

**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, OCTOBER 1, 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. **National Day Laborer Organizing Network, et al. v. Leroy D. Baca, et al.
Los Angeles Superior Court Case No. BS 132 593**

This lawsuit concerns a Public Records Act request of the Sheriff's Department resulting in a claim for attorneys' fees and costs.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$57,500.

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

[See Supporting Documents](#)

b. **Michael Curtin v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 463 419

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

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

[See Supporting Documents](#)

c. **Sherry LeTellier v. County of Los Angeles, et al.**
Torrance Superior Court Case No. YC 065 001

This dangerous condition lawsuit arises from injuries sustained in a trip and fall while ascending a County-owned public staircase in Redondo Beach.

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

[See Supporting Documents](#)

d. **Charlie M., et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. TC 021 812

This lawsuit concerns allegations of abuse of dependent minors while in foster care under the supervision of the Department of Children and Family 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

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 September 17, 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	National Day Laborer Organizing Network, et al. v. Lee Baca, et al.
CASE NUMBER	BS132593
COURT	Los Angeles Superior Court
DATE FILED	Complaint June 28, 2011 Claim N/A
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$57,500
ATTORNEY FOR PLAINTIFF	Sanjukta M. Paul Law Office of Sanjukta M. Paul Jessica Karp National Immigration Law Center
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	National Day Laborer Organizing Network submitted a Public Records Act request for records concerning the Sheriff Department's assistance with Immigration and Customs Enforcement in enforcing immigration laws in Los Angeles County pursuant to LASD's Secure Communities program. While we believe that our initial objections to the requests were meritorious in light of our contract with Immigration Customs

Enforcement, the trial court's rejection of our arguments places us at a disadvantage. A reasonable settlement at this time will avoid further litigation costs. Settlement of this matter in the amount of \$57,500 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 26,786

PAID COSTS, TO DATE \$ 222

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael Curtin v. County of Los Angeles, et al.
CASE NUMBER	BC463419
COURT	Los Angeles Superior Court
DATE FILED	June 13, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 65,000
ATTORNEY FOR PLAINTIFF	Shawn S. Dargahi, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>This is a motor vehicle negligence lawsuit which occurred on June 11, 2009, in which Michael Curtin was rear-ended by a Sheriff's Department patrol unit while traveling on the Interstate 110 Freeway. Mr. Curtin alleged injuries include a fractured wrist, torn knee ligament, and soft tissue injuries to his neck and back.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$65,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 24,137
PAID COSTS, TO DATE	\$ 4,125

Case Name: Michael Curtin 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:	Thursday, June 11, 2009, approximately 5:32 p.m.
Briefly provide a description of the incident/event:	<p><u>Michael Curtin v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2012-029</p> <p>On Thursday, June 11, 2009, at approximately 5:32 p.m., a Los Angeles County deputy sheriff was driving a standard, black and white, County-owned patrol vehicle south on US 101 (Ventura Freeway), south of Fallbrook Avenue, Los Angeles, when the vehicle she was driving collided with the plaintiff's vehicle.</p>

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

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department and the California Highway Patrol. Their investigations concluded that the deputy sheriff caused the traffic collision by violating California Vehicle Code section 22350, Basic Speed Law.

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.

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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.

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 9/12/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 9-14-12

Chief Executive Office Risk Management Branch

Name: CEO COSTANTINO	
Signature: 	Date: 9/24/2012

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sherry LeTellier v. County of Los Angeles, et al.
CASE NUMBER	YC065011
COURT	Torrance Superior Court Southwest District
DATE FILED	June 30, 2011
COUNTY DEPARTMENT	Beaches and Harbors
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Law Offices of Daniel W. Dunbar
COUNTY COUNSEL ATTORNEY	William Birnie Deputy County Counsel
NATURE OF CASE	<p>On August 21, 2010, Ms. LeTellier tripped and fell on the Ainsworth stairs at Redondo Beach. Plaintiff alleges that the property was in a dangerous condition.</p> <p>The County denies liability for this incident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$50,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 49,846
PAID COSTS, TO DATE	\$ 4,052



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:	August 21, 2010
Briefly provide a description of the incident/event:	<p>Sherry Letellier, a 56 year old female at time of the incident, was using a public stairway at Redondo Beach as she prepared to leave that beach with family members. This is the northern-most stairway in the County operated area of Redondo Beach, which is just south of King Harbor. Starting at beach level, she began to ascend this stairway when she alleges that her sandal became caught on a worn stair step, and then tripped and fell forward onto the stairway. Her fall caused a fracture in her left shoulder which eventually required surgery and she claims that she has still not recovered from the fall.</p>

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

1. Various stair steps were worn and chipped in a number of places, thus creating an uneven surface. The particular step that the claimant says she tripped on had an uneven surface. In this instance, our staff refrained from repairs because of a misunderstanding involving local historical preservation society intentions with respect to historic designation of the stairs.
2. The DBH investigation leads us to believe that the person who tripped needed to pay closer attention to her path of travel, which is on a pathway frequently used by the public. We believe the claimant contributed to this accident by not using the handrails and not carefully watching where she was walking.
3. The stairway leads directly to Redondo Beach and the Marvin Braude Beach Bike Path. County Counsel believes the staircase should be covered under the Recreational Trail Immunity, provided for by state law. Unfortunately, the County's Motion for Summary Judgment, based on this immunity, was denied by the Superior Court. Rather than appealing, we decided to settle for business reasons.

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

<p>Summary Corrective Action Step #001: Develop new policies and procedures along with an updated checklist for beach and beach access way inspections to help ensure ongoing, regular practices for the timely identification and repair of potential hazards. This effort will update existing inspection practices for all beach property and beach facilities in our jurisdiction. Due Date: November 15, 2012 Responsible Party: Division Chief, Facilities and Property Maintenance Division</p> <hr/> <p>Summary Corrective Action Step #002: Distribute the updated inspection checklist and new policies and procedures, and train all beach staff conducting any inspections to reinforce ongoing and regular efforts that identify and rectify reported potential hazards. In addition, and as a specific task to include in the new policies and procedures, implement routine and non-routine spot-checks and ride alongs by FPMD district managers/management at all beaches throughout the year. Due Date: December 31, 2012 (winter storm preparation/cleanup may push date to February 28, 2013) and then quarterly for spot checks Responsible Party: Division Chief, Facilities and Property Maintenance Division</p> <hr/> <p>Summary Corrective Action Step #003: As a specific task to include in the new policies and procedures, require beach district managers to send inspection reports with identified potential hazards to the FPMD Chief. All identified potential hazards will be placed on a prioritized repair list and efforts will be made to secure additional funds as necessary. If repairs fall under the jurisdiction of another agency, then DBH will ensure that the appropriate agency is formally notified. Due Date: December 31, 2012 (winter storm preparation/cleanup may push date to February 28, 2013) Responsible Party: Division Chief, Facilities and Property Maintenance Division</p>

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 have 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>Brad Heischer</i>	
Signature: <i>[Signature]</i>	Date: <i>8/30/2012</i>

Name: (Department Head) <i>Kerry Silverstrom for Santos H. Kreimann</i>	
Signature: <i>Kerry Silverstrom</i>	Date: <i>8.30.12</i>

Chief Executive Office Risk Management

Name: <i>LEO COSTANTINO</i>	
Signature: <i>[Signature]</i>	Date: <i>8/29/2012</i>

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

September 17, 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: Stephen Morris, Albert Kelly, Jennifer Lehman, Brian Chu, and Jessie Lee; Fire Department: Michael Kranther and Carmelita Underwood; Department of Public Social Services: Anthony Morrone, Simone Agee, and Cynthia Schmidt; Sheriff's Department: Lt. Patrick Hunter; Department of Public Works: Michael Hays and Marty Moreno; and Outside Counsel: Peter Bollinger and Geoffrey Sheldon.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) 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 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

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

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

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 11:07 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson