COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller

Steve Robles
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, March 3, 2014, 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. Rita Najar v. County of Los Angeles, et al.
   Los Angeles Superior Court Case No. BC 491 605

   This lawsuit concerns allegations of sexual assault by an employee of the Department of Public Social Services; settlement is recommended in the amount of $70,000.

   See Supporting Document

   b. Augusta Millender, et al. v. County of Los Angeles, et al.
   United States District Court Case No. CV 05-2298

   This lawsuit alleges civil rights violations arising out of the execution of a search warrant conducted by Sheriff's Deputies; settlement is recommended in the amount of $500,000.

   See Supporting Documents

c. Hesham Sultan v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 478 066

This lawsuit alleges assault, battery, and negligence by an off-duty Sheriff's Deputy; settlement is recommended in the amount of $975,000.

See Supporting Documents

d. Cynthia Y. Torres, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 469 841

This medical malpractice lawsuit alleges that the care provided by staff at LAC+USC Medical Center was negligent and contributed to injuries to a mother and her newborn; settlement is recommended in the amount of $1,500,000, plus assumption of the Medi-Cal lien in the estimated amount of $36,000.

See Supporting Documents

e. Kalhor, Dudar, and Itani v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 479 679

This lawsuit concerns allegations that three employees of the Department of Public Works were subjected to discrimination and retaliation; settlement is recommended in the amount of $300,000.

f. Claudia Flores, et al. v. County of Los Angeles, et al.
Los Angeles County Superior Court Case No. BC 485 317

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Fire Department; correct clerical error in settlement amount from $53,000 to $53,500.

See Supporting Documents

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the February 3, 2014, 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		Rita Najar v. County of Los Angeles, et al.
CASE NUMBER		BC491605
COURT		Los Angeles Superior Court
DATE FILED		September 5, 2012
COUNTY DEPARTMENT		Department of Public Social Services
PROPOSED SETTLEMENT AMOUNT	$	70,000
ATTORNEY FOR PLAINTIFF		Peter J. McNulty McNulty Law Firm
COUNTY COUNSEL ATTORNEY		Takin Khorram Deputy County Counsel Social Services Division
		Gregory Houle & Richard Houle Houle & Houle
NATURE OF CASE		Plaintiff was sexually assaulted by a DPSS employee, during a scheduled appointment with GAIN eligibility worker.
PAID ATTORNEY FEES, TO DATE	$	23,018
PAID COSTS, TO DATE	$	566

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Augusta Millender, et al. v. County of Los Angeles, et al.
CASE NUMBER		Case No.: CV05-2298
COURT		United States District Court
DATE FILED		Complaint filed: March 28, 2005
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	500,000
ATTORNEY FOR PLAINTIFF		Donald Cook Mann & Cook
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty
NATURE OF CASE		This is a reccomendation to settle for $500,000, the lawsuit filed by Augusta Millender, Brenda Millender and William Johnson against the County of Los Angeles and eight Sheriff's Deputies alleging civil rights violations arising out of the execution of a search warrant at the Millender residence. Although Sheriff's Deputies obtained a judicial search warrant prior to entering the Millender residence, in light of the potential for high exposure and the uncertainties of litigation, a full and final settlement of the case in the amount of $500,000 is recommended.

PAID ATTORNEY FEES, TO DATE	$	640,142
PAID COSTS, TO DATE	$	118,426

Case Name: **Augusta Millender 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, November 6, 2003, approximately 5:50 a.m.
Briefly provide a description of the incident/event:	**Augusta Millender v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2013-034.1 On Thursday, November 6, 2003, at approximately 5:50 a.m., members of the Los Angeles County Sheriff's Department's Special Enforcement Bureau executed a search warrant and an arrest warrant at the plaintiff's residence. The location named in the search warrant was believed to be the residence of a gang member wanted for the attempted murder of his girlfriend. The suspect was named in an arrest warrant and believed to be armed with a sawed-off shotgun. The search warrant commanded members of the Los Angeles County Sheriff's Department to seize all firearms, relevant documents showing the purchase or possession of firearms, and any evidence of gang membership. Members of the Los Angeles County Sheriff's Department detained the occupants of the residence while the location was searched. Following the execution of the search warrant, the occupants were released. While the suspect named in the arrest warrant was not present at the location, items with evidentiary value were found, including a shotgun and documentation confirming the suspect resided at the plaintiff's residence.

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

The root cause in this incident is a court decision ruling that the search warrant reviewed by a Deputy District Attorney and signed by a magistrate was overbroad and should not have authorized the seizure of any weapons other than the weapon used in the original crime.

This section intentionally left blank.

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.

No employee misconduct is suspected or alleged, and no systemic issues were identified. Consequently, no employee-related administrative action was taken.

On October 28, 2010, the Los Angeles County Sheriff's Department's Field Operations Support Services (FOSS) unit published newsletter 10-09, Overbroad Search Warrants, to address the circumstances which occurred in this incident. The newsletter was distributed to all Department personnel. It is attached to this corrective action plan.

The newsletter was republished on February 5, 2014.

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: Joanne Sharp	Date: 2-7-14

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature: Roberta A Abner	Date: 2/19/14

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)	
Destiny Castro	
Signature: Destiny Castro	Date: 2/20/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Hesham Sultan vs. County of Los Angeles, et. al.
CASE NUMBER		BC 478066
COURT		Los Angeles Superior Court
DATE FILED		January 31, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	975,000
ATTORNEY FOR PLAINTIFF		David Wood, Esq.
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon
NATURE OF CASE		Plaintiff Hesham Sultan alleges that he was unlawfully shot by a Sheriff's Deputy and suffered serious injuries as a result. The Deputy contends that he was in fear for his life when he fired the shots at Mr. Sultan. 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 $975,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	197,045
PAID COSTS, TO DATE	$	38,693

Case Name: **Hesham Sultan 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:	Wednesday, June 22, 2011; approximately 4:30 a.m.
Briefly provide a description of the incident/event:	**Hesham Sultan v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2013-038 On Wednesday, June 22, 2011, at approximately 4:30 a.m., an off-duty Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Communication and Fleet Management Bureau, was driving his personal vehicle south on the Golden State (5) Freeway near the Ventura (134) Freeway. In his rearview mirror, the deputy sheriff saw the plaintiff's vehicle approaching at a high rate of speed. The deputy opined the driver was operating his vehicle in a reckless manner and suspected he may be under the influence. The deputy sheriff called the Los Angeles Sheriff's Department's Compton Station to report his observations. He then telephoned the California Highway Patrol to report that the plaintiff was driving erratically. The plaintiff exited the freeway a short time later. The deputy sheriff followed the plaintiff's vehicle onto a side street where the plaintiff made a U-turn and began travelling northbound in the southbound travel lane directly at the deputy sheriff's vehicle. After the plaintiff stopped his vehicle next to the deputy sheriff's vehicle and rolled down the driver's window, the deputy sheriff discharged his weapon, striking the plaintiff.

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

The root cause in this incident was the deployment of deadly force by a member of the Los Angeles County Sheriff's Department.

This section intentionally left blank.

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 investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of their investigation were presented to representatives from the Los Angeles County District Attorney's Office. On December 5, 2013, the Los Angeles County District Attorney's Office closed their file and took no action.

The incident is now being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. Since the investigation is still active, the results are not yet known.

On or before **September 30, 2014**, this corrective action plan will be supplemented with a report to include 1) the results of the administrative investigation; 2) any administrative action taken or discipline imposed; and, 3) any other corrective action measures identified and/or taken.

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: 2-6-14

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature:	Date: 2-19-14

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)	
Destiny Castro	
Signature: Destiny Castro	Date: 2/20/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cynthia Y. Torres, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 469841
COURT	Los Angeles Superior Court - Central District
DATE FILED	September 19, 2011
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$1,500,000, plus assumption of the Medi-Cal lien in the estimated amount of $36,000
ATTORNEY FOR PLAINTIFF	Levik Yarian Yarian & Patatanyan, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	On September 29, 2010, Cynthia Torres, a pregnant female, presented to LAC+USC Medical Center with severe infection in her gastrointestinal system. On September 30, 2010, as the medical staff were managing Ms. Torres' infection and monitoring her fetus, her condition deteriorated, and as such, she had to undergo an emergency cesarean section. Ms. Torres gave birth to her son, N.M., who suffered a stroke during the birth process.

	Both Cynthia Torres and N.M. filed an action for medical malpractice against the County of Los Angeles contending that the care provided by LAC+USC staff was negligent and contributed to injuries to Ms. Torres and N.M.'s stroke.
PAID ATTORNEY FEES, TO DATE	$145,324
PAID COSTS, TO DATE	$60,407

Case Name: Torres,Cynthia & N.M #3609

Summary Corrective Action Plan

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Date of incident/event:	September 30, 2010
Briefly provide a description of the incident/event:	On September 29, 2010, Cynthia Torres, a pregnant female, presented to LAC+USC Medical Center with severe infection in her gastrointestinal system. On September 30, 2010, as the medical staff were managing Ms. Torres' infection and monitoring her fetus, her condition deteriorated, and as such, she had to undergo an emergency cesarean section. Ms. Torres gave birth to her son, N.M, who suffered a stroke during the birth process. Both Cynthia Torres and N.M filed an action for medical malpractice against the County of Los Angeles contending that the care provided by LAC+USC staff was negligent and contributed to injuries to Ms. Torres and N.M's stroke.

