

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF NORWALK, COMMUNITY MEETING CENTER
MULTIPURPOSE ROOM, 13200 CLARKSDALE AVENUE,
NORWALK, CALIFORNIA 90650
ON
WEDNESDAY, MAY 8, 2013, AT 11:00 AM

Members Present: Chair Curtis Morris, Margaret Finlay, Harold Hofmann, Mark Alexander, Michael Egan, Doug Prichard, and Sam Olivito

Alternates Present: Darrell George, David Spence, and Cheri Kelley

1. **Call to Order.**
2. **Opportunity for members of the public to address the Contract Cities Liability Trust Fund 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. Estate of Jonathan Cuevas v. County of Los Angeles
United States District Court Case No. CV 11-08297

This lawsuit concerns allegations of excessive force shooting and wrongful death by Sheriff's Deputies.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$875,000.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Margaret Finlay, Michael Egan, Doug Prichard, Harold Hofmann and Sam Olivito

[See Supporting Document](#)

- b. M.L., a minor, at al. v. County of Los Angeles, et al.
Norwalk Superior Court Case No. VC 058338

This lawsuit concerns allegations of excessive force shooting by Sheriff's Deputies.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$311,500.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Margaret Finlay, Michael Egan, Doug Prichard, Harold Hofmann and Sam Olivito

[See Supporting Document](#)

4. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9)

- a. Estate of Christian Cobian v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 483709

No reportable action was taken.

- b. William F. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 437875

No reportable action was taken.

- c. Darren Logan, Sr. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 483585

No reportable action was taken.

- d. Cindy Orellana v. County of Los Angeles, et al.
United States District Court Case No. CV 12-01944

No reportable action was taken.

- e. Shahram Salimitari v. County of Los Angeles
Chatsworth Superior Court Case No. PC 051113

No reportable action was taken.

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the April 10, 2013, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Margaret Finlay, Michael Egan, Doug Prichard, Harold Hofmann and Sam Olivito

[See Supporting Document](#)

7. 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.

8. Other Business.

None

9. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Jonathan Cuevas v. County of Los Angeles, et al.
CASE NUMBER	CV1108297
COURT	United States District Court
DATE FILED	Complaint filed: October 6, 2011 Claim: April 11, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$875,000
ATTORNEY FOR PLAINTIFF	James P. Segall-Gutierrez, Esq. Law Offices of James P. Segall- Gutierrez
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$875,000, inclusive of attorneys' fees and costs, the lawsuit filed by decedent Jonathan Cuevas's minor child, A.M., by his Guardian Ad Litem, Mayra Murillo; and The Estate of Jonathan Cuevas, by his Executor Mayra Murillo, alleging wrongful death and civil rights violations.</p> <p>Plaintiffs claim a Deputy shot Mr. Cuevas without just cause. The Deputy contends that the force used was reasonable in response to Plaintiff's actions. However, in light of the potential</p>

for high exposure and the uncertainties of litigation, a full and final settlement of the case in the amount of \$875,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 46,917.42

PAID COSTS, TO DATE \$ 5,681.07

Case Name: Estate of Jonathan Cuevas 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:	Sunday, October 10, 2010, approximately 12:23 a.m.
Briefly provide a description of the incident/event:	<p><u>Estate of Jonathan Cuevas v. County of Los Angeles</u> Summary Corrective Action Plan No. 2013-018</p> <p>On Sunday, October 10, 2010, at approximately 12:23 a.m., a Los Angeles County deputy sheriff was driving a standard black and white County-owned patrol vehicle north on Long Beach Boulevard, north of Josephine Street, Lynwood, when he saw several men walking south in the traffic lanes impeding traffic. The deputy sheriff initiated a contact to warn the individuals.</p> <p>When the deputy sheriff contacted the men, the deputy also observed another man (decendent) on an adjacent sidewalk. That man removed a handgun from his waistband and began running away from the deputy sheriff.</p> <p>The deputy sheriff directed the man to stop, but he quickly turned around toward the deputy sheriff, causing the deputy sheriff to believe he was about to be shot. The deputy sheriff discharged his weapon, striking the man.</p> <p>The male continued to run, but fell to the ground where the deputy sheriff approached him. The deputy sheriff directed the man to place his hands in clear view, but the man disregarded the deputy sheriff's instructions. The deputy sheriff discharged his weapon, striking the man again.</p>

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

In their lawsuit, the plaintiffs (on behalf of the estate of Jonathan Cuevas) alleged a member of the Los Angeles County Sheriff's Department is responsible for the wrongful death of the decedent.

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.

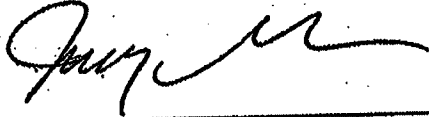
County of Los Angeles
Summary Corrective Action Plan

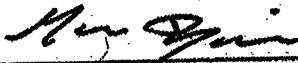
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

The incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Homicide, Internal Affairs Bureau and, ultimately, the Executive Force Review Committee. Their review found that the force used by the deputy sheriff was reasonable, necessary, and in compliance with Department policy. 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.

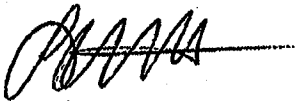
Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Judy A. Gerhardt, Acting Captain Risk Management Bureau	
Signature: 	Date: 2/28/13

Name: (Department Head)	
Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 7/25/13

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County of Los Angeles
Summary Corrective Action Plan

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)	
CEO COSTANTINO	
Signature:	Date:
	8/2/13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	M.L., a minor v. County of Los Angeles; E.P.; a minor v. County of Los Angeles; and A.L., a minor v. County of los Angeles
CASE NUMBER	Superior Court Case Nos. VC058338; VC058936; and VC058446
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: March 22, 2011 Claim: October 29, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 311,500
ATTORNEY FOR PLAINTIFF	Brian Dunn, Esq. of The Cochran Firm Peter Goldstein, Esq. Marc Grossman, Esq.
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$311,500, the lawsuit filed by minors M.L., E.P., and A.L., and Janice Johnson, for the alleged wrongful death of their father and son Jerome Lockett. Plaintiffs allege civil rights violations and wrongful death causes of action against two Deputy Sheriffs.</p> <p>The Deputies contend that they acted reasonably and fired upon the Decendent after he failed to</p>

follow commands to show his hands, and instead reached for his waistband. However, due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$311,500 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 102,509.87

PAID COSTS, TO DATE \$ 5,274.59

Case Name: M.L., a minor v. County of Los Angeles



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 16, 2010; approximately 9:31 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>M.L., a minor v. County of Los Angeles</u> Summary Corrective Action Plan No. 2013-017</p> <p>On Wednesday, June 16, 2010, at approximately 9:31 p.m., two Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Lakewood Station, received a radio call of gunshots in an apartment complex.</p> <p>When the deputies arrived at the apartment complex, they were directed by the caller to the rear parking lot where the shooting suspects were believed to have fled. In the parking lot, the deputies contacted the decedent and another man. Both men were wearing clothing similar to the clothing worn by the reported shooter(s).</p> <p>While one man readily complied with the deputy sheriff's instructions, the decedent acted as if he was arming himself. In fear for his life, a deputy sheriff discharged his weapon one time and struck the decedent in the chest.</p>

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

In their lawsuit, the plaintiffs (the decedent's three minor children and mother) alleged the decedent was subjected to unreasonable force 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 the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. While their review found that the force used by the deputy sheriff was reasonable, necessary, and in compliance with Department policy, appropriate administrative action was imposed upon two members of the Los Angeles County Sheriff's Department


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) Judy A. Gerhardt, Acting Captain Risk Management Bureau	
Signature: 	Date: 7/10/13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 7/12/13

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: 8/5/13

**COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND
CLAIMS BOARD**

MINUTES OF MEETING

April 10, 2013

Agenda Item No.: 5

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris, at 11:13 a.m. The meeting was held in the City of Norwalk, Community Meeting Center, Multipurpose Room, 13200 Clarkdale Avenue, Norwalk, CA 90650

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, San Dimas, Region III; Mark Alexander, La Canada Flintridge, Region I; Margaret Finlay, Duarte, Region I; Michael Egan, Norwalk, Region III; Doug Prichard, Rolling Hills Estates, Region II; Harold Hofmann, Lawndale, Region II; Sam Olivito, Executive Director, California Contract Cities Association; **Alternates:** Darrell George, Duarte, Region I; David Spence, La Canada Flintridge, Region I; Cheri Kelley, Norwalk, Region III; **County of Los Angeles Staff:** Roger H. Granbo, Assistant County Counsel; Ernie Romo, Risk Management, Chief Executive Office; Ronald Williams, Civil Litigation Unit, Los Angeles Sheriff's Department; Chris Deacon, Civil Litigation Unit, Los Angeles County Sheriff's Department; James Lopez, Chief, Los Angeles Sheriff's Department; Michael DeMattei, Milliman; **Third Party Administrator for the County of Los Angeles:** Sylvia Hernandez, Claims, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Paul Zeglovitch, Liability Program Manager, Jennifer Fullerton, Secretary.

2. Public Comment

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 11:13 a.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

**3. Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

There were no settlement proposals for this meeting.

**4. Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- a. William F. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC437875
- b. M.L. by Brandi Blackburn v. County of Los Angeles, et al.
Norwalk Superior Court Case No. VC058338
- c. Isabel "Israel" Pulido v. County of Los Angeles, et al.
Santa Monica Superior Court Case No. SC115321
- d. Shahram Salimitari v. County of Los Angeles
Chatsworth Superior Court Case No. PC051113
- e. Katrina Taylor v. County of Los Angeles
Norwalk Superior Court Case No. VC058739

The meeting was reconvened into public session at 11:21 a.m. No action was taken in Closed Session which required a public report pursuant to Government Code Section 54957.1.

5. Approval of the Minutes for March 13, 2013 meeting of the Contract Cities Liability Trust Fund Claims Board.

The Minutes for the meeting of March 13, 2013, were approved.

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 Contract Cities Liability Trust Fund Claims 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

One case presented:

- Derrick Simpson v. County of Los Angeles, et al.
Compton Superior Court Case No. TC025257

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7. **Other Business**

None

8. **Adjournment**

There being no further business, the meeting was adjourned at 11:21 a.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD



SANDRA C. RUIZ