



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, November 19, 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. Duvall Mariano v. Richard Torres, et al.
United States District Court Case No. CV11-05106

This lawsuit concerns allegations of excessive force and false arrest by Sheriff Deputies; settlement is recommended in the amount of \$98,000.

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the November 5, 2012, 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	Duvall Mariano v. Richard Torres, et al.
CASE NUMBER	CV11-05106
COURT	United States District Court
DATE FILED	June 17, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 98,000
ATTORNEY FOR PLAINTIFF	Christopher Driscoll, Esq. Jonas and Driscoll
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff Duvall Mariano alleges that he was falsely arrested and subjected to the use of excessive force by Sheriff's Deputies.</p> <p>The Sheriff's Deputies contend that they had probable cause for the arrest and prosecution and that they only used that amount of force that was necessary to overcome Mr. Mariano's resistance.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$98,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 77,932
PAID COSTS, TO DATE	\$ 12,288

Case Name: Duval Mariano 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:	Tuesday, June 22, 2010; approximately 9:00 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Duval Mariano v. County of Los Angeles, et. al.</u> Summary Corrective Action Plan No. 2012-031</p> <p>On Tuesday, June 22, 2010, at approximately 9:00 a.m., four Los Angeles County sheriff's deputies, assigned to the Community Oriented Policing Services Bureau, drove to the plaintiff's residence to conduct a compliance search of a man on parole for gun possession, assault with a deadly weapon, and child endangerment. Once inside the residence, three sheriff's deputies contacted the plaintiff (parolee's brother). During the course of the contact, the plaintiff refused to comply with the deputies' instructions and assaulted one of the deputies. Following a violent altercation, the plaintiff was ultimately restrained and taken into custody.</p> <p>The plaintiff was subsequently arrested for a violation of California Penal Code section 69, Obstructing or Resisting Executive Officers in Performance of Their Duties, and California Penal Code section 243(c)(1), Battery on a Police Officer.</p>

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

In his lawsuit, the plaintiff alleged he was the subject of excessive force and false arrest committed by members of the Los Angeles County Sheriff's Department.

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.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Community Oriented Policing Services Bureau. Their investigation revealed no


County of Los Angeles
Summary Corrective Action Plan


employee misconduct. Consequently, no administrative action was taken, and 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: 10-17-2012

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 10/21/2012

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 11-8-12

i:\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

November 5, 2012

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:31 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: Jessie Lee, Brian Chu, Albert Kelly, Narbeh Bagdasarian, Eduardo Montelongo, Edwin Lewis and Jennifer Lehman; Department of Public Works: Robert Swartz and Michael Hayes; Department of Community and Senior Services: Cynthia Banks and Jhony M. Acosta; Department of Health Services: Kim McKenzie, Ruth E. Oren, Priscila Alfonso, Christina Martinez, Nicholas Testa, Bonnie Bilitch, Karen White, and Jacqueline Quarles; Department of Human Resources: Comelita Farris; Outside Counsel: Lauren Thibodeaux.

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(k) below.

4. Report of actions taken in Closed Session.

At 12:40 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Jitendra Goel

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$55,935.90.

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

b. **Rogelio Rosas v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 442 248

This dangerous condition lawsuit arises from injuries allegedly sustained in a trip and fall accident on a storm drain grate.

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

c. **Claim of Martha Partida**

This claim seeks compensation for the wrongful death of a patient allegedly arising from treatment received while hospitalized at Rancho Los Amigos National Rehabilitation Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000, plus waiver of County's medical bills.

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

d. **Ricardo Rodriguez and Carmen Rodriguez v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 446 581

This lawsuit arises from injuries a patient allegedly received undergoing treatment 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 \$3,950,000, plus assumption of the Medi-Cal lien.

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

- e. **Prathees Murugesapillai v. Antelope Valley Emergency Medical Association, et al.**
United States District Court Case No. 2:09-CV 1514-R(ex)
Los Angeles Superior Court Case No. MS 006 798

This lawsuit concerns the care received by an inmate while in custody at Mira Loma Detention Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$490,000.

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

- f. **Valentina Lagos v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 451 832

This lawsuit arises from injuries allegedly sustained by a patient from treatment and hospitalization 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 \$2,950,000, plus assumption of the Medi-Cal lien.

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

- g. **Elizabeth Choo v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 467 332

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to disability discrimination and sexual harassment, and that the Department failed to engage in the interactive process and did not provide a reasonable accommodation.

Action Taken:

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

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

**h. Arthur Ellerd v. County of Los Angeles
United States District Court Case No. CV 08-4289
(Central District California)**

This lawsuit concerns allegations that the Department of Community and Senior Services failed to properly compensate employees for overtime under the Federal Fair Labor Standards Act.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$395,000.

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

**i. Hongdao "Cindy" Nguyen v. County of Los Angeles
Los Angeles Superior Court Case No. BC 423 072**

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to sexual harassment, gender discrimination, and retaliation.

Action Taken:

The matter was taken off calendar.

**j. Alejandro Alarcon v. County of Los Angeles
Los Angeles Superior County Case No. BC 458 777**

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an inmate.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$175,000.

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

**k. Harold Shepard v. County of Los Angeles, et al.
United States District Court Case No. CV 11-03165**

This lawsuit seeks compensation for alleged unlawful detention, negligence, battery, and violation of civil rights by a Sheriff's Deputy

Action Taken:

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

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

5. Approval of the minutes of the October 1, 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 12:47 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson