

**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  
THURSDAY, FEBRUARY 10, 2011, AT 1:00 PM**

Present: Chair John Naimo and Laurie Milhiser  
Absent: 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. Andrew Cortes v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 413 924

This lawsuit arises from an automobile versus bicycle accident involving an employee of the Board of Supervisors.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$70,000.**

Vote: Unanimously carried

Absent: John Krattli

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

- b. Mike Oviedo v. Rene Brill and County of Los Angeles  
Los Angeles Superior Court Case No. BC 424 278

This lawsuit arises from an automobile accident involving an employee of the Department of Public Works.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$41,000.**

Vote: Unanimously carried

Absent: John Krattli

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

- c. Claim of Denise Chau and Thai Chau

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

**Action Taken:**

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

Vote: Unanimously carried

Absent: John Krattli

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

- d. Robbie Taylor v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 420 415

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to race discrimination.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$83,850.**

Vote: Unanimously carried

Absent: John Krattli

- e. 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. (Continued from the special meeting of January 10, 2011.)

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$629,000.**

Vote: Unanimously carried

Absent: John Krattli

- f. Rachel Alexander v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 432 022

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to employment discrimination and retaliation; settlement is recommended in the amount of \$50,500.

**Action Taken:**

**The Claims Board continued this matter.**

Vote: Unanimously carried

Absent: John Krattli

- g. Benita Belardes v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 345 048

This lawsuit concerns allegations that a former employee of the Department of Children and Family Services was subjected to retaliatory termination; settlement is recommended in the amount of \$250,000.

**Action Taken:**

**The Claims Board continued this matter.**

Vote: Unanimously carried

Absent: John Krattli

- h. Anthony Iacono v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 408 874

This lawsuit concerns allegations that an employee of the Fire Department was subjected to discrimination and retaliation; settlement is recommended in the amount of \$225,000.

**Action Taken:**

**The Claims Board continued this matter.**

Vote: Unanimously carried

Absent: John Krattli

- i. Uriel Guerrero, et al. v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 412 454

This medical negligence lawsuit arises from treatment received at the Olive View Medical Center; settlement is recommended in the amount of \$800,000 plus assumption of the Medi-cal lien in the amount of \$13,764.65.

**Action Taken:**

**The Claims Board continued this matter.**

Vote: Unanimously carried

Absent: John Krattli

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

- j. Oscar Garcia and Teresa Costello v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 409 336

This wrongful death lawsuit arises from treatment received by a minor patient at LAC+USC Medical Center; settlement is recommended in the amount of \$149,000.

**Action Taken:**

**The Claims Board continued this matter.**

Vote: Unanimously carried

Absent: John Krattli

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

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the January 10, 2011, special meeting of the Claims Board.

**Action Taken:**

**The Claims Board approved the minutes of the January 10, 2011, special meeting of the Claims Board.**

Vote: Unanimously carried

Absent: John Krattli

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

6. Adjournment.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |  |
|----------------------------|--|
| CASE NAME                  | Andrew Cortes v. County of Los Angeles, et al.   |
| CASE NUMBER                | BC413924   |
| COURT                      | Los Angeles County Superior Court Central District   |
| DATE FILED                 | May 15, 2009   |
| COUNTY DEPARTMENT          | Board of Supervisors   |
| PROPOSED SETTLEMENT AMOUNT | \$ 70,000.00   |
| ATTORNEY FOR PLAINTIFF     | Law Offices of Tal Rubin   |
| COUNTY COUNSEL ATTORNEY    | Vicki Kozikoujekian<br>Principal Deputy County Counsel<br>(213) 974-8208   |
| NATURE OF CASE             | <p>On June 23, 2008, a Board of Supervisors' employee, while in the course and scope of her employment, collided with a bicyclist crossing the intersection of Temple Street and Broadway Street.</p> <p>Plaintiff claims that the County employee negligently collided into his bicycle, because she did not yield the right of way. The County claims that the plaintiff was not looking up and should have slowed down instead of trying to beat the light.</p> <p>Due to the risks and uncertainties</p> |

of litigation, the County proposes a full and final settlement of the case in the amount of \$70,000.

|                             |    |           |
|-----------------------------|----|-----------|
| PAID ATTORNEY FEES, TO DATE | \$ | 44,554.75 |
| PAID COSTS, TO DATE         | \$ | 11,570.13 |

Case Name: Cortes, Andrew Philip



## 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:                              | June 23, 2008   |
| Briefly provide a description of the incident/event: | On June 23, 2008 an employee, a Supervisors Deputy II, at approximately 5:15p.m., was traveling east bound on Temple and was in lane #2 stopped at a red light at the intersection of Temple and Broadway when she noticed a bicyclist traveling south bound on Broadway between the left turn lane and the #1 lane. The employee stated her light turned green she proceeded and struck a bicyclist. |

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

The investigating officer concluded that the county employee violated Vehicle Code Section 21451(a) *Vehicle Code Section 21451 (a)*, which provides in relevant part that "a driver facing a circular green signal shall proceed straight through or turn right or left or make a u-turn, unless a sign prohibits a u-turn. Any driver including one turning, shall yield the right of way to other traffic and to pedestrians lawfully within the intersection or an adjacent cross-walk."

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

As a result of this accident, the following actions were taken:

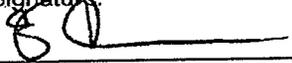
On June 8, 2010, the Department emailed the following "Safety Bulletins" to all Board of Supervisors and Executive Office employees:

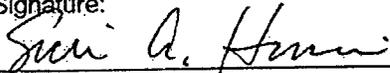
- Driving Tips and Techniques
- Preventing Rear End Collisions
- Driving with Distractions

Responsible party: Ms. Murray

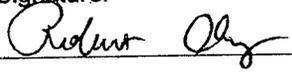
3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- 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)<br>Evon Coburn  |                 |
| Signature:<br> | Date:<br>8/5/10 |

|   |       |
|---|-------|
| Name: (Department Head)<br>Sachi A. Hamai   |       |
| Signature:<br> | Date: |

**Chief Executive Office Risk Management**

|   |                 |
|---|-----------------|
| Name:<br>Robert Chavez  |                 |
| Signature:<br> | Date:<br>8/6/10 |



## DEFENSIVE DRIVING TIPS AND TECHNIQUES



Prepared by Chief Executive Office, Risk Management Branch  
Loss Control and Prevention Section

3333 Wilshire Blvd., Suite 1000, Los Angeles, CA 90010

Contact Loss Control and Prevention at (213) 738-2269 for additional information

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### *Tips and Techniques*

Driving is an individual responsibility to obey the rules of the road, drive defensively and be courteous to all drivers. Although the driving process consists of the driver, vehicle and environment, the primary causal factor in most vehicle collisions is the driver. The following tips and techniques are recommendations to help you drive defensively:

1. Remain attentive at all times when driving. Sightseeing and multi-tasking (use of a cellular phone, reading, eating, etc.) while driving are common causes for inattentiveness.
2. Anticipate the actions of other drivers by scanning your environment for road hazards, merging vehicles, etc.
3. Maintain a two to three second space cushion between your car and the vehicle in front of you.
4. When stopped in traffic, leave at least one car length of space between your car and the vehicle in front of you.
5. Maintain an escape zone (an area you can maneuver into in case of an unexpected event). Escape zones can include emergency lanes, etc.
6. When approaching an intersection, take your foot off the gas and cover the break.
7. When entering an intersection and preparing to turn left, do not turn the wheels until you are ready to turn.
8. When turning right, look left, then right, then left again before turning.
9. Always direct your vision to the rear of the vehicle when backing. Maintain your vision in the direction of travel until stopped. Do not rely on the vehicle's rear-view mirrors.
10. When possible, park your vehicle where no backing is necessary. If not possible, back your vehicle into the parking space.

Since not all vehicle accidents can be avoided, ensure the vehicle you are driving contains the County of Los Angeles Report of Vehicle Collision or Incident form and a Notice of Self-Insurance. First aid kits, fire extinguishers and disposable cameras are also recommended items to carry in the vehicle.



# PREVENTING REAR END COLLISIONS

*Prepared by Chief Executive Office, Risk Management Branch  
Loss Control and Prevention Section*

*3333 Wilshire Blvd., Suite 1000, Los Angeles, CA 90010*

**Contact Loss Control and Prevention at (213) 738-2269 for additional information**

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Rear end collisions are one of the most common types of vehicle accidents. The vast majority of rear end accidents are caused by drivers following too closely to the vehicle in front of them. Other factors (reading a map, dialing a cell phone, or using the radio) also play a role in rear end accidents. These accidents can result in property damage, injuries, and human suffering.

Drivers sometimes follow too closely because they equate stopping distance with the vehicle's braking distance. In reality, stopping distance is much further. Stopping distance includes perception distance (distance traveled while operator recognizes the need to break), reaction distance (distance traveled before the brakes are applied), and braking distance. A driver traveling at 65 mph will travel almost two thirds of a football field before they apply the brakes if their perception and reaction time is two seconds. Of course, a distracted driver will travel further.

Fortunately, most rear end collisions can be avoided by following a few simple guidelines:

- **Three second rule:** Always leave at least three seconds following distance between yourself and the vehicle in front of you. To determine this distance, first select a fixed object on the road ahead such as a sign, tree or overpass. When the vehicle ahead of you passes the object, slowly count "one one thousand, two one thousand, three one thousand." If you reach the object before completing the count, you are following too closely. If you are driving a truck, at night, or in adverse conditions (rain, fog), add at least one second to your following distance.
- **Look far forward and keep your eyes moving:** Look 1/5 mile down the road and scan the horizon. You will recognize traffic problems sooner and remain aware of immediate hazards.
- **Avoid distractions:** Do not read, eat, drink, or apply makeup while driving. Pull over to the side of the road to place or receive cell phone calls.
- **Yield to tailgaters:** If a driver is following too closely, move one lane to the right and let him/her pass.



## DRIVING WITH DISTRACTIONS and CELLULAR PHONE USE WHILE DRIVING

Prepared by Chief Executive Office, Risk Management Branch  
Loss Control and Prevention Section  
3333 Wilshire Blvd., Suite 1000, Los Angeles, CA 90010  
Call (213) 738-2269 for additional information

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### DRIVER DISTRACTION

Driver distraction is the most common cause of vehicle accidents. **These accidents are entirely preventable.** You must focus your attention on the road. Distractions occur inside and outside the vehicle. You should refrain from using cellular phones, eating, drinking, changing CDs, playing with the radio, putting on make-up, using laptop computers, brushing hair, taking notes or reading while your vehicle is in motion. Rubbernecking and looking at scenery are also leading types of distractions.

**Every second counts.** You travel 88 feet per second when driving 60 miles per hour.

### DRIVE DEFENSIVELY

Your safety and the safety of others on the road depends on you. Being in the right will not save you from an accident. You must be prepared for the unsafe actions of other motorists and for poor driving conditions.

### IT'S THE LAW

California drivers are required to use a hands-free device to talk on the phone and prohibited from writing, sending or reading text-based messages while operating a motor vehicle. Drivers under the age of 18 are prohibited from any non-emergency use of electronic devices while driving.

### CELLULAR PHONE SAFETY RECOMMENDATIONS

- **Keep cellular phone use to an absolute minimum in your motor vehicle.** Do not use your cellular phone in distracting traffic or in bad weather.
- If possible, pull over and stop the vehicle while using the phone.
- If you can make the call later, let it wait.
- Let your voice mail pick up your calls.
- If you must use your cellular phone while driving:
  - ✓ Use a hands free car kit or portable hands free device.
  - ✓ Keep conversations short because it does distract you while driving. It is best to avoid stressful or emotional conversations.
  - ✓ Keep your hands on the steering wheel and your eyes on the road.
  - ✓ Increase the separation distance from other vehicles or pull off the road.
  - ✓ Do not dial or take notes when your motor vehicle is in motion.
  - ✓ Use voice recognition or speed dial features.

**NOTE:** Drivers who write, send or read text-based messages while driving face a base fine of \$20 for a first offense and \$50 for each subsequent offense. The law allows all drivers to use a cell phone for emergency purposes; drivers of commercial vehicles to use push-to-talk phones until July 1, 2011, and drivers of emergency response vehicles to use a cell phone without a hands-free device.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |  |
|----------------------------|--|
| CASE NAME                  | Mike Oviedo v. Rene Brill, County of Los Angeles   |
| CASE NUMBER                | BC424278   |
| COURT                      | Los Angeles Superior Court   |
| DATE FILED                 | October 22, 2009   |
| COUNTY DEPARTMENT          | Public Works   |
| PROPOSED SETTLEMENT AMOUNT | \$ 41,000.00   |
| ATTORNEY FOR PLAINTIFF     | Mark Aprahamian  |
| COUNTY COUNSEL ATTORNEY    | Jerry Custis   |
| NATURE OF CASE             | <p>Plaintiff alleges that he was injured in a two-car collision with a vehicle driven by County employee Rene Brill on July 2, 2008, at Indiana Avenue and First Street in East Los Angeles. The two vehicles were approaching the intersection from opposite directions and collided in the middle of the intersection.</p> <p>Plaintiff Oviedo asserts that he was proceeding straight through the intersection and had the right of way. He claims that Ms. Brill made a sudden left turn in front of him and he was unable to avoid colliding with her car. Mr. Oviedo admitted in discovery that he was</p> |

exceeding the speed limit just before the collision. Employee Brill asserts that she began her turn at a time when the intersection was clear and that Mr. Oviedo's car was not in sight then. The intersection is at the crest of a hill with regard to cars traveling southbound, as was Mr. Oviedo's car. Thus, there were indications that the intersection may have been hidden in whole or part from Mr. Oviedo's viewpoint in approaching it, although he denies that. The County thus contended that he entered the intersection without due regard for cars that might be in it and, in the same way, Ms. Brill could not see Mr. Oviedo's approaching car because it had not yet come into view.

Mr. Oviedo suffered soft-tissue injuries and, in addition, was said by one of his doctors to need lumbar surgery to repair disc problems caused by the accident. He also asserted he was unable to work for three months after the accident, thereby losing all his salary for that time from his two positions in selling wholesale merchandise to grocery stores. He further claimed that his layoff caused him to lose customers because of not being able to have contact with them during his recovery period.

Due to the uncertainties of trial, the evidence pointing to County liability, the cost of preparing the case for trial and the potential exposure to an adverse verdict, the County engaged in settlement

negotiations with the plaintiff,  
mediated by Judge Mark Mooney,  
resulting in the recommended  
settlement.

PAID ATTORNEY FEES, TO DATE                   \$   34,832

PAID COSTS, TO DATE                           \$    3,076



## 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:   | Mike Oviedo  |
| Date of incident/event:                              | July 2, 2008   |
| Briefly provide a description of the incident/event: | On July 2, 2008, a Public Works Permittee driver was driving her personal vehicle in the course and scope of her employment, northbound on Indiana Street when she attempted to make a left turn onto 1st Street and collided with the plaintiff's vehicle which was traveling southbound on Indiana Street. |

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

Based on our findings, our employee failed to yield the right-of-way to the plaintiff prior to making her left hand turn. Mr. Oviedo approached the intersection on a steep grade and therefore our employees line of sight was limited. While we believe there was some contributory negligence on the part of the Plaintiff for excessive speeding, our driver was found to be in Violation of Section 21801(a) of the California Vehicle Code.

According to our records, this is the only incident involving this employee.

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

By April 1, 2011, Public Works will begin the systematic review of all permittee driver accidents to determine if the accident was preventable or not, and if additional driver training is warranted.

County of Los Angeles Department of Public Works  
 Summary Corrective Action Plan

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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 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)<br><i>SG Steinhoff</i> | Date:<br>12/30/2010 |
| Steven G. Steinhoff   |                     |
| Signature: (Director)<br><i>Gail Farber</i>                     | Date:<br>1-6-11.    |
| Gail Farber   |                     |

**Chief Executive Office Risk Management Branch**

|                                     |                   |
|-------------------------------------|-------------------|
| Name:<br><i>LEONARDO COSTANTINO</i> | Date:             |
| Signature:<br><i>[Signature]</i>    | Date:<br>12/27/10 |

ARM:psr  
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*ARM*  
 12/29/10

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |  |
|----------------------------|--|
| CASE NAME                  | Denise Chau and Thai Chau<br>Government Tort Claim   |
| CASE NUMBER                | N/A  |
| COURT                      | N/A  |
| DATE FILED                 | Government Tort Claim Filed April<br>1, 2010; Amended Claim Filed<br>June 7, 2010  |
| COUNTY DEPARTMENT          | Department of Public Health<br>Environmental Health Division   |
| PROPOSED SETTLEMENT AMOUNT | \$100,000  |
| ATTORNEY FOR PLAINTIFF     | Daren Lipinsky, Esq. and Peter<br>McDonough, Esq.  |
| COUNTY COUNSEL ATTORNEY    | Doraine F. Meyer   |
| NATURE OF CASE             | <p>On March 24, 2010, a DPH Health Inspector Magdy Tawadros allegedly sexually assaulted a female, one of the owners of Pixie Donuts in Pomona, during a routine monthly inspection of the establishment. Images of the incident were captured by a security camera at the donut shop and the videotape was televised on KABC news and was made available to numerous internet media websites.</p> <p>On April 1, 2010 and June 7, 2010, Denise Chau and her husband, Thai, filed claims alleged violation of civil rights under color</p> |

of authority, sexual assault and battery, negligent training and hiring, and loss of consortium. The initial aggregate demand was \$10 million.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the claimants.

|                             |          |
|-----------------------------|----------|
| PAID ATTORNEY FEES, TO DATE | \$25,570 |
|-----------------------------|----------|

|                     |       |
|---------------------|-------|
| PAID COSTS, TO DATE | \$232 |
|---------------------|-------|



## Summary Corrective Action Plan

Department of Public Health  
Chau tort claim, BOS 10-1336, RMIS 10-1078992\*001

|  |  |
|--|--|
| Date of incident/event:                              | March 24, 2010   |
| Briefly provide a description of the incident/event: | During a scheduled Environmental Health Division (EHD) inspection of a business, the EHD inspector allegedly made unwelcome sexual advances to the business co-owner, Ms. Chau. The event was videotaped and the tape was released to the media. The involved inspector was charged with misdemeanor sexual battery. |

### A. ROOT CAUSES OF THE CLAIM

1. The employee's independent, criminal action was the root cause of the claim.
2. Other factors were weaknesses by the department with regard to:
  - a) Maintaining adequate documentation in accordance with the California Health and Safety Code Section 106665, with regard to field inspection tutoring and performance monitoring.
  - b) Not having policy to include supervision concurrence for promotions.
  - c) Failure by a second EHD inspector to report to his management that, prior to the Chau event, the second inspector was told during a business inspection that the employee accused in the Chau event had asked a cashier at that business he inspected for a social "date".

### B. RECOMMENDED CORRECTIVE ACTIONS

1. Investigate the employee's alleged actions to determine if he acted outside of the course and scope of his assigned duties and training, and if so, consider discharge from employment.  
Due date: November 30, 2010.  
Accountability: EHD Director, Angelo Bellomo.  
Monitor for completion: DPH Risk Manager, Jim Day.  
STATUS: Investigation did support discharge, which was completed on April 14, 2010.
2. a) Review the documentation system and policy for field inspection tutoring and performance monitoring, improve if needed.  
Due date: November 30, 2010.  
Accountability: EHD Director, Angelo Bellomo.  
Monitor for completion: DPH Risk Manager, Jim Day.  
STATUS: The review was completed, an existing policy, number 435, was rewritten for clarity and promulgated on September 15, 2010. Management and supervision staff were trained on the new policy. Two new policies were drafted, numbers 436 & 437, to create a new documentation system that assures records retention. Compliance review in progress.
- b) Create policy to include supervision concurrence for promotions.  
Due date: November 30, 2010.  
Accountability: EHD Director, Angelo Bellomo.  
Monitor for completion: DPH Risk Manager, Jim Day.  
STATUS: New policy has been drafted that requires no Registered Environmental Health Specialist 2 & 3 promotions will be initiated until a written concurrence by the candidate's supervisor or higher manager is received. The draft is in compliance review before promulgation.

RECOMMENDED CORRECTIVE ACTIONS (continued)

- c) Analyze for improvement opportunities, the events related to the second inspector being told that the Chau event inspector allegedly asked a female cashier at another business he inspected for a social "date".

Due date: November 30, 2010.

Accountability: EHD Director, Angelo Bellomo.

Monitor for completion: DPH Risk Manager, Jim Day.

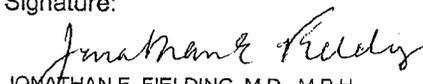
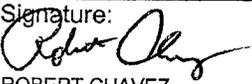
STATUS: Analysis was done in August, 2010. It found the failure of the second inspector to report what he was told until he learned of the Chau event was an error in judgment. The subject cashier did not cooperate, so the alleged behavior by the Chau event employee could not be verified.

Rather than singling out the second inspector for discipline, the department sees this as a learning opportunity. EHD will send by November 30, 2010, an e-mail to all inspection section employees and supervisors instructing them to review and maintain a copy of the Registered Environmental Health Specialist Ethics Code. Supervisors will be instructed to conduct a staff meeting to review the code, and will have employees sign an acknowledgment form that will list all applicable policies. The completed acknowledgment forms will be kept on file.

C. APPLICABILITY TO OTHER DEPARTMENTS

The unique role of EHD food establishment inspectors suggests this SCAP does not apply to other departments.

D. APPROVALS

|  |                   |
|--|-------------------|
| Signature:<br><br>JONATHAN E. FIELDING, M.D., M.P.H.<br>Department of Public Health Director and County of Los Angeles Health Officer | Date:<br>10/28/10 |
| Signature:<br><br>JIM DAY<br>Department of Public Health Risk Manager   | Date:<br>11/2/10  |
| Signature:<br><br>ROBERT CHAVEZ<br>CEO Risk Management Inspector General  | Date:<br>11-02-10 |

- END -

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |   |
|----------------------------|---|
| CASE NAME                  | Uriel Guerrero, et al. v. County of Los Angeles   |
| CASE NUMBER                | BC 412454   |
| COURT                      | Los Angeles Superior Court - Central District   |
| DATE FILED                 | April 24, 2009  |
| COUNTY DEPARTMENT          | Department of Health Services   |
| PROPOSED SETTLEMENT AMOUNT | \$800,000 and assumption of the Medi-Cal lien in the amount of \$13,764.65  |
| ATTORNEY FOR PLAINTIFF     | Nathaniel J. Friedman, Esq.   |
| COUNTY COUNSEL ATTORNEY    | Narbeh Bagdasarian - Senior Deputy County Counsel   |
| NATURE OF CASE             | <p>On September 6, 2008, Miriam Arriola, who was pregnant, presented to the labor and delivery department at Olive View Medical Center.</p> <p>The labor and delivery became complicated because of the position of the fetus. As such, the staff at Olive View Medical Center used various techniques to deliver the infant. In the process, the infant suffered some injury to his arm.</p> |

Uriel Guerrero, Ms. Arriola's son, filed an action for medical malpractice against the County of Los Angeles contending that the staff at Olive View Medical Center were negligent in delivering Uriel Guerrero thereby causing injuries to his arm.

|                             |             |
|-----------------------------|-------------|
| PAID ATTORNEY FEES, TO DATE | \$82,374.50 |
| PAID COSTS, TO DATE         | \$46,453.85 |

Case Name: Guerrero-Arriola



## Summary Corrective Action Plan

|  |   |
|--|---|
| Date of incident/event:                              | September 7, 2008   |
| Briefly provide a description of the incident/event: | On September 6, 2008, Miriam Arriola, who was pregnant, presented to the labor and delivery department at Olive View/UCLA Medical Center. The labor and delivery became complicated because of the position of the fetus. As such, the staff at Olive View used various techniques to deliver the infant. In the process, the infant suffered some injury to his arm. |

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

- Settlement as a prudent business decision

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

- In August 2010, DHS revised its policy on Vaginal Birth After Previous Cesarean Section (VBAC) based on an updated (8/2010) ACOG practice bulletin.

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

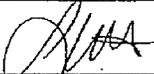
|                                     |         |
|-------------------------------------|---------|
| Name: (Risk Management Coordinator) |         |
| <i>Kimberly McKenzie</i>            |         |
| Signature:                          | Date:   |
| <i>Kimberly McKenzie</i>            | 1/10/11 |

|                         |         |
|-------------------------|---------|
| Name: (Department Head) |         |
| <i>Mitchell Katz MD</i> |         |
| Signature:              | Date:   |
| <i>Mitchell Katz</i>    | 1/12/11 |

County of Los Angeles  
Summary Corrective Action Plan

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Chief Executive Office Risk Management Branch

|  |               |
|--|---------------|
| Name: LEO COSTANTINO   |               |
| Signature:  | Date: 1/11/11 |

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                            |  |
|----------------------------|--|
| CASE NAME                  | Oscar Garcia and Teresa Costello<br>v. County of Los Angeles, et al.   |
| CASE NUMBER                | BC 409336  |
| COURT                      | Los Angeles Superior Court -<br>Central District   |
| DATE FILED                 | March 10, 2009   |
| COUNTY DEPARTMENT          | Department of Health Services  |
| PROPOSED SETTLEMENT AMOUNT | \$149,000  |
| ATTORNEY FOR PLAINTIFF     | Gregory James Owen, Esq.<br>Susan A. Owen, Esq.<br>Owen, Patterson & Owen  |
| COUNTY COUNSEL ATTORNEY    | Narbeh Bagdasarian   |
| NATURE OF CASE             | On January 30, 2008,<br>Angelica Garcia, a 10-year-old<br>female, was admitted to<br>LAC+USC Medical Center<br>("LAC+USC") with history of fever.<br>During the admission, she was<br>diagnosed with Juvenile Idiopathic<br>Arthritis ("JIA"), a rare condition<br>that affects children. She was<br>placed on medications and<br>discharged on February 4, 2008,<br>with instruction to return to an<br>LAC+USC clinic for follow-up<br>visits. |

On March 10, 2008, Angelica was admitted to Children's Hospital of Los Angeles ("CHLA") where she received care and treatment for her condition. In spite of all treatments, Angelica's condition deteriorated. On March 16, 2008, Angelica died from complications of JIA.

Angelica's surviving parents filed an action against the County of Los Angeles and CHLA contending that the providers at the two facilities failed to adequately treat their daughter.

The County of Los Angeles proposes a settlement in the amount of \$149,000.

PAID ATTORNEY FEES, TO DATE

\$44,585.19

PAID COSTS, TO DATE

\$4,706.55

Case Name: Gacia, Angelica



## 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:                              | 1/30/08  |
| Briefly provide a description of the incident/event: | <p>On January 30, 2008, Angelica Garcia, a 10-year-old female, was admitted to LAC+USC Medical Center with history of fever. During the admission, she was diagnosed with Juvenile Idiopathic Arthritis ("JIA"), a rare condition that affects children. She was placed on medications and discharged on February 4, 2008, with instruction to return to an LAC+USC clinic for follow-up visits.</p> <p>On March 10, 2008, Angelica was admitted at Children's Hospital of Los Angeles where she received care and treatment for her condition. Despite all treatments, Angelica's condition deteriorated. On March 16, 2008, Angelica died from complications of her condition.</p> <p>Angelica's surviving parents filed an action against the County of Los Angeles and CHLA contending that the providers at the two facilities failed to adequately treat their daughter.</p> |

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

Delay in initiating steroid therapy and the administration of live vaccine may have contributed to the outcome in this case.

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

- Education was provided to physicians on the use of steroid therapy for Juvenile Idiopathic Arthritis.
- Education was provided to physicians as to the known and theoretical contraindications and precautions to immunization.
- Pediatric Attendings were reminded of the need for faculty involvement in transitions of care to outside facilities.
- QIPS verified that all DHS facilities with pediatric rheumatology and pediatric primary care clinics comply with the American Academy of Pediatrics policy statement on contraindications and precautions for administration of immunizations.

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.

County of Los Angeles  
Summary Corrective Action Plan

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|   |                          |
|---|--------------------------|
| Name: (Risk Management Coordinator)<br><i>Kimberly McKenzie</i> |                          |
| Signature:<br><i>Kim McKenzie</i>                               | Date:<br><i>11/12/10</i> |

|   |                          |
|---|--------------------------|
| Name: (Department Head)<br><i>John F. Schunhoff</i> |                          |
| Signature:<br><i>John F. Schunhoff</i>              | Date:<br><i>12-13-10</i> |

**Chief Executive Office Risk Management Branch**

|                                   |                          |
|-----------------------------------|--------------------------|
| Name:<br><i>Robert Chaez</i>      |                          |
| Signature:<br><i>Robert Chaez</i> | Date:<br><i>11-17-10</i> |

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

January 10, 2011

1. Call to Order.

This special 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: Office of the County Counsel: Vicki Kozikoujekian, Ed Lewis, and Brandon Nichols; Department of Health Services: Kim McKenzie, David Cochran, Edgar Soto, and Nancy Lefcourt; Department of Public Social Services: Sharon Fisher and Anthony Marrone; Office of Affirmative Action: Hayward Harris, Jr., and David Kim; Outside Counsel: Avi Burkwitz.

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 9:37 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 11:30 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

- 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

- 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

5. Approval of the minutes of the December 21, 2010, special meeting of the Claims Board.

**Action Taken:**

**The minutes of the December 21, 2010, special meeting of the Claims Board were approved.**

Vote: Unanimously carried

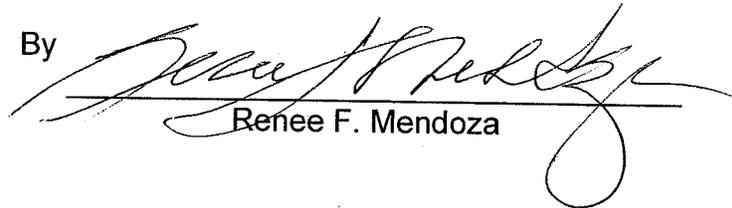
Absent: None

6. Adjournment.

**The meeting was adjourned at 11:37 a.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By

A handwritten signature in black ink, appearing to read "Renee F. Mendoza", written over a horizontal line.

Renee F. Mendoza