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

Fetal neurological injury resulting from infection.

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

- A new protocol for contacting, rescheduling, and documenting patients who miss their high risk obstetrical appointments was implemented by the facility.
- All other DHS high risk OB departments were determined to have a comparable process in place.
- Education was held with providers regarding communication between residents, fellows, and faculty in obstetrical areas.
- A DHS-wide program for the identification and management of sepsis was initiated.
- Additional physicians were obtained for the performance of complex gastrointestinal procedures.
- A DHS-wide policy was developed for the determination of fetal viability and the expectations for monitoring a fetus during procedures.

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.

Name: (Risk Management Coordinator)	
Signature:	Date: 12/19/13

Name: (Department Head) Mitchell H. Katz, M.D.	
Signature:	Date: 1/21/14

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) UGO COSTANTINO	
Signature:	Date: 1-13-14

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Claudia Flores, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 485317
COURT		Los Angeles County Superior Court
DATE FILED		May 25, 2012
COUNTY DEPARTMENT		Fire
PROPOSED SETTLEMENT AMOUNT	$	53,500
ATTORNEY FOR PLAINTIFF		B. Gene Pierce, Jr.
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a vehicle collision that occurred on July 8, 2011, at the intersection of North Eastern Avenue and Hauck Street in Los Angeles when a vehicle driven by Claudia Flores collided with a vehicle driven by Daryl L. Osby. Ms. Flores and her two minor children, who were also in her vehicle, claim to have sustained injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	37,393
PAID COSTS, TO DATE	$	24,082

Case Name: Flores, 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:	July 8, 2011
Briefly provide a description of the incident/event:	A Fire Department employee was coming out of the driveway of Department headquarters in his assigned County Fire vehicle and was planning to make a left turn across Eastern Avenue. He stopped and waited for a large vehicle to pass, then pulled out into the lane of traffic and struck a vehicle driven by Ms. Flores. Ms. Flores' two minor children were in the car with her.

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

Failure of the County driver to observe all other vehicles on the street and wait until it was clear before pulling out into traffic to make the left turn.

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

The employee attended and completed the required eight-hour Driver Enrichment Program in September 2012, as required by Department procedure for all employees involved in both at fault, and not at fault, vehicle accidents. Employee/driver was Fire Chief Daryl L. Osby.

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.

Name: (Risk Management Coordinator) Michael Kranther	
Signature: Michael Kranther	Date: 1/23/14

Name: (Department Head) Daryl L. Osby, Fire Chief	
Signature:	Date: 01/23/14

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:

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.

Name: (Risk Management Coordinator) Michael Kranther	
Signature:	Date:

Name: (Department Head) Daryl L. Osby, Fire Chief	
Signature:	Date:

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: 1/15/13

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING
February 3, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:38 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: Camille Townsend, Joyce Aiello, Takin Khorram, Millicent Rolon, Richard Kudo, Ruben Baeza, Jr., and Debbie Carlos; Probation Department: Danny Aceves and Tracy Jordan Johnson; Department of Children and Family Services: Michelle Victor and Anna Holzner; Fire Department: Anthony Marrone and Michael Kranther; Department of Health Services: Ed Soto; and Outside Counsel: Christie Swiss.

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 9:40 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 11:00 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Jonathan H. v. County of Los Angeles, et al.</u>
United States District Court Case No. CV 0907359
Los Angeles Superior Court Case No. KC 055 247

These lawsuits concern allegations of improper supervision of a minor in the custody of the Probation Department causing personal injury to the minor.

<u>Action Taken</u>:

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, Steve Robles, and Patrick Wu

b. **Claim of DeWitt Roberts**
EEOC Charge No. 480-2013-00944

This claim concerns allegations that a former employee of the Probation Department was subjected to age and race discrimination.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $56,955.85.

Vote: Ayes: 2 Steve Robles and Patrick Wu
John Naimo recused himself from this item.

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

This lawsuit concerns allegations of abuse of minors while in foster care under the supervision of 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 $375,000.

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

d. **Claudia Flores, et al. v. County of Los Angeles, et al.**
Los Angeles County Superior Court Case No. BC 485 317

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $53,000.

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

e. **Anthony Perez, et al. v. Cassandra Daphne Lo, et al.**
Orange County Superior Court Case No. 30-2012 00591164

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Health Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $4,000,000.

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

5. **Approval of the minutes of the January 6, 2014, 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 11:05 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson