

**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, JUNE 4, 2012, AT 9:30 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. **Carla Sameth v. County of Los Angeles, et al.
United States District Court Case No. CV 10-6565**

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$199,000.

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

[See Supporting Documents](#)

**b. Evelyn Pena, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 11-05038**

This lawsuit alleges that the Department of Children and Family Services wrongfully detained two siblings – an infant and toddler.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$165,000.

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

[See Supporting Documents](#)

**c. Elizabeth Givan v. County of Los Angeles
Los Angeles Superior Court Case No. BC 445 461**

This lawsuit concerns allegations that an employee of the Probation Department was subjected to discrimination, harassment and retaliation by the Department's failure to engage in an interactive process or provide reasonable accommodation for her work restrictions.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$52,500.

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

**d. Katrina Pratcher v. County of Los Angeles
Los Angeles Superior Court Case No. BC 461 985**

This lawsuit concerns allegations that an employee of the Department of Mental Health was subjected to race and age discrimination, harassment, and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

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

e. **Darlene McDade-White v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 458 184

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was retaliated against for whistle-blowing, subjected to discrimination and harassment based on her race, and that she was subjected to invasion of privacy and false imprisonment.

Action Taken:

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

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

f. **Miracle Star Women's Recovery Community, Inc., et al., v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 283 059

This lawsuit concerns a breach of contract dispute between the Department of Public Health and one of its providers.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter whereby the County dismisses its cross-complaint seeking \$163,937 in return for a release and waiver of all claims.

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

[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. Approval of the minutes of the May 21, 2012, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and 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	<u>Carla Sameth v. County of Los Angeles</u>
CASE NUMBER	CV 10-6565
COURT	United States District Court
DATE FILED	September 2, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 199,000
ATTORNEY FOR PLAINTIFF	John Burton, Esq.
COUNTY COUNSEL ATTORNEY	Laura Inlow, Esq. Collinson Law
NATURE OF CASE	Plaintiff, Carla Sameth alleges that her federal civil rights were violated when she was falsely arrested and subjected to excessive force by Los Angeles County Sheriff's Deputies. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$199,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 47,125
PAID COSTS, TO DATE	\$ 21,789

Case Name: Carla Rachel Sameth v. County of Los Angeles



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:	Monday, December 28, 2009; approximately 4:20 p.m.
Briefly provide a description of the incident/event:	<p><u>Carla Rachel Sameth v. County of Los Angeles</u> Summary Corrective Action Plan No. 2012-005</p> <p>On Monday, December 28, 2009, at approximately 4:20 p.m., three Los Angeles County sheriff's deputies contacted the plaintiff to determine if she was a lawfully ticketed passenger on the Metro Gold Line public transportation system. When the plaintiff was unable to provide a valid ticket, the deputies directed her to exit the train at the Highland Park Passenger Station in order to issue her a citation for fare evasion.</p>

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

After exiting the train, the plaintiff became loud and argumentative. One of the deputies (a female) initiated a cursory search of the plaintiff's person. The plaintiff resisted and attempted to separate herself from the deputy. She leaned forward and struck her nose on a metal flange protruding from a support pole.

The plaintiff was examined at the scene by Los Angeles Fire Department paramedics and subsequently transported to Los Angeles County - University of Southern California Medical Center where she was treated for a fractured nose.

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.


This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Transit Services Bureau North. Their investigation concluded that the actions taken by the three sheriff's deputies were reasonable, justified, and in compliance with Department policy. Consequently, no corrective action measures are recommended nor contemplated.

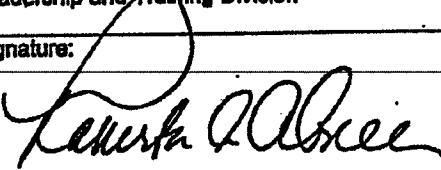
County of Los Angeles
Summary Corrective Action Plan

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).

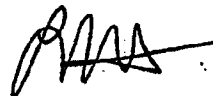
- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 4/18/2012

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 4/19/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 5/1/12

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Evelyn Pena, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 11-05038 GAF (AJWx)
COURT	United States District Court
DATE FILED	06/15/2011
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 165,000
ATTORNEY FOR PLAINTIFF	Robert R. Powell Dennis R. Ingols Law Offices of Robert R. Powell
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel Tomas A. Guterres Collins Collins Muir + Stewart,
NATURE OF CASE	Warrantless detention of minors.
PAID ATTORNEY FEES, TO DATE	\$ 14,997
PAID COSTS, TO DATE	\$ 109

Case Name: Pena v. County of Los Angeles



**Summary Corrective Action Plan
Department of Children and
Family Services**



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Date of incident/event:	August 2009
Briefly provide a description of the incident/event:	The plaintiffs' children were detained after one of the children was bitten by the family dog. The mother failed to seek medical treatment for the child.

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

Detention of two children due to one of the children sustaining a dog bite by the family pet that was not vaccinated.

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

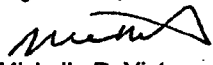

The Department has reviewed relevant policy and training. The appropriate modifications have been made.

All personnel issues have been addressed.

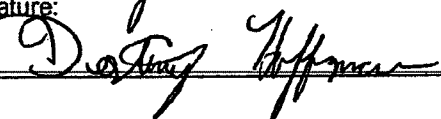
County of Los Angeles
Summary Corrective Action Plan

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 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)  Michelle R. Victor	Date: 5-17-12
Signature: (Department Head)  PHILIP L. BROWNING, Director	Date: 5/23/12

Chief Executive Office Risk Management Branch

Name: Destiny Hoffman	Date: 5/16/2012
Signature: 	

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Miracle Star Women's Recovery Community, Inc., et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 283059
COURT	Los Angeles Superior Court - Central District
DATE FILED	October 9, 2002
COUNTY DEPARTMENT	Department of Public Health
PROPOSED SETTLEMENT AMOUNT	Dismissal of County cross-complaint seeking \$163,937 and release and waiver of all claims by all parties.
ATTORNEY FOR PLAINTIFF	Pat Murphy, Esq. Law Offices of Pat Murphy
COUNTY COUNSEL ATTORNEY	Eva Vera-Morrow Principal Deputy County Counsel
NATURE OF CASE	In 1999, the County of Los Angeles ("COLA"), Miracle Star and Jeffrey Moffatt and Staretta Moffatt ("the Moffatts") entered into a CalWORKS Alcohol Drug Services Agreement contracts for services. In August 2000, COLA conducted an Audit and engaged in efforts to resolve the audit findings to no avail. On July 19, 2001, COLA advised Miracle Star and the Moffatts that the draft audit Financial Evaluation Report were final and requested re-payment of the amounts disallowed and overbilled and pursuant to the terms of the contracts withheld payment to reconcile the audit.

On October 9, 2001, Miracle Star and the Moffatts filed their complaint for damages. On November 4, 2004, concurrently with the filing of the answer on behalf of COLA and its named defendant employees, COLA filed its cross-complaint.

On April 10, 2006, judgment was entered in favor of COLA and the employee defendants and against Miracle Star and the Moffatts. Miracle Star and the Moffatts appealed. The judgment was affirmed by the Court of Appeal in its entirety on August 26, 2008. Remittitur issued to return jurisdiction to the Superior Court.

This settlement is to resolve COLA's cross-complaint. Judgment on the complaint was ultimately entered in favor of COLA and its employees and affirmed on appeal leaving the cross-complaint to be adjudicated, which is subject of the proposed settlement.

PAID ATTORNEY FEES COSTS, TO DATE

The fees and costs to date with respect to the County's cross-complaint, including discovery, summary judgment, the appeal, trial preparation, and mediation efforts are \$159,609.

Case Name: Miracle Star Women's Recovery Community Inc., et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

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Date of incident/event:	June 1999 (date of contract HC210224 initiation)
Briefly provide a description of the incident/event:	In 2000, Miracle Star Women's Recovering Community, Inc. (MSWRC) breached the contract and over ensuing years, brought legal actions alleging that the department had wrongfully placed MSWRC on a "do not refer" list to discriminate against the co-owners who had an interracial marriage, and to benefit other drug and alcohol treatment providers.

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

N/A. The department, according to County Counsel and external counsel, did no wrong.

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

N/A. The department, according to County Counsel and external counsel, did no wrong.

3. State if the corrective actions are applicable to only your department or other County departments:

Does not appear to have County-wide or other department implications.

Name: Jim Day, Risk Management Coordinator

Signature:	Date: MAY 9, 2012
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Name: Jonathan E. Fielding, M.D., M.P.H.

Signature:	Date: 5-11-12
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COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

May 21, 2012

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 Patrick Wu. Mr. Naimo excused himself from the meeting at 9:25 a.m.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu and Diane Reagan; Department of Public Works: Michael Hays and Marty Moreno; Sheriff's Department: Lt. Patrick Hunter; Department of Animal Care and Control: Marcia Mayeda; Outside Counsel: Clay Averbuck.

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 9:30 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below.

4. Report of actions taken in Closed Session.

At 11:03 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Ryan Dawson

This claim seeks compensation for damages to real and personal property allegedly caused by a sewer mainline blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$58,000.

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

**b. Maria Hylla and David Hylla v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 452 399**

This wrongful death lawsuit arises from 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 \$750,000.

Vote: Ayes: 2 - Laurie Milhiser, and Patrick Wu
Absent: John Naimo

**c. Bonni Sue Schopp v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 459 222**

This lawsuit arises from injuries sustained in a dog attack as a result of the alleged negligence on the part of the Department of Animal Care and Control

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$475,000.

Vote: Ayes: 2 - Laurie Milhiser, and Patrick Wu
Absent: John Naimo

5. Approval of the minutes of the May 7, 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 11:04 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson