

**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, NOVEMBER 18, 2013, AT 9:30 AM**

Present: Chair John Naimo, Steve Robles, 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. **Kysharie Thomas v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 025 583**

This lawsuit alleges assault and battery, negligence and State civil rights violations against Sheriff's Deputies.

Action Taken:

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

Vote: Ayes: 3 - John Naimo, Steve Robles and Patrick Wu

[See Supporting Documents](#)

b. Claim of Craig Nebeker

This claim seeks compensation from the Department of Public Works for real and personal property damage from a sewer blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$82,538.68.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Pat Wu

[See Supporting Documents](#)

**c. Shawnda Stewart v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 471 963**

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to racial discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$145,000.

Vote: Ayes: 3 - John Naimo, Steve Robles 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 November 4, 2013, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, 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	Kysharie Thomas vs. COLA, et al.
CASE NUMBER	TC 025583
COURT	Compton Superior Court
DATE FILED	7/25/2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	John E. Sweeney/The Sweeney Firm
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>Plaintiff Kysharie Thomas alleges that she was subjected to the use of excessive force when Sheriff's Deputies forcibly prevented her from entering the scene of a shooting during which her brother was killed.</p> <p>Deputies contend that they used reasonable force to keep Ms. Thomas from entering the secure scene and that they did not know she was the decedent's sister.</p> <p>Due to the risks and uncertainties of civil litigation, a reasonable settlement is recommended.</p>

PAID ATTORNEY FEES, TO DATE	\$	144,742
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PAID COSTS, TO DATE	\$	130,821
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Case Name: Kysharie Thomas 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, November 8, 2010, approximately 10:35 p.m.
Briefly provide a description of the incident/event:	<p><u>Kysharie Thomas v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-026</p> <p>On Monday, November 8, 2010, at approximately 10:17 p.m., the plaintiff was notified that her brother had been shot by a member of the Los Angeles County Sheriff's Department.</p> <p>Eighteen minutes later, the plaintiff arrived at the location of the shooting (1668 East 123rd Street, Los Angeles) and demanded entry into the crime scene. She was advised by a uniformed Los Angeles County deputy sheriff that she was not permitted into the crime scene. Using both hands, the plaintiff pushed the deputy sheriff aside and attempted to enter the crime scene. A struggle ensued between the plaintiff and the deputy sheriff and physical force was used to overcome the resistance offered by the plaintiff. She was ultimately handcuffed and taken into custody. The plaintiff was uninjured.</p>

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

In her lawsuit, the plaintiff alleged she was subjected to unreasonable force committed by a member 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.

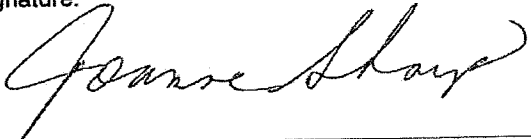
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

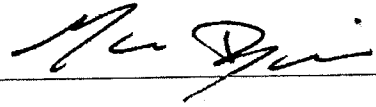
This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Century Station. Their review concluded that the force used by the Los Angeles County deputy sheriff was reasonable and consistent with Department policy. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Joanne Sharp, Captain Risk Management Bureau	
Signature: 	Date: 11-1-13

Name: (Department Head)	
Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 11-6-13

This section intentionally left blank.

Chief Executive Office Risk Management Inspector General USE ONLY


Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
- No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

LEO COSTANTINO

Signature:



Date:

11-12-13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-Litigated Claim of Craig Nebeker
CASE NUMBER		n/a
COURT		n/a
DATE FILED		Claim filed 2/5/2013
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$	82,538.68
ATTORNEY FOR PLAINTIFF		None
COUNTY COUNSEL ATTORNEY		Jenny P. Tam Senior Associate County Counsel
NATURE OF CASE		This non-litigated claim arises from a blocked County main sewer line that caused a sewage backflow into claimant's home and damaged the structure and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	\$	0
PAID COSTS, TO DATE	\$	0

Case Name: Nebeker, Craig



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:	January 28, 2013
Briefly provide a description of the incident/event:	<p>This is a sewage backup that occurred at 29321 Trailway Lane in the City of Agoura Hills. The effluent overflowed into various rooms of the residence and caused damage to the interior and personal property of the claimant.</p> <p>On the day of the incident, Sewer Maintenance Division received a service request concerning a sewage floodout at the claimant's residence. A Sewer Maintenance crew responded to the location and confirmed the existence of a main sewer line blockage created by heavy calcium buildup and rags. The Sewer Maintenance crew proceeded to rod the main sewer line between Manhole Nos. 208 and 260 to break down the blockage. The main sewer line was left flowing normally.</p> <p>The claimant accepted the Rapid Response Service Program offered. Carl Warren and Company contacted American Technologies, Inc. to provide cleanup services at the claimant's property.</p>

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

The cause of the sewer backup was due to a blockage in the main sewer line caused by heavy calcium buildup and rags.

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

A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 29321 Trailway Lane informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.

On January 30, 2013, the main sewer line was inspected with a closed-circuit television camera (CCTV) in order to assess its condition.

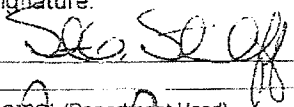
On January 30 and March 6, 2013, the main sewer line between Manhole Nos. 208 and 260 was cleaned as part of a follow-up cleanup to totally eliminate the remaining calcium deposits that were identified during the CCTV inspection. As calcium buildup was eliminated during this cleaning, the main sewer line will not be placed on periodic cleaning.

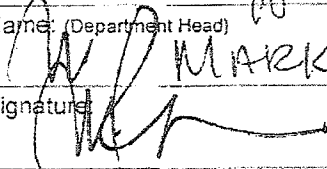
This segment of the main sewer line will remain on the Semi-Annual Preventive Maintenance Program.

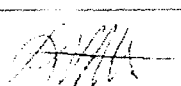
County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing Departmentwide system issues?

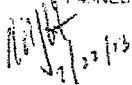
- Yes – The corrective actions address Departmentwide system issues.
 No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Steven G. Steinhoff	
Signature:	Date:
	7-23-2013

Name: (Department Head)	
MARK Pestrella	
Signature:	Date:
	8/27/13

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have Countywide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
LEO CUSTANEO	
Signature:	Date:
	7-10-13

ML:psr
P4:WEBEKER SCAP 1


7/27/13

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

November 4, 2013

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, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Jenny Tam, Ralph Rosato, Rita Hamalian and Stacey Lee; Department of Public Works: Michael Hays; Department of Parks and Recreation: David Waage, and Outside Counsel: Marc Wodin.

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 9:33 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 10:25 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Richard Thompson

This claim seeks compensation from the Department of Public Works for real and personal property damage from a backflow of sewage caused by a sewer blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$80,118.87.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

b. **County of Los Angeles v. PDQ Personnel Services Inc., et al.**
Los Angeles Superior Court Case No. BC 485 655

This lawsuit contends PDQ and its successor in interest is contractually obligated to indemnify the County with respect to certain workers' compensation claims.

Action Taken:

The Claims Board recommended to the Board of Supervisors that the County accept \$500,000 to settle this matter.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

c. **Edmond Baghumian v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 490 803

This lawsuit concerns allegations of racial discrimination and failure to prevent harassment by an employee of the Department of Parks and Recreation.

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

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

5. **Approval of the minutes of the October 21, 2013, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, 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 10:30 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson