

**STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, NOVEMBER 7, 2011, AT 9:30 AM**

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

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**
 - a. **Christopher Lundy v. County of Los Angeles, Jesus Urrutia
Los Angeles Superior Court Case No. TC 024 571**

This lawsuit arises from personal injuries received when a Sheriff's patrol car struck a pedestrian in a cross-walk.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$32,500.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[See Supporting Documents](#)

**b. Jessie Marin, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 024 255**

This medical negligence lawsuit by a minor and his parents arises from treatment received at the Harbor/UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,800,000 plus assumption of a Medi-Cal lien in the amount of \$16,208.87 and waiver of the HUMC hospital bill in the amount of \$19,455.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. 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 voted to recommend changes to the policy.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[See Supporting Document](#)

6. Approval of the minutes of the October 17, 2011, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[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.**

No such matters were discussed.

- 8. Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Christopher Lundy v. County of Los Angeles,
CASE NUMBER	TC 024571
COURT	Los Angeles Superior Court South Central District
DATE FILED	August 4, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$32,500.00
ATTORNEY FOR PLAINTIFF	Mindy Bish Sedin, Begakis & Bish (661) 255-8300
COUNTY COUNSEL ATTORNEY	Bruce Cochran Principal Deputy County Counsel 213-974-1837
NATURE OF CASE	<p>On November 4, 2009, Plaintiff was crossing the street at the intersection located at Century Boulevard and Vermont Avenue in a clearly marked crosswalk, with the signal in his favor when he was struck by a LASD patrol car driven by Deputy Jesus Urrutia.</p> <p>Plaintiff rolled across the top of the patrol car and was thrown to the ground. He was transported by ambulance to the emergency</p>

room.

Plaintiff incurred \$17,091.65 in verifiable medical expenses and \$3,000.00 in loss of verifiable earnings.

PAID ATTORNEY FEES, TO DATE

\$23,793.96

PAID COSTS, TO DATE

\$1,279.45

Case Name: Christopher Lundy 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:	Wednesday, November 4, 2009; approximately 8:50 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Christopher Lundy vs. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2011-023</p> <p>On Wednesday, November 4, 2009, at approximately 8:50 p.m., a Los Angeles County deputy sheriff was driving a standard County of Los Angeles-owned black and white patrol vehicle north on Vermont Avenue, south of Century Boulevard, Los Angeles, when the vehicle he was driving collided with a pedestrian. He entered the intersection against a red traffic signal and struck the plaintiff, a pedestrian traveling eastbound on Century Boulevard, west of the vehicle, in the fully-marked south crosswalk.</p>

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

The plaintiff claims damages for injuries he sustained in the traffic collision.

This traffic collision was thoroughly investigated by representatives from the California Highway Patrol and the Los Angeles County Sheriff's Department. Their investigations concluded that the deputy sheriff caused the traffic collision after violating California Vehicle Code section 21453(a), Circular Red or Red Arrow.

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.

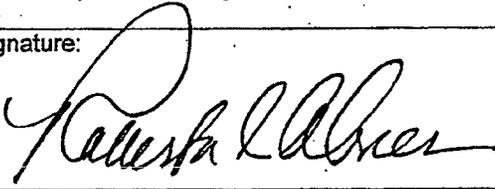
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

County of Los Angeles
Summary Corrective Action Plan

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) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 10/6/11

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 10/7/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 10-18-2011

\\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	Jessie Marin, et al. v. County of Los Angeles
CASE NUMBER	TC 024255
COURT	Los Angeles Superior Court South Central District
DATE FILED	May 5, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$2,800,000 plus the assumption of the Medi-Cal lien in the amount of \$16,208.87 and waiver of the hospital bill in the amount of \$19,455.
ATTORNEY FOR PLAINTIFF	Shirley K. Watkins Law Offices of Michels & Watkins
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>On March 21, 2008, Guadalupe Fernandez, an 18-year-old pregnant female, presented to Harbor/UCLA Medical Center ("HUMC") for induction of labor.</p> <p>The staff at HUMC observed the mother and her fetus. On March 23, 2008, at about 1:55 a.m., the patient gave birth to her son, Jessie Marin. Jessie Marin demonstrated evidence of neurological injuries.</p>

Jessie Marin, through his Guardian Ad Litem, filed an action against the County of Los Angeles contending that the HUMC staff failed to perform an early cesarean section, and that such failure contributed to his injuries.

PAID ATTORNEY FEES, TO DATE

\$60,652

PAID COSTS, TO DATE

\$51,868.96

Case Name: Fernandez (Marin), Guadalupe #9374



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:	3/23/2008
Briefly provide a description of the incident/event:	<p>On March 21, 2008, Guadalupe Fernandez, an 18 year old pregnant female, presented to Harbor UCLA Medical Center ("HUMC") for induction of labor.</p> <p>The staff at HUMC observed the mother and her fetus. At about 1:55 AM on March 23, 2008, the patient gave birth to her son, Jesse Marin. Jesse demonstrated evidence of neurological injuries. Jesse Marin, through his Guardian-ad-Litem, filed an action against the County of Los Angeles contending that the HUMC staff failed to perform an early Cesarean Section, and that such failure contributed to his injuries</p>

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

- Fetal distress during labor resulting in neurological impairment

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- All appropriate personnel corrective actions have been taken.
- A system wide survey was conducted to determine the process for ensuring obstetric nursing competency for fetal heart rate monitoring. It was determined that there are educational programs and exams for nurses at each facility.
- A system wide survey was conducted to determine the process of documentation in the perinatal setting. It was determined that all DHS hospitals who provide perinatal services have documentation standards in place.
- Several system wide surveys (within and external to DHS) were conducted to determine the training, competency, credentialing, and privileging requirements for obstetric physicians related to fetal heart rate monitoring.
- Educational conferences were held regarding fetal heart rate monitoring for physicians and nurses. The training materials for fetal heart rate monitoring were also updated.
- All obstetric attending and resident staff completed the DHS Fetal Heart Monitoring training and examination which is now tied to physician credentialing.
- A focused review of labor and delivery services at Harbor UCLA Medical Center and Olive View UCLA Medical Center demonstrated that complication rates are at or below national benchmarks.

County of Los Angeles
Summary Corrective Action Plan

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) <i>Kimberly McKenzie</i>	
Signature: <i>Kimberly McKenzie</i>	Date: <i>10/12/11</i>

Name: (Department Head) <i>Mitchell H. Katz, M.D.</i>	
Signature: <i>Mitchell H. Katz</i>	Date: <i>10/17/11</i>

Chief Executive Office Risk Management

Name: <i>LEO COSTANTINO</i>	
Signature: <i>LEO COSTANTINO</i>	Date: <i>10/6/2011</i>

**Board Procedure 8.020
Sunset Review and Recommended Update**

Content:



Los Angeles County
BOARD OF SUPERVISORS POLICY MANUAL

Policy #:	Title:	Effective Date:
8.020	Procedures For Including Corrective Follow-Up Reports As Part of The Claims Settlements Presented To The Board	12/10/96

PURPOSE

Establishes a requirement for corrective action follow-up reports as part of the claims settlement letter forwarded to the Board of Supervisors.

REFERENCE

December 10, 1996 Board Order, Synopsis 48

POLICY

All department heads must include a proposed corrective action follow-up report as part of any claims settlement letter forwarded to the Board.

RESPONSIBLE DEPARTMENT

Auditor-Controller

Chief Executive Office

County Counsel

DATE ISSUED/SUNSET DATE

Issue Date: December 10, 1996

Sunset Review Date: December 10, 2003

Current Title:

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

October 17, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Stephanie Jo Farrell, Richard Mason, Tighe Hudson, Brandon Nichols, Eduardo Montelongo, Takin Khoram, Christopher Keosian, and Joyce Aiello; Department of Mental Health: Margo Morales and Shelli Amber Weeks; Department of Public Works: Michael Hays; Department of Public Social Services: Sharon Fisher; Department of Children and Family Services: Michelle Victor, Lynne Condon, Carmen Abbott, and David Diamond; Department of Health Services: Bonnie Bilitch and Edgar Soto; Department of Human Resources: Cecile Ochoa and Letitia Ellison-Cooper; Outside Counsel: Allen Thomas, Scott E. Boyer, Jeff Hausman, and Catie Mathers.

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 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 11:50 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Erica Loberg

This matter concerns allegations that an employee of the Department of Mental Health was subjected to retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$25,000 and the payment of unpaid salary and benefits.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

b. **Bertha Carino v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 430 763

This lawsuit arises from injuries received from a slip and fall accident which occurred at the LAC+USC Medical Center.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$32,500 and waiver of a \$1,500 lien.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

c. **Victoria L. Wilder v. Herbert G. Hunt, et al.**
Los Angeles Superior Court Case No. PC 046 224

This dangerous condition lawsuit arises from injuries sustained in an automobile accident which occurred at the intersection of Lake Manor Drive and Ventura Way in the unincorporated Chatsworth area.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

d. **Suzanne Gracia v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 440 499

This lawsuit concerns allegations that a civilian employee of the Sheriff's Department was subjected to sexual harassment.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$95,000

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

e. **Richard Sule v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 435 683

This lawsuit by a former employee of the Department of Public Social Services arises from allegations of racial discrimination.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

f. **Diane Weissburg v. County of Los Angeles**
Los Angeles Superior Court Case No. SC 093 110

This lawsuit concerns allegations that a former employee of the Department of Children and Family services was subjected to discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$275,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

4. **Report of actions taken in Closed Session.**

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. **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 item.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

6. **Approval of the minutes of the October 3, 2011, regular meeting of the Claims Board and the October 12, 2011, special meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

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.**

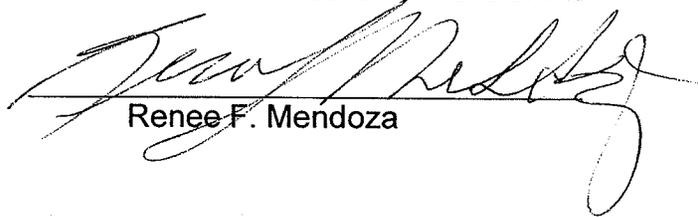
No such matters were discussed.

8. **Adjournment.**

The meeting was adjourned at 11:55 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza