

**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, SEPTEMBER 17, 2012, AT 9:30 AM**

Present: Chair John Naimo, Steven NyBlom, 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. **Claim of Dean Omvig**

This claim concerns allegations that an employee of the Fire Department was subjected to retaliation, harassment, and discrimination based on alleged whistleblowing.

Action Taken:

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

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

**b. Mary Rosales v. County of Los Angeles
United States District Court Case No. CV 11-9423 R (Manx)**

This lawsuit seeks compensation for alleged unrecorded hours of work (overtime) by a retired In-Home Supportive Services Social Worker with the Department of Public Social Services; authority is requested to make a statutory offer.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

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

**c. F.C. III, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 10-00169 CAS (RZ)**

This lawsuit concerns allegations of wrongful death and civil rights violations by two Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$83,000.

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

[See Supporting Documents](#)

d. Claim of Terri Vakil

This claim seeks compensation for damages caused by a sewer main line blockage and backup.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$42,099.79.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, 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 August 20, 2012, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, 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	F.C. III, et al. v. County of Los Angeles, et al.
CASE NUMBER	Case No. CV10-00169 CAS-RZ
COURT	United States District Court
DATE FILED	Complaint filed: December 12, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 83,000
ATTORNEY FOR PLAINTIFF	Martin L. Stanley Law Office of Martin Stanley
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$83,000, the lawsuit filed by minors F.C. III and R.S.C., through their Guardian ad Litem, for the alleged wrongful death of their father, Fernando Cortez, Jr.. Plaintiffs allege that two Deputy Sheriffs, wrongfully shot and killed Mr. Cortez.</p> <p>The Deputies contend that they shot Mr. Cortez because he was reaching for a gun in his pocket as he struggled with Deputies. The gun was found in his pocket.</p> <p>However, due to the risks and uncertainties of litigation, a full and</p>

final settlement of the case in the amount of \$83,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 235,775.41

PAID COSTS, TO DATE \$ 81,728.17

Case Name: F.C. III, 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:	Saturday, April 12, 2008; approximately 3:51 p.m.
Briefly provide a description of the incident/event:	<p><u>F.C. III, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2012-020</p> <p>On Saturday, April 12, 2008, at approximately 3:51 p.m., two Los Angeles County deputy sheriffs responded to a call of a man with a gun. The deputies contacted the decedent, Fernando Cortez, Jr. When the deputies attempted to search the man, a physical altercation ensued and the man armed himself with a handgun. Fearing for their safety, each deputy discharged their weapon at the man. He was pronounced dead at the scene.</p>

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

The lawsuit, filed by the decedent's children, alleged wrongful death and civil rights violations.

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.

The facts in this case were reviewed by the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee concluded that the level of physical force used by the deputy sheriffs was reasonable, necessary, and in compliance with Department policy. Consequently, no corrective action measures are recommended nor contemplated.


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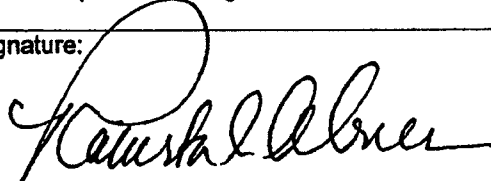
County of Los Angeles
Summary Corrective Action Plan

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).

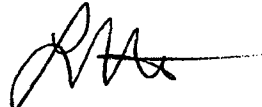
- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 8/27/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 8/28/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 9-4-2012

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	Non-Litigated Claim of Terri Vakil
CASE NUMBER	N/A
COURT	N/A
DATE FILED	March 23, 2012
COUNTY DEPARTMENT	Public Works – Sewer Maintenance District
PROPOSED SETTLEMENT AMOUNT	\$ 42,099.79
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer back-up at the residence of Terri Vakil located in Palos Verdes Estates on March 18, 2012. A County sewer crew investigated the complaint and found that wastewater from a sewer main line entered the home through its lateral line due to a blockage in the sewer main line. The wastewater affected several rooms. The County crew rodded the mainline and relieved a stoppage created by tree roots and grease. The sewer mainline is maintained by the County as part of the Consolidated Sewer

Maintenance District.

Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
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PAID COSTS, TO DATE	\$	0
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Case Name: Terri Vakil

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 18, 2012
Briefly provide a description of the incident/event:	<p>On March 18, 2012, the main sewer line experienced a sewage backup and damaged the bathroom, hallway, office, and storage room at 1136 Dolores Plaza in the Palos Verdes Estates area. Our Sewer Maintenance Division (SMD) crew responded to a service request at the subject location and observed signs of a floodout at the property.</p> <p>The SMD crew broke down the stoppage by rodding and hydro cleaning the main sewer line between Manhole Nos. 139 and 140 of Sewer Maintenance District Map S-1490. The crew also set up a vacor in front of the storm drain at 1824 Via Estudillo to vacuum any sewer runoff.</p>

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

Based on our findings, this floodout was caused by tree roots and a grease blockage in the main sewer line.


County of Los Angeles
Summary Corrective Action Plan

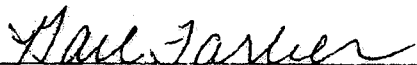
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

To prevent a reoccurrence of a floodout, the main sewer line was placed on a quarterly hydro periodic and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. In addition, the claimant has agreed to install a backflow prevention device on his private sewer lateral. The main sewer line will also continue to be inspected semi-annually as part of the Preventive Maintenance Program.

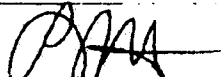
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- Potentially has Countywide 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 Countywide or other department implications.

Name: (Risk Management Coordinator) Steven G. Steinhoff	
Signature: 	Date: 6-26-2012

Name: (Department Head) Gail Farber	
Signature: 	Date: 7-23-12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 7/3/12

MOL:psr
P4:VAKIL SCAP2

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 20, 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: Jennifer Lehman, Joseph Langton, Edwin Lewis, Brian Chu, Vicki Kozikoujekian, Stephen Morris; Sheriff's Department: Lt. Patrick Hunter and Chris Deacon; Department of Public Works: Michael Hays; Department of Parks and Recreation: David Waage and Anush Gambaryan; Department of Public Health: Raymond Low; Department of Human Resources: Stephen Strati; and Outside Counsel: Linda Diane Anderson.

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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. Report of actions taken in Closed Session.

At 11:18 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Christopher Carroll v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 446 640**

This dangerous condition lawsuit arises from injuries sustained in a motorcycle accident on Bouquet Canyon Road.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

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

b. **John Paul Martin v. County of Los Angeles**
Pasadena Superior Court Case No. GC 047 913

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

Action Taken:

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

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

c. **David Barnard v. County of Los Angeles, et al.**
United States District Court Case No. CV 05-05611
United States District Court Case No. CV 12-01717

This lawsuit alleges the use of excessive force by Sheriff's Deputies and failure to protect an inmate while incarcerated at Men's Central Jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000.

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

d. **Robert Burgess v. County of Los Angeles, et al.**
Pasadena Superior Court Case No. GC 045 728

This dangerous condition lawsuit concerns injuries received when a portion of a tree trunk fell at a County park.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$65,000.

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

e. **Jonathan Gbenekama v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 458 840

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to age discrimination.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$38,000.

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

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

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, 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 11:25 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson