Sophie Duriez v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 407 364

This dangerous condition lawsuit arises from injuries sustained from a trip and fall on a sidewalk in the vicinity of the Page Museum.

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.**

Vote: Unanimously carried

Absent: None

**[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 December 6, 2010, regular meeting of the Claims Board.

**Action Taken:**

**The Claims Board approved the minutes of the December 6, 2010, regular meeting of the Claims Board as follows:**

Vote: Unanimously carried

Absent: None

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

6. Adjournment.

## 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 \$95,000 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	\$ 66,444 (In-House Attorney Fees)
PAID COSTS, TO DATE	\$ 17,936

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sophie Duriez vs. County of Los Angeles, et al.
CASE NUMBER	BC407364
COURT	Los Angeles Superior Court Central District
DATE FILED	August 31, 2009
COUNTY DEPARTMENT	Natural History Museum
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Ross, Klein & Marias LLP
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On September 23, 2007, Dr. Duriez tripped and fell over a cracked sidewalk on Curson Street near the Page Museum.</p> <p>Dr. Duriez alleges that the property was in a dangerous condition, because the County was aware of the cracked sidewalk and did not repair it.</p> <p>The County claims that Dr. Duriez would have been aware of the sidewalk's condition and thus excercised due care if she had paid more attention to where she was walking by not talking on her cell phone.</p>

Due to the risks and uncertainties of litigation, the Natural History Museum proposes a full and final settlement of the case in the amount of \$200,000.

PAID ATTORNEY FEES, TO DATE	\$	25,451.00
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PAID COSTS, TO DATE	\$	1,212.24
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Case Name: Sophie Duriez v. County of Los Angeles/ Natural History Museum



## 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:	09/23/2007
Briefly provide a description of the incident/event:	<p>Duriez was talking on her cellular phone while walking on the sidewalk which is parallel to Curson Ave (north of Sixth Street), She never looked down and did not notice the sidewalk defect, when she tripped and fell, landing on her right side and her face.</p> <p>The sidewalk defect was a half inch raise in the concrete slabs caused by tree roots.</p> <p>Originally, the plaintiff's attorney brought suit against the Department of General Services of the City of Los Angeles but it did not have records of inspecting, maintaining, or repairing the sidewalk. The claimant then brought the County of Los Angeles into the matter.</p> <p>An investigation by County Counsel confirmed that the area upon which the incident occurred is county-owned and there is no public easement of any kind.</p>

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

Displacement of sidewalk concrete slabs due to tree root growth from adjacent trees.

The condition of the sidewalk was not repaired in a timely manner.

County of Los Angeles  
Summary Corrective Action Plan

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


Conduct a daily safety inspection of all sidewalks and walkways. Unsafe conditions are to be reported to management, marked with caution tape (or similar) and corrected immediately.

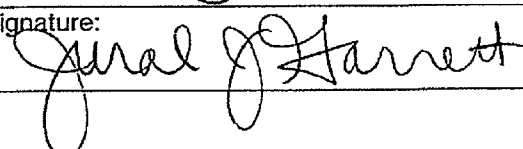
All staff members are trained to immediately report unsafe conditions to management for repairs.

Maintenance staff is to make repairs when possible (ranking system to be used). Jobs that are beyond the scope of museum staff will be contracted for completion as soon possible.

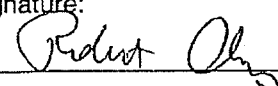
3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- 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)	
Rick Valdez	
Signature:	Date:
	08/31/10

Name: (Department Head)	
Jural J. Garrett	
Signature:	Date:
	9/2/10

Chief Executive Office Risk Management

Name:	
Robert Chavez	
Signature:	Date:
	8/27/10



# Corrective Action Plan



## 1. General Information

Date CAP document prepared:	07/20/10
Department:	Natural History Museum of Los Angeles County
Name of departmental contact person:	Rick Valdez
• title:	Security and Safety Specialist
• phone number:	213-763-3541
• e-mail:	<a href="mailto:rvaldez@nhm.org">rvaldez@nhm.org</a>

## 2. Incident/Event Specific Information

Date of incident/event:	09/23/2007
Location of incident/event:	Page Museum at the La Brea Tarpits
Event contact person:	Rick Valdez
• phone:	213-763-3541
• e-mail:	<a href="mailto:rvaldez@nhm.org">rvaldez@nhm.org</a>
Claim adjuster: <small>(Third Party Administrator or County Counsel)</small>	Silvia Hernandez (Carl Warren and Company).
• phone number:	818-247-2206 (x-6751)
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Vicki Kozikoujekian
• phone number:	213-974-8208

**3. Incident/Event Description:**

Nature of incident/event:	Trip and Fall on uneven/ raised displacement on sidewalk.
Provide a brief description of the incident/event:	<p>Duriez was talking on her cellular phone while walking on the sidewalk which is parallel to Curson Ave (north of Sixth Street), She never looked down and did not notice the sidewalk defect, when she tripped and fell, landing on her right side and her face. The sidewalk defect was a half inch raise in the concrete slabs caused by tree roots.</p> <p>Originally, the plaintiff's attorney brought suit against the Department of General Services of the City of Los Angeles but it did not have records of inspecting, maintaining, or repairing the sidewalk. The claimant then brought the County of Los Angeles into the matter.</p> <p>An investigation by County Counsel confirmed that the area upon which the incident occurred is county-owned and there is no public easement of any kind.</p>

- Include a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

**Note: The Natural History Museum was first advised of the incident through an inquiry from County Risk Management over a year after the repairs to the sidewalk had already been made.**

#### 4. Corrective Action Plan Problem Statement

The sidewalk was believed to be LA City property. Since 2006, Museum Administration made numerous requests for the city to make repairs to the unsafe and unsightly sidewalk. The condition continued to worsen.

After numerous unsuccessful attempts to have the city make the repairs, the Natural History Museum had some funds available in 2008 and contracted Great American Builders, Inc. to remove and replace the sidewalk. The sidewalk project was completed on June 19<sup>th</sup>, 2008.

The Natural History Museum became aware that the County owned the sidewalk on February 16th, 2010. County Counsel confirmed County ownership during investigation of the claim.

#### 5. Root Cause Analysis

Root Cause Analysis tool used:	
Incident/event root causes:	Displacement of the concrete slab due to tree growth from adjacent trees.  The condition of the sidewalk was not repaired in a timely manner.

- Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

### 6. Corrective Action Plan Steps

Task number:	1
Task name:	Daily Safety Inspection
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	Ongoing
Schedule completion date:	N/A
Responsible person:	Duty Maintenance Staff
Task description:	Conduct a daily safety inspection of all sidewalks and walkways. Unsafe conditions are to be reported to management, marked with caution tape (or similar) and corrected immediately.

Task number:	2
Task name:	All staff members are trained to immediately report unsafe conditions to management for repairs.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	Ongoing
Schedule completion date:	N/A
Responsible person:	Management
Task description:	Maintenance staff is to make repairs when possible. Jobs that are beyond the scope of museum staff will be contracted for completion as soon possible.

County of Los Angeles  
Corrective Action Plan

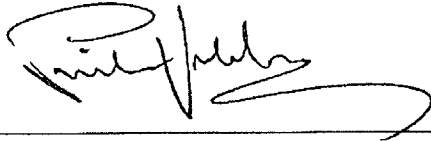
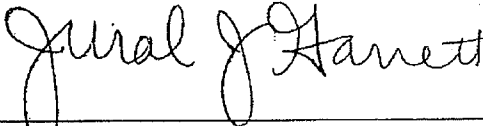
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Task number:	3
Task name:	Implementation of a ranking system to categorize identified hazards by severity for repairs.
System issue:	<input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	Ongoing
Schedule completion date:	N/A
Responsible person:	Management and Staff collaboration.
Task description:	Staff and Management will meet to discuss the priority of unsafe conditions in need of repair. Until repairs are made any condition of this type will be marked with caution tape (or similar) until corrected.

\* If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

**7. Review and Authorization**

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:		08/31/10
Document reviewed by department head or designee.		9/13/10

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 6, 2010

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:35 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, John Krattli and Laurie Milhiser.

Other persons in attendance at the meeting were: Chief Executive Office – Risk Management: Steven NyBlom; Office of the County Counsel: Milicent Rolon, Adrienne Byers, Karen Lichtenberg, Brian Chu, Richard Kudo, Ed Lewis and Narbeh Bagdasarian; Probation Department: Tracy Jordan-Johnson; Department of Public Works: Keith Lehto and Michael Hays; Department of Parks and Recreation: Anush Gambaryan and David Waage; Department of Health Services: David Cochran, Edgar Soto, Kim McKenzie, Bonnie Bilitch, Gail V. Anderson, M. D., Brant Putnam, and Nancy Lefcourt; Office of Affirmative Action: David Kim; Outside Counsel: Mark Koussa.

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 9:38 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) and 4(f) below.**

4 Report of actions taken in Closed Session.

**At 1:05 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

- a. Michael S. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 416 158  
United States District Court Case No. CB 09-4428

This lawsuit concerns allegations that a minor in the custody of the Probation Department was sexually assaulted by another minor.

**Action Taken:**

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

Vote: Unanimously carried

Absent: Laurie Milhiser

- b. Jerry and Kathy Gliksman v. Terry and Deniece Wheeler, et al.  
Los Angeles Superior Court Case No. YC 055 709

This lawsuit concerns damage allegedly caused by a mainline sewer leak; settlement is recommended in the amount of \$75,000.

**Action Taken:**

**The Claims Board did not approved settlement of this matter.**

Vote: Ayes: 2 - John Naimo and John Krattli  
Abstentions: 1 – Laurie Milhiser

Absent: None

- c. Claim of Rita Chambers

This claim concerns damage caused by a sewage backup.

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$111,065.90.**

Vote: Unanimously carried

Absent: None



- d. Marilyn Rodgers v. County of Los Angeles  
Los Angeles Superior Court Case No. KC 056 332  
Karen Adams v. County of Los Angeles  
Los Angeles Superior Court Case No. KC 056 748

These wrongful death lawsuits arise from a vehicle accident involving an employee of the Department of Parks and Recreation.

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,250,000.**

Vote: Unanimously carried

Absent: None

- e. Alice Joyce v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 426 907

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and harassment.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$72,000.**

Vote: Unanimously carried

Absent: None

- f. Lisa D. Gaffney, individually and as guardian ad litem for Amber Dunn v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 411 730

This medical negligence lawsuit arises from treatment received by a patient at the Harbor-UCLA Medical Center.

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,175,000.**

Vote: Unanimously carried

Absent: None

5. 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.**

6. Approval of the minutes of the November 8, 2010, special meeting and the November 15, 2010, regular meeting of the Claims Board.

**Action Taken:**

**The Claims Board approved the minutes of the November 8, 2010, special meeting and the November 15, 2010, regular meeting of the Claims Board as follows:**

Vote: Unanimously carried (with 1 abstention on the Minutes of November 8, 2010)

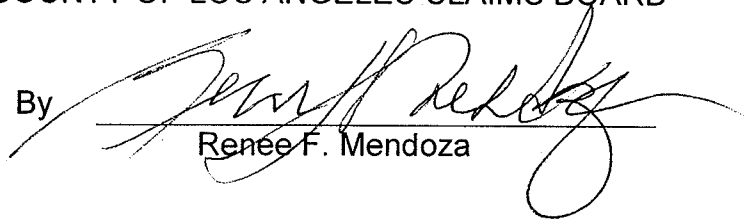
Absent: None

7. Adjournment.

**The meeting was adjourned at 1:20 p.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza