COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller

Steven E. NyBlom
Chief Executive Office

Patrick A. Wu
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, August 6, 2012, 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. Robert Andrew Durham, Jr. v. County of Los Angeles, et al.
   Los Angeles Superior Court Case No. BC 457 732

   This lawsuit arises from injuries sustained in a vehicle versus pedestrian accident involving the alleged negligence of a Sheriff's Deputy; settlement is recommended in the amount of $150,000.

   See Supporting Documents.

   b. Maurice Cortiz White v. County of Los Angeles, et al.
   Los Angeles Superior Court Case No. BC 453 537

   This lawsuit seeks compensation for an inmate's alleged over-detention in County jail; settlement is recommended in the amount of $80,000.

   See Supporting Documents.

c. Sylvia Wilson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 456 759

This lawsuit alleges that a participant of the Probation Adult Alternative Work Service Program was sexually harassed and assaulted by a Probation Department Crew Instructor; settlement is recommended in the amount of $375,000.

See Supporting Documents.

d. Len Tarlton v. Los Angeles County Department of Health Services, et al.
Los Angeles Superior Court Case No. BC 451 274

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to disability discrimination and retaliation and that the Department failed to engage in the interactive process or provide reasonable accommodation; settlement is recommended in the amount of $80,000.

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the July 23, 2012, special meeting of the Claims Board.

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.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Robert A. Durham v. County of Los Angeles
CASE NUMBER		BC457732
COURT		Los Angeles Superior Court - Central District
DATE FILED		March 18, 2011
COUNTY DEPARTMENT		Sheriff's
PROPOSED SETTLEMENT AMOUNT	$	$150,000
ATTORNEY FOR PLAINTIFF		Jaime G. Monteclaro
COUNTY COUNSEL ATTORNEY		Jenny P. Tam
NATURE OF CASE		This lawsuit arises from an automobile accident that occurred on June 21, 2010, when a Sheriff's patrol vehicle rolled over plaintiff Robert Durham's foot. Due to the risks and uncertainties of litigation, a full settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	$20,032.08
PAID COSTS, TO DATE	$	13,002.38

Case Name: **Robert Durham, et al. 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:	Monday, June 21, 2010; approximately 12:08 a.m.
Briefly provide a description of the incident/event:	**Robert Durham, et al. v. County of Los Angeles** Summary Corrective Action Plan No. 2012-014 On Monday, June 21, 2010, at approximately 12:08 a.m., a Los Angeles County deputy sheriff was driving a standard, black and white, County-owned patrol vehicle south on Eastman Avenue, north of Olympic Boulevard, Los Angeles, when the vehicle he was driving struck a pedestrian (plaintiff).

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

This incident was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department and the California Highway Patrol. Their investigations concluded that the plaintiff caused the collision by violating California Vehicle Code section 21950(b), Right-of-Way at Crosswalks.

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 no employee misconduct. Consequently, no administrative action was taken and no corrective action measures are recommended nor contemplated.

This section intentionally left blank.

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: 7-17-12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date: 7-18-12

Chief Executive Office Risk Management Branch

Name: CEO COSTANTINO	
Signature:	Date: 7/26/2012

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		Maurice Cortiz White vs. COLA
CASE NUMBER		BC453537
COURT		Los Angeles Superior Court
DATE FILED		January 21, 2011
COUNTY DEPARTMENT		Los Angeles Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	80,000
ATTORNEY FOR PLAINTIFF		Gary S. Casselman, Esq.
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon
NATURE OF CASE		Plaintiff Maurice Cortiz White alleges that his civil rights were violated when he was over detained for 41 days, from April 28, 2010, until June 8, 2010, by the Los Angeles County Sheriff's Department. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $80,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	21,892
PAID COSTS, TO DATE	$	700

Case Name: **Maurice Cortez White v. County of Los Angeles**

Summary Corrective Action Plan

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Date of incident/event:	Between Monday April 5, 2010 and Tuesday, June 8, 2010
Briefly provide a description of the incident/event:	**Maurice Cortez White v. County of Los Angeles** Summary Corrective Action Plan No. 2012-010 On April 5, 2010, the plaintiff was taken into custody by officers from the Los Angeles Police Deparment pursuant to an arrest warrant alleging a violation of California Penal Code section 647(b), Disorderly Conduct. On April 6, 2010, the plaintiff appeared in court and was remanded to the custody of the Los Angeles County Sheriff's Department. He was scheduled to return to court on April 20, 2010. On April 20, 2010, the plaintiff appeared in court and was sentenced to 45 days in jail. He was scheduled to be released from custody on April 28, 2010. Unfortunately, the Los Angeles County Sheriff's Department did not receive any documents required to facilitate the plaintiff's release from custody, and he remained incarcerated until June 8, 2010.

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

In his lawsuit, the plaintiff alleged he was subjected to false imprisonment, negligence, and a violation of his civil rights.

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 the incident.

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

Pursuant to a subsequent document, the plaintiff was released from court on June 8, 2010. As a result, the Los Angeles County Sheriff's Department was unaware of the plaintiff's April 28, 2010 release date and subsequent overdetention. Consequently, no administrative investigation was conducted and, as a

result, no corrective action measures are recommended nor contemplated.

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: 7/2/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date: 07/02/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature:	Date: 7/13/2012

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		Sylvia Wilson v. County of Los Angeles, et al.
CASE NUMBER		BC 456759
COURT		Los Angeles Superior Court
DATE FILED		March 7, 2011
COUNTY DEPARTMENT		Probation Department
PROPOSED SETTLEMENT AMOUNT	$	375,000
ATTORNEY FOR PLAINTIFF		Jeffrey A. Lipow, Esq.
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon
NATURE OF CASE		Plaintiff Sylvia Wilson alleges sexual harassment and assault by a Probation Department Crew Instructor. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $375,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	97,864
PAID COSTS, TO DATE	$	25,051

Case Name: **WILSON 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:	In 2010
Briefly provide a description of the incident/event:	Plaintiff 30 year-old Hispanic Female that was a participant in the Probation Adult Alternative Work Service (PAAWS) Program in May 2010, based on pleading nolo contendere to a misdemeanor associated with removing fixtures or parts of realty. The plaintiff alleges that she was subjected to sexual harassment by a Department Crew Instructor in late May and early June while cleaning an office and performing other PAAWS assignments. Plaintiff further alleges that the Crew Instructor made sexual comments to her, touched her shoulders, reached for her breast, asked to fool around, asked her if she performed certain sexual acts, pushed her to her knees and released bodily fluids on her. In November 2010, plaintiff filed a Government Tort Claim alleging sexual assault and battery. In March 2011, plaintiff filed a lawsuit alleging sexual battery, intentional infliction of emotional distress and violation of civil rights.

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

Root Cause Analysis:

The initial incident **stems from plaintiff being taken to an area away from other participants.** A root cause factor analysis was conducted including, but not limited to:

- **Exposure area relates to plaintiff being escorted alone by a male staff person crew instructor away from other participants to clean an office space.**
- **Compounding factors include:**
  - Staff person history of being accused of similar or lesser degree type actions.
  - Plaintiff belief that staff member was a peace officer.
  - Witness recollection or lack thereof of certain actions or activities.

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

- **Peace Officer/Staff Person deviation from Policy related to Employee Conduct**

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

2. Briefly describe recommended corrective actions:

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

ROOT-CAUSE Recommended Corrective Action:

Task #1 Name: **Appropriate Disciplinary Action for Staff**

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Dewitt Roberts

Task Description:

1. The Department will take appropriate disciplinary action against the employee 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:
   a. Disciplinary Action-Notice of Discharge

   This task will be completed by the end of March 2012 and may be subject to the Civil Service Commission Appeal Process.

Task #2 Name: **Re-configuration of Reporting Chain of Command for PAAWS/JAAWS Operation**

System Issue: ☒ Process/Procedure

Responsible Person: Chief Jerry Powers or designee

Task Description:

1. Probation Department will re-configure the reporting chain of command for PAAWS/JAAWS to ensure that staff handling crews report to bureaus that customarily supervise probationers.

   This task is in progress and is anticipated to be completed by the end of January 2013.

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)	
Danny Aceves	
Signature: D. Aceves	Date: 7/13/12

Name: (Department Head)	
Jerry Powers Chief	
Signature:	Date: 7/16/12

Chief Executive Office Risk Management

Name:	
Leo Costantino	
Signature:	Date: 7/12/12

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

July 23, 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, Steven NyBlom, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Narbeh Bagdasarian, Liliana Campos, Brian Chu, Roger Granbo, Chris Keosian and Joyce Aiello; Department of Health Services: Stephanie Hall, Kim McKenzie, Bonnie Bilitch, and Nicholas Testa; Internal Services Department: Mark Colton and Luz V. Hernandez; Department of Public Works: Michael Hays, Raj Patel, and Marty Moreno; Sheriff's Department: Lt. Patrick Hunter; and Outside Counsel: Scott E. Caron, Mike Heider, Calvin House and Tomas A. Gutterres.

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(m) below.

4. Report of actions taken in Closed Session.

At 12:37 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Rosa Rojas v. County of Los Angeles</u>
Los Angeles Superior Court Case No. BC 475 357

This medical malpractice lawsuit arises from treatment received by a patient while hospitalized at LAC+USC Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $250,000, plus assumption of the Medi-Cal lien, if any, and waiver of the hospital bill in the estimated amount of $9,660.

Vote: Ayes: 3 – John Naimo, Steven NyBlom, and Patrick Wu

b. **Jaleh Kohan v. City of Inglewood, et al.**
Torrance Superior Court Case No. YC 055 512

This dangerous condition lawsuit arises from injuries received by a juror from a slip and fall in the plaza area of the Inglewood Courthouse.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $23,750.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

c. **Claim of Lexington Insurance c/o Retirement Housing Foundation**

This claim seeks compensation for property damage and loss of rent due to a main line sewer blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $69,242.48.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

d. **Claim of the Interinsurance Exchange of the Automobile Club**

This claim seeks compensation for damages to its insured's real and personal property due to a sewer main line blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $33,819.64.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

e. **Claim of Jose Enrique Medina**

This claim seeks compensation for damages to real and personal property due to a sewer main line blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $31,692.44.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

f. **Claim of Shmuel Adi**

This claim seeks compensation for damages to real and personal property due to a sewer main line blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $44,710.84.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

g. **Claim of Samantha Industry Plaza**

This claim seeks compensation for damages to real property allegedly caused by a Sheriff vehicle colliding into a building.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $21,500.79.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

h. **Judith Gonzalez, et al. v. County of Los Angeles, et al.**
Lancaster Superior Court Case No. MC 019 520

This lawsuit seeks compensation for the death of a civil detainee while in custody at the Mira Loma Detention Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount in the amount of $750,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

i. **James Mee v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 444 914

This lawsuit concerns allegations of religious discrimination and hostile working environment by a Deputy Sheriff.

Action Taken:

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

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

j. **Jacqueline Medina v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 460 572

This lawsuit concerns allegations of age discrimination, retaliation and failure to investigate by the Sheriff's Department.

Action Taken:

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

Vote: Ayes: 2 - John Naimo and Steven NyBlom
Abstentions: 1 - Patrick Wu

k. **Max Kim v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 451 867

This lawsuit concerns allegations of discrimination and retaliation by an employee of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $79,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

l. **Adrian Duran v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 460 573

This lawsuit concerns allegations of discrimination, retaliation and failure to investigate by the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $80,000.

Vote: Ayes: 2 - John Naimo and Steven NyBlom
Abstentions: 1 - Patrick Wu

m. Lisa Richardson v. County of Los Angeles
Los Angeles Superior Court Case No. BC 451 865

This lawsuit concerns allegations of age discrimination and retaliation by an employee of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $30,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

5. Approval of the minutes of the June 18 2012, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

6. Adjournment.

The meeting was adjourned at 12:45 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson