

**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, JANUARY 10, 2011, AT 9:30 AM**

Present: Chair John Naimo, Laurie Milhiser, and John Krattli

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. Margarita Esperias v. County of Los Angeles
Los Angeles Superior Court Case No. BC 409 380

This dangerous condition lawsuit arises from injuries sustained from a trip and fall while entering an elevator at the LAC+USC Medical Center Outpatient Clinic.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- b. Adam Martinez v. County of Los Angeles
Los Angeles Superior Court Case No. BC 377 968

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and retaliation based on the employee's sexual orientation; settlement is recommended in the amount of \$629,000.

Action Taken:

The Claims Board continued this matter.

Vote: Unanimously carried

Absent: None

- c. Beverly Stevens v. County of Los Angeles
Los Angeles Superior Court Case No. BC 422 237

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$80,000.

Vote: Unanimously carried

Absent: None

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 21, 2010, special meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes of the December 21, 2010, special meeting of the Claims Board as follows:

Vote: Unanimously carried

Absent: None

[See Supporting Document](#)

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Margaritia Esperias v. County of Los Angeles
CASE NUMBER	BC409380
COURT	Los Angeles Superior Court Central Distirct
DATE FILED	March 10, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 100,000
ATTORNEY FOR PLAINTIFF	Law Offices of Paul Kingston
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On May 16, 2008, Ms. Esperias tripped and fell as she was entering an elevator at the Los Angeles County USC Medical Center Outpatient Clinic.</p> <p>Ms. Esperias allges that the misleveled elevator constituted a dangerous condition.</p> <p>The County asserts that it properly inspects and maintains each elevator to the best of its ability and the existing circumstances.</p> <p>Due to the risks and uncertainties of litigation, the Department of Health Services proposes a full</p>

and final settlement of the case in
the amount of \$100,000.

PAID ATTORNEY FEES, TO DATE \$ 32,751.50

PAID COSTS, TO DATE \$ 1,749.14



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 16, 2008
Briefly provide a description of the incident/event:	Margarita Esperias was entering elevator number two on the first floor of the Outpatient Clinic on May 16, 2008 when she tripped on an uneven surface caused by an elevator's misalignment with the floor. She fell onto the floor and sustained a fractured left hip.

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

- Uneven elevator alignment.

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

SYSTEMS

- The facility will continue to pursue funding for elevator upgrades.
- Ongoing monitoring of the Outpatient Department elevators will continue. Building engineers will inspect the elevators on a daily basis. The Elevator Shop prepares an Elevator Status Report on Monday to Friday and shares it with the Chief Operations Officer. Service Requests are made for alignments that exceed the acceptable parameters.
- On December 3, 2009, signs were installed on each side of the elevator cab doors on all floors of the Outpatient Department building. Signs were also placed inside of each elevator cab.
- On March 8, 2010, caution signs for each elevator were placed in the General Hospital and the Intern Resident Dorm buildings, in the same location as in the Outpatient Department buildings.

PERSONNAL


-None

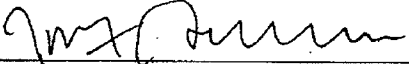
SYSTEM-WIDE

-On November 24, 2010, the Department of Health Services conducted a system-wide survey to determine if DHS facilities monitor cab elevator alignments. The survey revealed that all facilities with elevators monitored for elevator cab alignments.

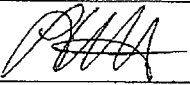
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- 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: 	Date: 12/10/10

Name: (Department Head)	
John F. Schunhoff, Ph.D, Interim Director	
Signature: 	Date: 12-21-10

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 12/13/10

COUNTY OF LOS ANGELES CLAIMS BOARD
CLAIMS BOARD MINUTES OF SPECIAL MEETING

December 21, 2010

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 8:30 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: Office of the County Counsel: Casey Yourn; Mary Wickham, and Vicki Kozikoujekian; Department of Public Works: Bahman Hajjaliakbar; Department of Public Social Services: Sharon Fisher and Anthony Marrone; Natural History Museum: Rick Valdez; Outside Counsel: Scott Patterson.

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 8:34 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 9:33 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- 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

- 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

5. Approval of the minutes of the December 6, 2010, regular meeting of the Claims Board.

The minutes of the December 6, 2010, regular meeting of the Claims Board were approved.

Vote: Unanimously carried

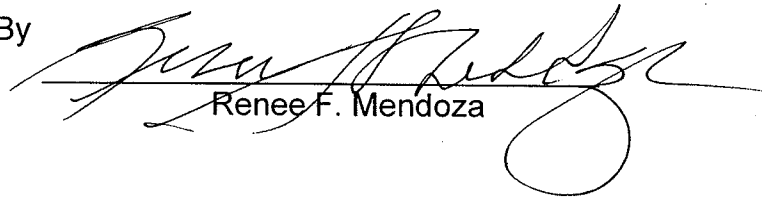
Absent: None

6. Adjournment.

The meeting was adjourned at 9:37 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza