

**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, MARCH 19, 2012, AT 8:00 AM**

Present: Chair John Naimo, Laurie Milhiser, and Patrick Wu

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. **Pearl Livermore v. County of Los Angeles  
Los Angeles Superior Court Case No. GC 040 583**

This dangerous condition lawsuit arises from injuries received from a slip and fall accident at a County park.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$45,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

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

**b. Eric Jett v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 448 935**

This lawsuit concerns allegations that a firefighter trainee was terminated from the Firefighter Academy based on racial discrimination and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**c. Claim of Alva Nunez**

This claim alleges that an employee of the Department of Public Social Services was subjected to sexual harassment.

Action Taken:

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

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

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

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

**5. Approval of the minutes of the March 5, 2012, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Patrick Wu

[See Supporting Document](#)

- 6. 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.

- 7. Adjournment.**

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

|                             |   |
|-----------------------------|---|
| CASE NAME                   | Pearl Livermore v. County of Los Angeles  |
| CASE NUMBER                 | GC 040583   |
| COURT                       | Los Angeles County Superior Court, Pasadena   |
| DATE FILED                  | April 1, 2008   |
| COUNTY DEPARTMENT           | Parks and Recreation  |
| PROPOSED SETTLEMENT AMOUNT  | \$ 45,000   |
| ATTORNEY FOR PLAINTIFF      | Henry John Matusek, II<br>O'Neil & Matusek, LLP   |
| COUNTY COUNSEL ATTORNEY     | Richard K. Kudo   |
| NATURE OF CASE              | <p>Plaintiff Pearl Livermore tripped, fell, and injured herself on the river rock curb in the front of the entry into Charles S. Farnsworth Park in Altadena. She claims that the curb represented a dangerous condition of public property.</p> <p>The County disputes that the river rock curb represented a dangerous condition and contends that the curb was open and obvious to any person entering and exiting the park from that location and that Ms. Livermore was negligent.</p> <p>Due to the risks and uncertainties of litigation, however, a full and final settlement of the case in the amount of \$45,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 235,859.24   |
| PAID COSTS, TO DATE         | \$ 43,965.19  |



## 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 20, 2007  |
| Briefly provide a description of the incident/event: | <p>On June 20, 2007 at approximately 10:10 a.m., plaintiff Livermore was exiting Farnsworth Park at the Mount Curve Avenue exit. While walking across the sidewalk to her vehicle, she slipped or tripped on one of the river rocks embedded into the curb separating the asphalt sidewalk from the parking area on the street fracturing her left ankle. The County was granted summary judgment by the trial court, but was reversed on appeal. The appeal argued that the stone curb represented a design defect because it "violated building standards". The "building standards" were unspecified; however, they did refer to ASTM F 1637. This standard was published in 1995, which post-dates the curb construction and makes it inapplicable. We continue to believe that plaintiff has no evidence that the curb was wrongfully or negligently created. Despite the legal analysis, County made an economic decision to settle.</p> |

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

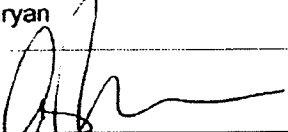
This settlement is strictly based on economic reasons. Jury could have sympathized with the plaintiff and awarded her damages because she got hurt on County property.


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

1. Department's Contracts Division reviewed safety inspection portion of Farnsworth Park Maintenance Contract on January 31, 2012, and found it to be sufficient.
2. To strengthen the contract oversight responsibilities, effective March 1, 2012, contractor will be required to submit a Daily Inspection Log on weekly basis to the facility contract monitor for Farnsworth Park.
3. By September, 2012, Safety Office will revise the Department's Facility Inspection Policy to reflect the new requirement and ensure that contract monitors review the Daily Inspection Logs for all contracted parks.

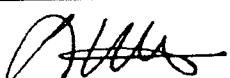
3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- 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>Anush Gambaryan   |                    |
| Signature:  | Date:<br>2/29/2012 |

|  |                 |
|--|-----------------|
| Name: (Department Head)<br>Russ Guiney   |                 |
| Signature:  | Date:<br>3-8-12 |

**Chief Executive Office Risk Management**

|  |                    |
|--|--------------------|
| Name:<br>LEO COSTANTINO  |                    |
| Signature:  | Date:<br>2/28/2012 |

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**March 5, 2012**

**1. Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 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 Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Jennifer Lehman, Robert Reagan, Brian Chu, Lianne Edmonds, Lauren Black, Narbeh Bagdasarian, and Edward Benveniste; Sheriff's Department: Sgt. Lynne Hughes; Department of Public Works: Marty Moreno and Michael Hays; Department of Children and Family Services: Michelle R. Victor, Michele S. Brienze, Lynne Condon, and Nancy Castilla; Department of Health Services: Nancy Lefcourt and Liz Augusta; Outside Counsel: David J. Weiss.

**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(g) below.

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

At 12:03 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Teddy Lenior, Sr., et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 09-02616**

This lawsuit concerns allegations of false arrest and an illegal search by Sheriff's Deputies.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

b. **Peter Ngo, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. KC 060 406**

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$135,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

c. **California Capital Insurance Company v. County of Los Angeles**  
**Los Angeles Superior Court Case No. PC 050 107**

This lawsuit seeks compensation for damages to its insured's commercial property allegedly caused by a sewer main line blockage and back up.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,020.29.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

d. **Alondra Cole, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 10-05701**

This lawsuit alleges that the Department of Children and Family Services violated the constitutional rights of plaintiffs by wrongfully detaining two minors without a warrant or probable cause.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

Vote: Ayes: 2 - John Naimo, Laurie Milhiser  
Abstention: 1 - Patrick Wu



- e. **Juana Montoya and Abel Montoya v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. TC 023 770**

This medical negligence lawsuit by a patient and her husband arises from treatment received at Harbor-UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$3,500,000, plus assumption of the Medi-Cal lien in the estimated amount of \$15,700.54 and waiver of the County's hospital bill in the estimated amount of \$64,532.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

- f. **Brandon Gill v. County of Los Angeles**  
**Los Angeles Superior Court Case No. TC 024 028**

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at Harbor-UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$650,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

- g. **Robert Vasquez, et al. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. VC 056 933**

This medical negligence lawsuit arises from injuries sustained by a patient while hospitalized at Rancho Los Amigos National Rehabilitation Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the revised settlement of this matter in the amount of \$2,300,000, plus the assumption of a Medi-Cal lien in the estimated amount of \$377,000 and waiver of the County hospital bill in the estimated amount of \$634,026.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**5. Approval of the minutes of the February 6, 2012, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**6. 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.

**7. Adjournment.**

The meeting was adjourned at 12:10 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson  
Carol J. Slosson