

**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, DECEMBER 16, 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. **Virginia Lusk v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 026 075**

This wrongful death lawsuit concerns allegations of civil rights violations by Sheriff Deputies during a vehicle pursuit and attempted apprehension.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,500.

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

[See Supporting Document](#)

b. Claim of Oscar Robles, et al.

This claim 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 \$31,000.

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

[See Supporting Documents](#)

c. Gregory Thompson v. County of Los Angeles, et al. (Two Lawsuits) - Los Angeles Superior Court Case Nos. BC 468 392 and BC 497 024

The lawsuits concern allegations of civil rights violations and 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 \$215,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, 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 December 2, 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	Virginia Lusk v. County of Los Angeles, et al.
CASE NUMBER	TC026075
COURT	Compton Superior Court
DATE FILED	1/5/2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 99,500
ATTORNEY FOR PLAINTIFF	Walter J. Wabby Law Offices of Walter J. Wabby
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$99,500, the lawsuit filed by the Estate of William Lusk and Virginia Lusk, the mother of William Lusk against the County of Los Angeles and two Sheriff's Deputies alleging wrongful death and civil rights violations.</p> <p>Plaintiffs claim a Deputy shot Mr. Lusk without just cause. The Deputies contend that the force used was reasonable in response to Mr. Lusk's actions.</p> <p>However, in light of the potential for high exposure and the uncertainties of litigation, a full and final settlement of the case in the</p>

amount of \$99,500 is
recommended.

PAID ATTORNEY FEES, TO DATE \$ 32,720

PAID COSTS, TO DATE \$ 2,683

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claims of Oscar Robles, Rosa Robles and minor Jose R.
CASE NUMBER	n/a
COURT	n/a
DATE FILED	Oscar Robles filed his claim on July 2, 2012. Rosa Robles and minor Jose R. filed their claims on August 3, 2012.
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 31,000 (\$12,000 for Oscar Robles, \$15,000 for Rosa Robles and \$4,000 for minor Jose R.)
ATTORNEY FOR PLAINTIFF	Law Offices of Ana Barsegian
COUNTY COUNSEL ATTORNEY	Jenny P. Tam Senior Associate County Counsel
NATURE OF CASE	This non-litigated claim arises from a multi-vehicle rear-end accident caused by a Sheriff's deputy.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

Case Name: **Non-Litigated Claim of Oscar Robles, Rosa Robles & minor Jose R.**



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, May 29, 2012; approximately 7:45 a.m.
Briefly provide a description of the incident/event:	<p><u>Non-Litigated Claim of Oscar Robles, Rosa Robles & minor Jose R.</u> Summary Corrective Action Plan No. 2013-029</p> <p>On Tuesday, May 29, 2012, at approximately 7:45 p.m., a Los Angeles County deputy sheriff was driving a standard, black and white County of Los Angeles-owned patrol vehicle west on Durfee Avenue, east of Santa Anita Avenue (Unincorporated Los Angeles County), when the vehicle he was driving collided with the plaintiff's vehicle.</p>

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

This traffic collision 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 the incident.

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

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

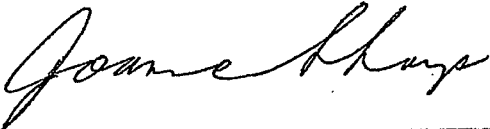
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County of Los Angeles
Summary Corrective Action Plan


3. 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: 11-13-13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 11/15/13

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 County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) LEO COSTANTINO	
Signature: 	Date: 11/20/13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Gregory Thompson vs. County of Los Angeles, et al.
CASE NUMBER	BC 468392 and BC 497024
COURT	Los Angeles Superior Court
DATE FILED	October 9, 2012 and December 6, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 215,000
ATTORNEY FOR PLAINTIFF	Michael J. Avenatti, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff Gregory Thompson alleges that his civil rights were violated when he was subjected to excessive force at Men's Central Jail by Sheriff's Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Thompson's resistance.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$215,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 73,710

PAID COSTS, TO DATE \$ 11,342

Case Name: Gregory Thompson 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, December 9, 2010; approximately 7:00 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Gregory Thompson v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-036</p> <p>On Thursday, December 9, 2010, at approximately 7:00 p.m., the plaintiff was waiting with other inmates for the medical staff to dispense his medication. A deputy sheriff observed the plaintiff violate a jail regulation (possession of contraband) and ordered him to return to his cell.</p> <p>The plaintiff initially complied, but quickly returned agitated and confronted the deputy sheriff. A second deputy sheriff standing nearby immediately requested a supervisor, but before the supervisor could arrive, the plaintiff initiated a violent altercation with the first deputy sheriff. The two deputy sheriffs, and a third deputy sheriff who responded to the scene, used physical force to overcome the resistance offered by the plaintiff. The plaintiff was subsequently restrained and ultimately handcuffed.</p>

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

In his lawsuit, the plaintiff alleged he was subjected to excessive force by members of the Los Angeles County Sheriff's Department while he was incarcerated in the Los Angeles County jail system.

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 investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau.

On September 22, 2011, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The committee members'

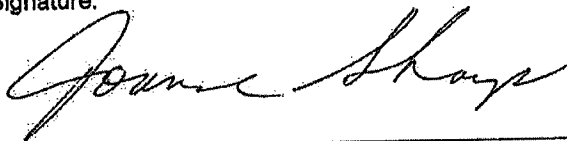
County of Los Angeles
Summary Corrective Action Plan

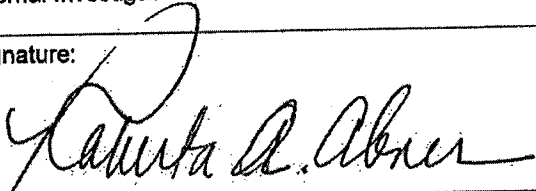
review of the incident concluded that the physical force used by the three deputy sheriffs to overcome the resistance offered by the plaintiff was reasonable, necessary, and in compliance with Department policy. No systemic issues were identified. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.

3. Are the corrective actions addressing department-wide system issues?

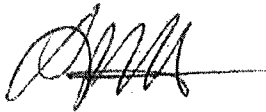
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Joanne Sharp, Captain Risk Management Bureau	
Signature: 	Date: 11-25-13

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature: 	Date: 12-05-13

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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 County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	12/9/13

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 2, 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: Lauren Black and Eduardo Montelongo; Department of Children and Family Services: Michelle Victor and Beth Minor; Department of Health Services: Ed Soto; and Outside Counsel: Clay Averbuck.

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) and 4(b) below.

4. Report of actions taken in Closed Session.

At 10:15 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Jacqueline Arce, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 420 124**

This lawsuit arises from an alleged wrongful detention of minors by the Department of Children and Family Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

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

b. **Bonnie Chu v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 484 018

This lawsuit concerns allegations that a former employee of the Department of Health Services was subjected to race and disability discrimination, harassment, and the failure to accommodate.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$37,500.

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

5. **Approval of the minutes of the November 18, 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.**

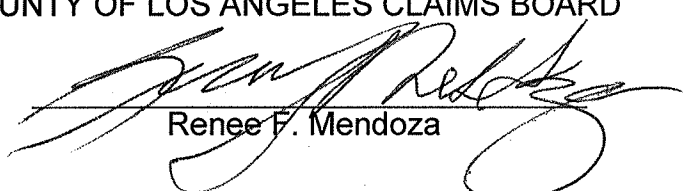
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:25 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza