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 17, 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. Nadine Fukui, et al. v. Kimberly Metz, et al.
   Los Angeles Superior Court Case No. BC 486 063

   This dangerous condition, wrongful death lawsuit arises from an automobile versus pedestrian accident on a County street maintained by the Department of Public Works; settlement is recommended in the amount of $100,000.

   See Supporting Documents

   b. Serge LaPointe v. County of Los Angeles, et al.
   Los Angeles Superior Court Case No. BC 473 255
   United States District Court No. CV 10-02728

   These lawsuits concern allegations of excessive force and civil rights violations by Sheriff's Deputies on an inmate; settlement is recommended in the amount of $50,000.

   See Supporting Documents

c. Ruth Marquez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. YC 063 510

This lawsuit arises from injuries sustained by an inmate in a vehicle accident while being transported in a Sheriff's Department transport bus; settlement is recommended in the amount of $245,000.

See Supporting Documents

d. Kevin Foster v. County of Los Angeles
Los Angeles Superior Court Case No. BC 422 713

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and retaliation based on race, religion and disability; settlement is recommended in the amount of $50,000.

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the March 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		Nadine Fukui, et al. v. Kimberly Metz, et al.
CASE NUMBER		BC 486063
COURT		Los Angeles Superior Court
DATE FILED		June 6, 2012
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	100,000.00
ATTORNEY FOR PLAINTIFF		Thomas V. Girardi, Esq. Christopher T. Aumais, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE		This is an alleged dangerous roadway condition lawsuit concerning an automobile versus pedestrian collision that occurred on November 7, 2011, at approximately 6:40 a.m. when Leilani and Luana Fukui were crossing North Lark Ellen Avenue at its intersection with East Tudor Street at a marked crosswalk and were struck by non-County employee, Kimberly Metz. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $100,000 is recommended.

PAID ATTORNEY FEES, TO DATE	$	174,969
PAID COSTS, TO DATE	$	25,134

Case Name: Randy and Nadine Fukui, et al. vs 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:	November 7, 2011.
Briefly provide a description of the incident/event:	On November 7, 2011, Ms. Leilani Fukui and her twin sister, Ms. Luana Fukui were walking eastbound in a marked crosswalk across Lark Ellen Avenue at Tudor Street, when they were struck by a southbound 2007 Honda Civic driven by Ms. Kimberly Metz, causing serious injuries to Ms. Luana Fukui and fatally injuring Ms. Leilani Fukui.

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

The subject collision was caused by Ms. Metz who was unable to clearly see out of her windshield as her windshield was foggy. The motorist failed to observe the flashing beacons and did not observe the pedestrians who were walking within the marked yellow crosswalk at the subject intersection. The motorist was found to be in violation of Section 21950 of the California Vehicle Code, which states "The driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection."

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

Previous traffic studies were conducted at the subject intersection to determine the need for traffic signal control. Based on these studies, this location did not meet the criteria necessary to establish traffic signal control. On November 22, 2011, subsequent to the subject incident, the Board of Supervisors made a motion directing the Department of Public Works to install traffic signals at the subject intersection. The traffic signals were installed on July 19, 2012.

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)	
Signature:	Date: 12/5/13

Name: (Department Head)	
Signature: MP. Mark Farren	Date: 12-16-13

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 Countywide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) LEO COSTANTINO	
Signature:	Date: 12/30/13

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Serge LaPointe v. County of Los Angeles, et al.
CASE NUMBER		BC 473325 and CV 10-02728
COURT		Los Angeles Superior Court and United States District Court
DATE FILED		November 10, 2011
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	50,000
ATTORNEY FOR PLAINTIFF		Dale K. Galipo, Esq. Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY		Jennifer A.D. Lehman
NATURE OF CASE		This is a recommendation to settle for $50,000, the federal and State lawsuits filed by Plaintiff Serge LaPointe against the County and two Sheriff's Deputies alleging civil rights violations, assault, battery, and negligence after his arrest while incarcerated at Twin Towers Correctional Facility. The Deputies contend that they did not use any force against Mr. LaPointe; however, because of the risks and uncertainties of litigation, a full and final settlement of the cases in the amount of $50,000 is recommended.

PAID ATTORNEY FEES, TO DATE	$	99,111	State lawsuit
		136,836	Federal lawsuit
PAID COSTS, TO DATE	$	25,326	State lawsuit
		20,751	Federal lawsuit

Case Name: **Serge LaPointe v. County of Los Angeles, et al.**

Summary Corrective Action Plan

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Date of incident/event:	Monday, February 16, 2009
Briefly provide a description of the incident/event:	**Serge LaPointe v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2013-042 Between February 13, 2009, and February 21, 2009, the plaintiff was incarcerated in the Los Angeles County Twin Towers Correctional Facility. The plaintiff alleged that on or about February 16, 2009, he was the subject of unreasonable physical force applied by members of the Los Angeles County Sheriff's Department.

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

In his lawsuit, the plaintiff alleged he was subjected to unreasonable physical force applied 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 addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Twin Towers Correctional Facility. Their investigation revealed no evidence of physical force being used on the plaintiff. In addition, their investigation concluded that at no time during the course of the plaintiff's incarceration did he file a complaint/grievance alleging physical force, negligence, injury, or distress of any kind.

No systemic issues were identified, and no employee misconduct is suspected. 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: 2-20-14

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature:	Date: 02-21-14

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) Destiny Castro	
Signature:	Date: 2/27/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Ruth Marquez v. County of Los Angeles, et al.
CASE NUMBER		YC063510
COURT		Los Angeles Superior Court
DATE FILED		October 27, 2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	245,000
ATTORNEY FOR PLAINTIFF		Robert Gurbuz, Esq.
COUNTY COUNSEL ATTORNEY		Bruce W. Cochran Principal Deputy County Counsel
NATURE OF CASE		This is an automobile negligence case arising from a traffic collision, which injured Ruth Marquez while she was in a Sheriff's Department transport bus.
PAID ATTORNEY FEES, TO DATE	$	218,144
PAID COSTS, TO DATE	$	103,474

Case Name: **Ruth Marquez 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, December 7, 2009; approximately 5:37 a.m.
Briefly provide a description of the incident/event:	**Ruth Marquez v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2013-035 On Monday, December 7, 2009, at approximately 5:37 a.m., a Los Angeles County deputy sheriff was driving a black and white County of Los Angeles-owned transportation bus north on Mona Boulevard when the vehicle he was driving collided with another vehicle in the intersection of Imperial Highway, Lynwood. The plaintiff (a passenger on the bus) alleged she was injured as a result of the traffic collision.

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

The root cause in this incident is a member of the Los Angeles County Sheriff's Department violating California Vehicle Code section 22107, Turning Movements and Required Signals.

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 traffic collision was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department and the California Highway Patrol. Their investigations concluded the deputy sheriff caused the traffic collision by violating California Vehicle Code section 22107, Turning Movements and Required Signals.

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

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: 1-3-14

Name: (Department Head)	
Roberta A. Abner, Chief Internal Investigations Division	
Signature:	Date: 01/06/14

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:	Date: 3/6/2014

Case Name: **Ruth Marquez 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, December 21, 2009 at 10:34 a.m.
Briefly provide a description of the incident/event:	On Monday, December 7, 2009, a Los Angeles County-owned transportation bus collided with another vehicle in the intersection of Imperial Highway, Lynwood. The Plaintiff, who was a passenger on the bus, alleged she was injured as a result of the traffic collision. On December 21, 2009, the Plaintiff, who has a history of Non-Insulin Dependent Diabetes Mellitus (NIDDM), complained to the nurse of right eye blindness for 2 weeks. The nurse referred the Plaintiff for a routine eye examination for right eye blindness. On February 12, 2010, the Plaintiff was evaluated by the LASD Opthalmologist and was referred to LAC+USC for further evaluation. LAC+USC diagnosed her with "vitreous hemorrhage." The LAC+SUC notes indicated "No acute interventions needed at this time." They recommended "Retinal Detachment" precautions and elevate head of bed with 2-3 pillows at night.

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

The nurse failed to appreciate the significance of a new onset sudden loss of vision in the Plaintiff's right eye, resulting in untimely physician referral. The nurse referred the Plaintiff for a routine eye examination and did not indicate in her documentation/referral that this was a "new onset sudden" loss of vision.

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

The nurse will attend a continuing education class specific to eye assessment and submit proof of attendance.

Medical Services Bureau (MSB) will create a Bureau wide policy which will establish guidelines for physician notification when there are sudden and/or marked changes in signs, symptoms, or behavior of the patient. Briefing of the new policy will be provided for all MSB nursing staff.

A re-briefing of MSB Policy #219, Physician/RNP Lines-Consult Referrals will be provided to all MSB nursing staff as soon as possible.

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)	
Signature:	Date: 3/4/14

Name: (Department Head)	
Signature:	Date: 3/6/14

CAPTAIN NOTED, CHIEF RELEASE 3.6.14

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: 3/6/2014

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

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 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: Takin Khorram, Jonathan McCaverty, Millicent Rolon, Narbeh Bagdasarian, Diana Taing and Joyce Aiello; Department of Public Social Services: Simone R. Agee and Anthony Morrone; Sheriff's Department: Sgt. Bruce Cantley, Lt. Patrick Hunter and Daniel Holguin; Department of Health Services: Arun R. Patel; Department of Public Works: Jacob Williams; and Outside Counsel: Gregory Houle and David Weiss.

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 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 12:05 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Rita Najar v. County of Los Angeles, et al.</u>
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.

<u>Action Taken</u>:

The Claims Board approved settlement of this matter in the amount of $70,000.

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

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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $500,000.

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

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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $975,000.

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

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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,500,000 plus, assumption of the Medi-Cal lien in the estimated amount of $36,000.

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

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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $300,000.

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

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.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $53,500.

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

5. **Approval of the minutes of the February 3, 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 12:10 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson

Carol J. Slosson