COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller

Laurie Milhiser
Chief Executive Office

John F. Krattli
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, October 3, 2011, at 9:30 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. Divante M. v. County of Los Angeles, et al.
   Los Angeles Superior Court Case No. BC 377 977

   Jee MacDougall, et al. v. County of Los Angeles
   Los Angeles Superior Court Case No. TC 020 711

   These lawsuits concern allegations that a juvenile was sexually assaulted by two older juveniles in a holding tank at the Compton Courthouse while under the supervision of the Probation Department; settlement is recommended in the amount of $95,000.

   See Supporting Documents

b. Jun Tian v. County of Los Angeles; Derwoyne Redmond
Los Angeles Superior Court Case No. SC 105 341

This lawsuit arises from a collision between a Department of Beaches and Harbors' refuse-collection truck and a passenger vehicle; settlement is recommended in the amount of $125,000.

See Supporting Documents

c. Yen Jue Hsiao v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 423 820

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies; settlement is recommended in the amount of $100,000.

See Supporting Documents

d. Lincoln Avenue Water Company v. County of Los Angeles
Los Angeles Superior Court Case No. GC 046 763

This inverse condemnation lawsuit seeks compensation for relocation of water pipelines necessitated by a County street-widening project; settlement is recommended in the amount of $45,000.

See Supporting Documents

e. Harlan Dana Dejongh v. County of Los Angeles
Los Angeles Superior Court Case No. MC 020 963

This lawsuit arises from injuries sustained in a motorcycle accident allegedly caused by a defective road repair by the Department of Public Works; settlement is recommended in the amount of $290,000.

See Supporting Documents

f. Cassandra Robinson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 020 570

This lawsuit arises from injuries the plaintiff received when she stepped into an open water meter box; settlement is recommended in the amount of $70,000.

See Supporting Documents

g. Marifel Deocampo
OAAC Nos. PHI-2011-3317V and PHI – 2010-2268

This claim concerns allegations that an employee of the Department of Public Health was subjected to sexual harassment and retaliation; settlement is recommended in the amount of $65,000.

h. Marlette Rankin v. County of Los Angeles
Los Angeles Superior Court Case No. BC 449 603

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to disability discrimination and retaliation; settlement is recommended in the amount of $137,500.

4. Report of actions taken in Closed Session.

5. Review of Board Policy No. 8.020 – Procedures for Including Corrective Follow-up Reports as Part of the Claims Settlements Presented to the Board.

6. Approval of the minutes of the September 7, 2011, special meeting of the Claims.

See Supporting Document

7. 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.

8. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Divante M. v. COLA, et. al.
CASE NUMBER		BC 377997
COURT		Los Angeles Superior Court
DATE FILED		May 22, 2007
COUNTY DEPARTMENT		Probation Department
PROPOSED SETTLEMENT AMOUNT	$	95,000
ATTORNEY FOR PLAINTIFF		Booth and Koskoff
COUNTY COUNSEL ATTORNEY		Millicent Rolon
NATURE OF CASE		Plaintiff Divante M. alleges breach of mandatory duties, arising out of the sexual assault of Divante M., by two other male juveniles at the Compton Courthouse on March 15, 2006. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $95,000 is recommended.
PAID ATTORNEY FEES, TO DATE		$85,713 in Divante M.
PAID COSTS, TO DATE		$4,366 in Divante M.

Case Name:	**McKenzie V. COLA**

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:	March 15, 2006
Briefly provide a description of the incident/event:	Plaintiff was a 12 year old African-American Male that was approximately 5'6" and 130 lbs., when he was detained in March 2006 related to petty theft charges. On the day of the incident the plaintiff was being held in Compton Court holding tank #2 waiting for his court appearance. While in the holding tank the plaintiff was sexually assaulted by two African-American Males. One of the perpetrators was a 17 year old African-American Male that was approximately 5'6" and 140 lbs and the other was a 14 year old African-American Male that was approximately 5'3" and 124 lbs. In May 2007 the plaintiff filed a lawsuit alleging that the department and staff were negligent by failing to supervise, control, oversee activities, etc.

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

Root Cause Analysis:

The initial incident **stems from plaintiff's court holding tank assignment with juvenile wards that violated rules prohibiting assaultive and sexual behavior**. A root cause factor analysis was conducted including, but not limited to:

- **Exposure area relates to** plaintiff being placed in a holding tank with older and more sophisticated minors that sexually assaulted him in the presence of a witness.
- **Compounding factors include:**
  - Employees lack of adherence to supervision policy and poor judgment.
  - Staff observation window was covered with a tint without management approval.
  - Witness issues.
  - Witnesses reference to staff watching television.
  - Formatting of investigation report.

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- **Minor's non-compliance with policy about assaultive and sexual behavior.**
- **Four Transportation Deputies violation of Department policies.**

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root/non-root cause factors.

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

Recommended Root Cause Corrective Action:

Task #1 Name: **Non-Disciplinary and/or Disciplinary Action for Staff**

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Rahman Williams

Task Description:

1. **Appropriate Non-Disciplinary (Policy Guidance) &/or Disciplinary Action for Staff Members.**
   i. The Department will take appropriate non-disciplinary and/or disciplinary action against employees with clear documented policy violations associated with this matter. Action taken will be consistent with current Performance Management/Discipline Guidelines, which include, but is not limited to:
      1. Non-Disciplinary Action (deemed appropriate in some cases to inform the employee of a performance problem that may result in discipline if it continues)
         a. Policy Guidance/Instructional Memo
      2. Disciplinary Action
         a. Discharge

   This task was completed by the end of August 2006 and on-going based on appeals.

Task #2 Name: **Probation Department Policy Manual (PDPM) Reinforcement**

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Scott Sanders or designee

Task Description:

1. The Department Transportation Managers will **reinforce** policy in

the PDPM. Reinforcement was done by using at least one of the following: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information:

i. Section 1100-County Property and Personal Property on County Premises.
ii. Section 2200-Prevention of Accidents and Security Breaches and Building Safety.

This task was completed by the end of August 2010.

Task #3 Name: **Transportation Policy Manual Reinforcement**

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Scott Sanders or designee

Task Description:

1. The Department Transportation Managers will **reinforce** its policy in the Transportation Policy Manual. Reinforcement was done by using at least one of the following: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information:
   i. Transportation Deputy Duties
   ii. Supervision of wards at all times
   iii. Observance of Work Hours
   iv. Break Periods/Lunch
   v. Assignments/Scheduling
   vi. Requirements for minors under the age of 13 years, and others that require special consideration and observation during a transportation activity (also in Directive #1099 that was issued in June 2006).

This task was completed by the end of June 2010.

Task #4 Name: **Electronic Devices Policy Reinforcement**

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Scott Sanders or designee

Task Description:

1. The Department implemented and issued Policy Directive #1121

related to electronic devices that are prohibited from being brought into Probation facilities. Transportation Managers will **reinforce** this policy. Reinforcement was done by using at least one of the following: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information related to prohibited devices:

i. Radios
ii. iPods
iii. DVD Players
iv. MP3 Players
v. Televisions
vi. Laptops
vii. Game Boys

Situations where an exception to the above are made will be handled on a case-by-case basis with the pre-approval of the workplace Director.

This task was completed by the end of April 2007 and is on-going based on operational needs.

Task #5 Name: **Crime Scene Evidence Preservation**

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Scott Sanders or designee

Task Description:

1. The Department implemented and issued Policy Directive #1123 related to Crime Scene Evidence Preservation. Transportation Managers will **reinforce** this policy. Reinforcement was done by using at least one of the following: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information:
   i. Establishing a crime scene to ensure that critical evidence is not disturbed or contaminated.
   ii. Supervisor shall cordon off the area pending appropriate processing of the evidence at the crime scene.
   iii. Proper evidence handling.
   iv. Responsibilities of the evidence custodian.
   v. Labeling evidence.

This task was completed by the end of April 2007 and is on-going based on operational needs.

Task #6 Name:	**Special Investigations Unit**
System Issue:	☒ Process/Procedure
Responsible Person:	David Grkinich
Task Description:	1. The Office of Child Abuse & Special Investigations (SIU) reports directly to the Chief Probation Officer and responds to/conducts investigations associated with allegations of suspected child abuse and use of force situations in the juvenile halls and camps. In addition, this office also receives referrals from the Chief or other Executive Leadership Team Members on high profile or priority matters involving the care and treatment issues of wards. This operation would receive a referral to respond to and investigate such incidents. **This task was completed by the end of April 2009.**

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)	
Signature:	Date:

Name: (Department Head) DONALD H. BLEVINS, CHIEF PROBATION OFFICER	
Signature:	Date: 6/22/11

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature:	Date: 6/22/2011

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Jun Tian v. County of Los Angeles; Derwoyne Redmond
CASE NUMBER		SC105341
COURT		Los Angeles Superior Court, West District (Santa Monica)
DATE FILED		October 22, 2009
COUNTY DEPARTMENT		Beaches and Harbors
PROPOSED SETTLEMENT AMOUNT	$	125,000.00
ATTORNEY FOR PLAINTIFF		Mark D. Apelian, Esq. Bryman & Apelian
COUNTY COUNSEL ATTORNEY		Joanne Nielsen Principal Deputy County Counsel
NATURE OF CASE		A County employee was driving a refuse truck northbound on Pacific Coast Highway in Pacific Palisdes. Plaintiff Jun Tian stopped for a yellow light and the County truck rear-ended her car. Ms. Tian treated with a chiropractor, a neurologist, a pain management specialist, an acupuncturist, and eventually saw a neurosurgeon. It was recommended that she undergo surgery because the more conservative treatments were not effective. In addition, Ms. Tian claims emotional damages.

A full and final settlement of $125,000.00 is recommended.

PAID ATTORNEY FEES, TO DATE	$	94,011.00
PAID COSTS, TO DATE	$	26,958.00

Case Name: Jun Tian vs. 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:	**June 1, 2009**
Briefly provide a description of the incident/event:	At approximately 1:30 p.m., a DBH employee was driving a DBH trash truck northbound on PCH when the front end of the DBH truck collided with the back end of a VW Jetta also traveling northbound on PCH. This collision occurred at the intersection of PCH and Entrada Drive in the City of Los Angeles (Pacific Palisades area). The DBH driver reported that the Jetta came to a sudden stop in the intersection at PCH and Entrada. Not expecting that driver to stop, our driver was surprised and rapidly braked but could not avoid hitting the Jetta. The Jetta sustained extensive rear end damage. DBH staff were not injured and nobody received medical attention at the accident scene. The driver of the Jetta declined medical assistance.

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

1. The police report states that the primary cause of the collision was the DBH employee's violation of Vehicle Code Section 21703, following too close to the vehicle in front of it.
2. The DBH investigation suggests that the person who was hit by the DBH vehicle may also have contributed to this accident by suddenly stopping her vehicle in an intersection, past the vehicle limit line, in violation of Sections 21453 and 22109 of the Vehicle Code.

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

Corrective Action Step #001: Update the Department's Vehicle Policy to clarify employee responsibilities when operating vehicles used for County business and institute uniform enforcement and discipline for Policy violations.
Due Date: 9/30/2011
Responsible Party: Division Chief, Administrative Services Division

Corrective Action Step #002: Require all DBH employees with a Class A or B license who operate heavy duty vehicles in the DBH fleet (e.g., trash trucks, along with other large beach maintenance equipment) to receive additional driver training.
Due Date: 12/31/2011 (winter storm preparation and cleanup may push date to March 31, 2012)
Responsible Party: Division Chief, Facilities and Property Maintenance Division

Corrective Action Step #003: Discipline meted out to the DBH driver.
Due Date: Completed
Responsible Party: Division Chief, Facilities and Property Maintenance Division

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) BRAD FLEISCHER	
Signature:	Date: 8/16/11

Name: (Department Head) Santos H. Kreimann	
Signature:	Date: 8/16/2011

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature:	Date: 8/18/2011

Corrective Action Plan

1. General Information

Date CAP document prepared:	**August 15, 2011**
Department:	**Beaches and Harbors**
Name of departmental contact person:	**Walter Popoff**
• title:	**Executive Assistant**
• phone number:	**310-305-9579**
• e-mail:	**wpopoff@bh.lacounty.gov**

2. Incident/Event Specific Information

Date of incident/event:	**June 1, 2009**
Location of incident/event:	**On Pacific Coast Highway, at Entrada Drive**
Event contact person:	**Walter Popoff**
• phone:	**310-305-9579**
• e-mail:	**wpopoff@bh.lacounty.gov**
Claim adjuster: (Third Party Administrator or County Counsel)	**See County Counsel section**
• phone number:	
If claim is in litigation, please complete the following:	
County Counsel Attorney:	**Joanne Nielsen**
• phone number:	**213-974-1876**

3. Incident/Event Description:

Nature of incident/event:	A Department of Beaches and Harbors (DBH) Trash Collection Truck collided with a passenger vehicle from behind on Pacific Coast Highway (PCH).
Provide a brief description of the incident/event:	At approximately 1:30 p.m., a DBH employee was driving a DBH trash truck northbound on PCH, with two other DBH employees riding as passengers. The staff were driving back to the DBH maintenance yard at Will Rogers State Beach to finish their work day when the front end of the DBH truck collided with the back end of a VW Jetta also traveling northbound on PCH. This collision occurred at the intersection of PCH and Entrada Drive in the City of Los Angeles (Pacific Palisades area). The Jetta had one adult, female occupant. The DBH driver reported that the Jetta came to a sudden stop in the intersection at PCH and Entrada. Not expecting that driver to stop, our driver was surprised and rapidly braked but could not avoid hitting the Jetta. The Jetta sustained extensive rear end damage. None of the DBH staff were injured and nobody received medical attention at the accident scene. The driver of the Jetta declined medical assistance at the scene. The DBH driver was not using a hand held communications device at the time of the incident nor was there any indication/evidence of driver impairment due to intoxication.

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

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:
The County of Los Angeles can be held liable for any resulting damages to third parties when an employee driving a County vehicle causes such damage during the course and scope of their County employment.

5. Root Cause Analysis

Root Cause Analysis tool used:	5 Why Analysis
Incident/event root causes:	1. The police report states that the primary cause of the collision was the DBH employee's violation of Vehicle Code Section 21703, following too close to the vehicle in front of it. 2. The DBH investigation suggests that the person who was hit by the DBH vehicle may also have contributed to this accident by suddenly stopping her vehicle in an intersection, past the vehicle limit line, in violation of Sections 21453 and 22109 of the Vehicle Code.

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

6. Corrective Action Plan Steps

Task number:	001
Task name:	Revise Department Vehicle Policy
System issue:	☒ Process/procedure ☐ Equipment ☐ Personnel
Schedule start date:	March 31, 2011
Schedule completion date:	September 30, 2011
Responsible person:	Division Chief, Administrative Services Division (ASD)
Task description:	Update the Department's Vehicle Policy to clarify employee responsibilities when operating vehicles used for County business and institute uniform enforcement and discipline for violations of the Policy.

Task number:	002
Task name:	Provide Additional Driver Training for Operators of Heavy Equipment
System issue:	☒ Process/procedure ☐ Equipment ☐ Personnel
Schedule start date:	September 1, 2011
Schedule completion date:	December 31, 2011 (winter storm preparation and cleanup may extend date to March 31, 2012)
Responsible person:	Division Chief, Facilities and Property Maintenance Division (FPMD)

Task description:	Require all DBH employees with a Class A or B license who operate heavy duty vehicles in the DBH fleet (e.g., trash trucks, along with other large beach maintenance equipment) to receive additional driver training that emphasizes heavy equipment and also addresses maintaining a safe distance behind other vehicles and other defensive driving techniques.

Task number:	003
Task name:	Corrective Action for DBH employee
System issue:	☐ Process/procedure ☐ Equipment ☒ Personnel
Schedule start date:	Completed
Schedule completion date:	Completed
Responsible person:	Division Chief, FPMD
Task description:	The DBH driver has been appropriately disciplined.

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:	Brad [illegible]	8/16/11
Document reviewed by department head or designee.	[illegible]	8/16/2011

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Yen Jue Hsiao v. COLA, et al.
CASE NUMBER		BC 423820
COURT		Los Angeles Superior Court
DATE FILED		October 19, 2009
COUNTY DEPARTMENT		Los Angeles County Sheriff
PROPOSED SETTLEMENT AMOUNT	$	100,000
ATTORNEY FOR PLAINTIFF		James J. Armstrong Armstrong & Armstrong
COUNTY COUNSEL ATTORNEY		Jennifer A.D. Lehman
NATURE OF CASE		Plaintiff alleges that on October 25, 2008, he was subjected to the use of excessive force when Sheriff's Deputies arrested him for assault with a deadly weapon. The Sheriff's Deputies contend that there was probable cause for the arrest of Mr. Hsiao, who charged at the Deputies while holding deadly weapons in each hand. However, due to the risk and uncertainty of litigation, settling the matter at this time will avoid further litigation costs and a potential verdict that could exceed the proposed settlement.

PAID ATTORNEY FEES, TO DATE	$	114,268
PAID COSTS, TO DATE	$	9,678

Case Name: **Yen Jue Hsiao 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:	Saturday, October 25, 2008; approximately 6:53 p.m.
Briefly provide a description of the incident/event:	**Yen Jue Hsiao v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2011-022 On Saturday, October 25, 2008, at approximately 6:53 p.m., deputies assigned to the Los Angeles County Sheriff's Department's Lennox Station responded to an emeregent radio call of a mentally-ill man armed with a golf club and a knife, yelling incoherently and chasing people. When the deputies arrived, they saw the man (plaintiff) standing in the driveway of a residence, armed with a golf club and a screwdriver. The plaintiff advanced toward the deputies in a threatening manner, swinging the golf club and making stabbing motions with the screwdriver. At the direction of a supervisor, a deputy deployed a TASER device on the plaintiff. When the TASER device had no effect on the plaintiff, the deputies employed additional less-lethal-force options. Following the deployment of a diversionary device, a group of deputies was able to use protective shields to subdue the plaintiff and take him into custody. The plaintiff was treated for his injuries and subsequently transported to a local medical facility for further evaluation and treatment. He was arrested for a violation of California Penal Code section 245(b), Assault with a Deadly Weapon on a Peace Officer, and detained pursuant to California Welfare and Institutions Code section 5150, Dangerous or Gravely Disabled Person.

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

The plaintiff claims he was subjected to excessive force and falsely arrested and imprisoned.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

On October 22, 2009, the Los Angeles County Sheriff's Department's Executive Force Review Committee convened and conducted a thorough review of this incident. The members of the committee concluded that the physical force used by the deputies was reasonable, necessary, and in compliance with Department policy. The members of the committee also concluded that the tactics employed by all personnel in this incident were within Department policy. Consequently, no administrative action was taken and no corrective action measures were implemented.

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.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature:	Date: 9/12/11

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date: 9/22/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature:	Date: 9/26/2011

I:Risk Mgt. Inspector General/CAP-SCAP-RECAP/Summary Corrective Action Plan Form 2-01-10 (Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Lincoln Avenue Water Co. v. County of Los Angeles
CASE NUMBER		GC 046763
COURT		Los Angeles Superior Court - Northeast District
DATE FILED		January 31, 2011
COUNTY DEPARTMENT		Department Public Works
PROPOSED SETTLEMENT AMOUNT	$	45,000
ATTORNEY FOR PLAINTIFF		Andrew Turner Lagerlof, Senecal, Gosney & Kruse
COUNTY COUNSEL ATTORNEY		Carole Suzuki, Deputy County Counsel
NATURE OF CASE		Water company claims right to reimbursement for costs incurred in relocating its pipelines to accommodate a road widening project.
PAID ATTORNEY FEES, TO DATE	$	18,142
PAID COSTS, TO DATE	$	0

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/Lawsuit: Date of incident/event:	Lincoln Avenue Water Company October, 2006
Briefly provide a description of the incident/event:	In October and November of 2006, the Department of Public Works (Public Works) instructed the Lincoln Avenue Water Company (LAWC) of Altadena to relocate 200 feet of pipeline at the intersection of North Fair Oaks and Mariposa Street, which caused LAWC to incur relocation costs in the amount of $66,134 98. LAWC claimed that they had prior rights over Public Works at the roadway project reconstruction site and were therefore entitled to reimbursement.

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

Based on our findings, Public Works relied upon the prior rights information submitted by LAWC as the basis of our review of their prior rights claim The information submitted did not show that LAWC had prior rights in the area in question, thus Public Works rejected their assertions. However, after several resubmittals of various documentation by LAWC, and based upon our own research, we were able to confirm that LAWC may have a basis for a claim of prior rights in the vicinity of the County's project location

Public Works does research on a claim of prior rights by a utility company. It is started by an examination of the memos documenting any previous research for that entity at or near the location in question. Any documentation provided by that entity is reviewed and considered and that information will be part of our future file for that entity at that location. The result of these research efforts is a memo listing the interests of the utility company and the County at that location in chronological order.

Public Works retains all of the records for their previous prior rights investigations for a given geographical location and when any future research is requested for that location, those records will serve as the basis of that future investigation.

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

Public Works will pay to LAWC the sum of $45,000 to settle their claims of prior rights. Public Works does not contemplate any corrective actions.

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 a Countywide implication.
- ☐ 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)	Date:
Steve M. Hennessee for Steven G. Steinhoff	8-24-11
Signature: (Director) Gail Farber Gail Farber	Date: 9-20-11

Chief Executive Office Risk Management Branch

Name:	Date:
LEO COSTANTINO	
Signature:	Date: 9/20/2011

RB:psr
P4:\LINCOLN AVE SCAP6

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Harlan Dana Dejongh vs. County of Los Angeles
CASE NUMBER		MC 020963
COURT		Los Angeles Superior Court
DATE FILED		October 23, 2009
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	$290,000
ATTORNEY FOR PLAINTIFF		Bruce Wolfe, Esq.
COUNTY COUNSEL ATTORNEY		Tighe F. Hudson Principal Deputy County Counsel
NATURE OF CASE		This is a lawsuit filed by Harlan Dejongh for personal injuries he sustained in a motorcycle accident, which occurred on November 10, 2007, as the result of an alleged defective road repair by County personnel. Plaintiff lost control of his motorcycle when he encountered the location and sustained personal injuries. 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 which resulted in this recommended

settlement with the claimant.

The Los Angeles County Department of Public Works concurs in this settlement recommendation.

PAID ATTORNEY FEES, TO DATE	$	$42,972
PAID COSTS, TO DATE	$	$5,408

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.

Lawsuit: Date of incident/event:	Harlan Dejongh November 10, 2007
Briefly provide a description of the incident/event:	On November 10, 2007, at 6:40 p.m , 56-year-old Harlan Dejongh was driving his motorcyle southbound on Sage Tree Street, near Elizabeth Lake Road in the unincorporated area of Palmdale, when he lost control of his vehicle due to loose gravel on the roadway. As a result, Mr. Dejongh fell to the ground and sustained injuries to his right hip, shoulder, and head.

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

On November 7, 2007, Public Works Road Maintenance Division (RMD) performed a Thin Bituminous Repair of the roadway at the northwest corner of Sage Tree Street and Elizabeth Lake Road, which apparently unraveled within 3 days after installation. Based on our review, we believe that the repair failed due to inexperience in the use of the PG64-10 Performance Graded asphalt. This particular asphalt was adopted for Statewide use in 2006 and was incorporated for use by Public Works shortly thereafter.

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

Upon notification of loose gravel in the roadway around the incident date of November 10, 2007, the RMD Superintendant immediately dispatched a sweeper to sweep the roadway and clear it of all debris, and placed loose gravel warning signs in the area as an added precautionary measure.

RMD believes that this incident does not require a systematic review of all thin bituminous repairs placed either during this period of time or in the area. In an effort to avoid future instances of thin bituminous repair features, RMD in conjunction with Geotechnical & Materials Engineering Division will prepare a memorandum to all RMD personnel, which will include guidance on the application of thin bituminous repairs on the roadways. The guidelines will be finalized and approved by July 30, 2011, and will be incorporated into the RMD Tailgate Training Documents to be reviewed annually

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 a Countywide implication.
- ☐ 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)	Date:
Steve M. Hennessee Steven G. Steinhoff	6-23-11
Signature: (Director)	Date:
Gail Farber Gail Farber	7/5/11

Chief Executive Office Risk Management Branch

Name:	Date:
LEO COSTANTINO	
Signature:	Date: 7/7/2011

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DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

LAWSUIT OF: Dejongh, Harlan

INCIDENT DATE: November 10, 2007

INCIDENT LOCATION: Sage Tree Street, near Elizabeth Lake Road, unincorporated Palmdale area

RISK ISSUE:

The County is responsible for inspecting and maintaining the roadway at the incident location and could be held liable for personal injuries due to failing to correct a dangerous condition on public property

INVESTIGATIVE REVIEW:

On November 10, 2007, at 6.40 p.m , 56-year-old Harlan Dejongh was driving his motorcycle southbound on Sage Tree Street, near Elizabeth Lake Road in the unincorporated area of Palmdale, when he lost control of his vehicle due to loose gravel on the roadway. As a result, Mr Dejongh fell to the ground and sustained injuries to his right hip, shoulder, and head

On November 7, 2007, Public Works Road Maintenance Division (RMD) performed a Thin Bituminous Repair of the roadway at the northwest corner of Sage Tree Street and Elizabeth Lake Road, which apparently unraveled prior to the incident Based on our review, we believe that the repair failed due to inexperience with installation using PG64-10 Performance Graded asphalt The asphalt being applied must be a minimum temperature and it must be thoroughly raked, especially on thin sections and at feathered edges to avoid aggregate breaking loose after completion of the patch This particular asphalt binder was adopted for statewide use in 2006 and was incorporated for use by Public Works shortly thereafter. Based on our findings, we believe that the use of this particular asphalt may not be suitable for Thin Bituminous Repair work except during hot weather conditions

POLICY ISSUES:

As part of their maintenance operations, RMD reviews all improvements within the road right of way at least once a month and when maintenance problem conditions are found, corrective actions are taken. Issues arose as to the appropriateness and quality of a Thin Bituminous Repair at the incident location

DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

CORRECTIVE ACTION:

Upon notification of loose gravel in the roadway around the incident date November 10, 2007, the RMD Superintendant immediately dispatched a sweeper to sweep the roadway and clear it of all debris, and placed loose gravel warning signs in the area as an added precautionary measure.

RMD believes that this incident does not require a systematic review of all thin bituminous repairs placed either during this period of time or in the area. In an effort to avoid future instances of thin bituminous repair features, RMD in conjunction with Geotechnical & Materials Engineering Division will prepare a memorandum to all RMD personnel, which will include guidance on the application of thin bituminous repairs on the roadways. The new guidelines will be finalized and approved by July 30, 2011, and will be incorporated into the RMD Tailgate Training Documents to be reviewed annually.

Reviewed & Recommended:

6/21/11

David MacGregor — Date
Assistant Deputy Director

Approved:

6-27-2011

Patrick V. DeChellis — Date
Deputy Director

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	**Cassandra Robinson vs. County of Los Angeles, et al.**
CASE NUMBER	MC 020570
COURT	Los Angeles Superior Court – North Lancaster District
DATE FILED	June 25, 2009
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	$70,000
ATTORNEY FOR PLAINTIFF	Carlos J. Castandena, Esq.
COUNTY COUNSEL ATTORNEY	Robert B. Reagan Principal Deputy County Counsel
NATURE OF CASE	This claim was filed by Cassandra Robinson seeking compensation for damages for personal injuries, which resulted from her stepping into an open water meter box. Due to the risks and uncertainties of litigation, a contribution of $70,000 toward a full and final settlement of the case in the amount of $85,000 is recommended.
APPROXIMATE ATTORNEY FEES, TO DATE	$50,305
APPROXIMATE COSTS, TO DATE	$7,206

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.

Claim:	Cassandra Robinson vs. County of Los Angeles, et al.
Date of incident/event:	March 14, 2008
Briefly provide a description of the incident/event:	This claim is the result of a bodily injury. Cassandra Robinson was injured when she stepped into an open subterranean water meter box located at 553 East Jackman Street in the City of Lancaster, due to a broken water meter box lid. Ms. Robinson sustained a torn knee ligament requiring surgery.

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

On March 11, 2008, three days before the incident occurred, the tenant at the incident location called Waterworks Division to inform them of the broken water meter lid. A work order was generated, but the lid was not repaired until April 30, 2008.

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

Meter reading staff have been instructed to leave a cone or other safety warning device in any area of potential liability. In February 2010, a new safety code (Code 74) was implemented that Waterworks Division's water service meter readers will input into handheld data collection devices when a potential safety hazard is noted at the meter. Also, meter readers have been instructed to call the maintenance office the same day the safety hazard is observed. Water Service Supervisors will then initiate a work order to repair the safety hazard that same day or, at the latest, by the following morning.

Additionally, on March 10, 2010, Waterworks Division began conducting periodic tailgate meetings for all field staff to emphasize the importance of reporting any safety liabilities they may observe in the performance of their duties, and new meter-reading staff will be instructed as part of their initiation to follow these procedures as well. These meetings shall be memorialized in the County of Los Angeles Department of Public Works Tailgate Safety Meeting Reports.

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.

Signature: (Risk Management Coordinator) Steven G. Steinhoff	Date: 8/12/2011
Signature: (Department Head) Gail Farber	Date: 8-30-11

Chief Executive Office Risk Management

Name: Leo Costantino	
Signature:	Date: 8/16/2011

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COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

September 7, 2011

1. Call to Order.

This 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, Laurie Milhiser and John Krattli. Laurie Milhiser excused herself from the meeting at 2:00.

Other persons in attendance at the meeting were: Office of the County Counsel: Robert Reagan, Karen Lichtenberg, Mary Wickham, and Joyce Aiello; Sheriff's Department: Robert Hill; Department of Public Works: Michael Hays, Sam Assoum and Ken Swanson; Department of Public Social Services: Anthony Marrone, Sharon Fisher, Shenise McDowell-English, Norme Doctor Sparks, and Cathy O'Brien; Department of Human Resources: Cecile Ochoa; Outside Counsel: Nohemi G. Ferguson.

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 1:09 p.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 2:15 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Kenneth Earl Smith v. County of Los Angeles, et al.</u>
Los Angeles Superior Court Case No. MC 020 302

This lawsuit arises from injuries sustained when a vehicle driven by a deputy sheriff struck a pedestrian; settlement is recommended in the amount of $30,000.

<u>Action Taken</u>:

This item was referred back to the County Counsel's office by the Claims Board.

Vote: Unanimously carried
Absent: Laurie Milhiser

b. **Claims of Aida Pacheco and Carlos Pacheco**

These claims arise from injuries sustained in a vehicle accident involving an employee of the Department of Public Works.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $34,000.

Vote: Unanimously carried
Absent: Laurie Milhiser

c. **Colich Construction, L.P. v. Los Angeles County Flood Control District**
Los Angeles Superior Court Case No. BC 431 730

This breach of contract lawsuit arises from a Flood Control District construction project in the Hollyhills area.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $97,222.

Vote: Unanimously carried
Absent: Laurie Milhiser

d. **Karmen Ambarchyan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 438 011

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $85,000.

Vote: Unanimously carried
Absent: Laurie Milhiser

5. **Review of Board Policy No. 8.020 – Procedures for Including Corrective Follow-up Reports as Part of the Claims Settlements Presented to the Board.**

Action Taken:

The Claims Board continued this matter.

Vote: Unanimously carried
Absent: Laurie Milhiser

6. **Approval of the minutes of the August 15, 2011, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes of the August 15, 2011, regular meeting of the Claims Board.

Vote: Unanimously carried
Absent: Laurie Milhiser

7. **Adjournment.**

The meeting was adjourned at 2:31 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Renee F. Mendoza