

**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  
TUESDAY, FEBRUARY 22, 2011, AT 8:00 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. Claims Board Procedures

**Action Taken:**

**No Action Taken.**

4. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).
  - a. 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.  
(Continued from the special meeting of February 10, 2011.)

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$225,000.**

Vote: Unanimously carried

Absent: None

- b. 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.

(Continued from the special meeting of February 10, 2011.)

**Action Taken:**

**The Claims Board continued this matter.**

Vote: Unanimously carried

Absent: None

- c. 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.

(Continued from the special meeting of February 10, 2011.)

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$800,000 plus assumption of the Medi-cal lien in the amount of \$13,764.65.**

Vote: Unanimously carried

Absent: None

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

- d. 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.  
(Continued from the special meeting of February 10, 2011.)

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$149,000.**

Vote: Unanimously carried

Absent: None

**See Supporting Documents**

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

**Action Taken:**

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

Vote: John Naimo and Laurie Milhiser

Abstain: John Krattli

**See Supporting Document**

7. Adjournment.

## 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)

*Kimberly McKernan*

Signature:

*Kimberly McKernan*

Date:

1/10/11

Name: (Department Head)

*Mitchell Katz MD*

Signature:

*Mitchell Katz*

Date:

1/12/11

County of Los Angeles  
Summary Corrective Action Plan

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Chief Executive Office Risk Management Branch

Name: <i>LEO COSTANTINO</i>	
Signature: <i>[Handwritten Signature]</i>	Date: <i>1/11/11</i>

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Oscar Garcia and Teresa Costello v. County of Los Angeles, et al.
CASE NUMBER	BC 409336
COURT	Los Angeles Superior Court - 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. Susan A. Owen, Esq. Owen, Patterson & Owen
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	On January 30, 2008, Angelica Garcia, a 10-year-old female, was admitted to LAC+USC Medical Center ("LAC+USC") 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.



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.

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: Kim McKenzie	Date: 11/12/10

Name: (Department Head) John F. Schunhoff	
Signature: John F. Schunhoff	Date: 12-13-10

**Chief Executive Office Risk Management Branch**

Name: Robert Chaez	
Signature: Robert Chaez	Date: 11-17-10

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

February 10, 2011

1. Call to Order.

This special meeting of the County of Los Angeles Claims Board was called to order at 1:05 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 and Laurie Milhiser. John Krattli was absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Vicki Kozikoujekian, Liliana Campos, Brandon Nichols; Doraine Meyer, Steve Morris, Ed Lewis, Mary Wickham, Stacey Lee, Eduardo Montelongo, and Joyce Aiello; Board of Supervisors: Celia Zavala; Department of Public Works: Michael Hays; Department of Children and Family Services: Michelle Victor, Wanda Hazel and Loreta Babkhanyan; Department of Public Health: Jim Day; Department of Health Services: David Cochran and Edgar Soto; Office of Affirmative Action: Hayward Harris, Jr., and Comelita Brown; Outside Counsel: Bill Baldarama; Linda Diane Anderson, Avi Burkwitz, Diane Ratcliff, and Mildred K. O'Linn.

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 1:10 p.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(j) below.**

4. Report of actions taken in Closed Session.

**At 4:00 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

- 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

- 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

- 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

- 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

- 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

5. Approval of the minutes of the January 10, 2011, special meeting of the Claims Board.

**Action Taken:**

**The minutes of the January 10, 2010, special meeting of the Claims Board were approved.**

Vote: Unanimously carried

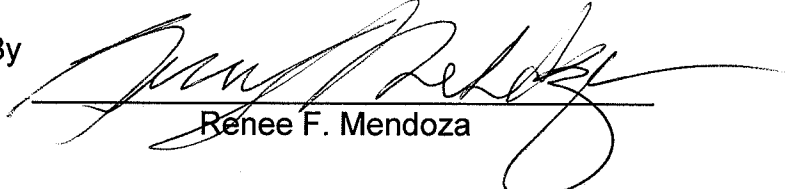
Absent: John Krattli

6. Adjournment.

**The meeting was adjourned at 4:07 p.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza