

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
SPROUL ROOM, 13200 CLARKSDALE AVENUE, NORWALK, CALIFORNIA 90650
ON
WEDNESDAY, AUGUST 14, 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 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 Christian Cobian v. County of Los Angeles
Los Angeles Superior Court Case No. BC 483709

This lawsuit concerns allegations of excessive force 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 \$650,000.

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

[See Supporting Document](#)

- b. Mario Fennell v. Joseph Ament, et al.
United States District Court Case No. CV 12-07023

This lawsuit concerns allegations of civil rights violation and false arrest by Sheriff's Deputies.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved settlement of this matter in the amount of \$100,000.

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

[See Supporting Document](#)

- c. Khalil F. Muhammad v. County of Los Angeles
Los Angeles Superior Court Case No. BC475659

This lawsuit concerns allegations of false arrest 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 \$135,000.

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

[See Supporting Document](#)

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

- a. Noel Bender v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 440862

No reportable action was taken.

- b. Gordon Phillips v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 023209

No reportable action was taken.

- c. Holly Rudolph v. County of Los Angeles, et al.
United States District Court Case No. CV 12-03220

No reportable action was taken.

- d. Potential Liability - Department of Justice Investigation of Los Angeles County Sheriff's Department Stations in Antelope Valley

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 June 12, 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, Margaret Finlay, Harold Hofmann, Mark Alexander, Michael Egan, Doug Prichard, 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.**

One case:

Susan Eng, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 12-10892

No reportable action was taken.

8. **Other Business.**

None

9. **Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Christian Cobian, et al. v. County of Los Angeles, et al.
CASE NUMBER	Case No. BC483709
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: April 27, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	Bradley Gage Law Offices of Goldberg & Gage
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$650,000, the lawsuit filed by the Estate of Christian Cobian and the parents of Christian Cobian, for alleged civil rights violations and the wrongful death of their son Christian Cobian. Plaintiffs allege that two Deputy Sheriffs shot and killed Mr. Cobian without justification.</p> <p>The Deputies contend that the force used was reasonable in response to Mr. Cobian's actions and that they fired upon the Decedent after he failed to follow commands to show his hands, and instead reached for his waistband.</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 amount of \$650,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 74,760

PAID COSTS, TO DATE \$ 15,667

Case Name: Estate of Christian Cobian 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:	Saturday, January 21, 2012; approximately 11:00 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Estate of Christian Cobian v. County of Los Angeles</u> Summary Corrective Action Plan No. 2013-023</p> <p>On Saturday, January 21, 2012, at approximately 11:00 p.m., two Los Angeles County deputy sheriffs were driving a standard black and white, County-owned patrol vehicle on 10th Street West, Lancaster, when they saw a man (decedent) riding his bicycle without required illumination. The deputy sheriffs initiated an enforcement stop to warn the man or possibly cite him for the California Vehicle Code violation.</p> <p>The man initially complied and stepped off his bicycle, holding the bicycle with his left hand while concealing his right hand under his shirt. He then cursed at the deputy sheriffs, dropped the bicycle, and ran down the sidewalk.</p> <p>One of the deputy sheriffs followed the man on foot while the other deputy sheriff followed in the patrol vehicle. The man stopped running and turned toward the first deputy sheriff while still concealing his right hand under his shirt, causing the deputy sheriff to believe he was about to be shot. The deputy sheriff discharged his duty weapon, striking the man.</p> <p>As the second deputy sheriff arrived, he heard gunshots but did not know who fired them. He arrived to find the man running toward an alley. Believing the man had shot his partner, the deputy sheriff exited the patrol vehicle and ordered the man to stop and show his hands. The man abruptly turned toward the second deputy sheriff. The second deputy sheriff discharged his weapon, striking the man.</p>

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

The root cause in this incident is the plaintiffs' allegation the Los Angeles County Sheriff's Department is responsible for the death of the decedent as a result of gunshot wounds he sustained during a contact with members of the Department.

County of Los Angeles
Summary Corrective Action Plan

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 this incident.

This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau, Internal Affairs Bureau and, ultimately, the Executive Force Review Committee. The members of the Executive Force Review Committee found the force used by the deputy sheriffs was in compliance with Department policy.

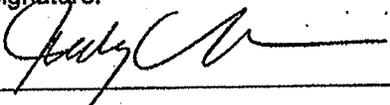
This incident was also reviewed by representatives from the Los Angeles County District Attorney's Office. Their review found that both members of the Los Angeles County Sheriff's Department acted lawfully in self-defense and in defense of each other.

While it was determined the force used by the deputy sheriffs was in compliance with Department policy, appropriate administrative action was imposed upon two members of the Los Angeles County Sheriff's Department.

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, Captain Risk Management Bureau	
Signature: 	Date: 8/28/13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 7/3/13

County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Inspector General USE ONLY

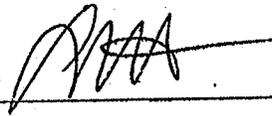
Are the corrective actions applicable to other departments within the County?

- 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:

9-16-13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mario Fennell v. Joseph Ament, et al.
CASE NUMBER	CV12-07023
COURT	United States District Court
DATE FILED	Complaint: August 15, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$100,000
ATTORNEY FOR PLAINTIFF	Christopher Driscoll, Esq. Law Offices of Jonas & Driscoll
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>Mario Fennell alleges that two Sheriff's Deputies falsely arrested him and used excessive force violating his civil rights.</p> <p>The Deputies contend that they had probable cause for the arrest and used only reasonable force to effect the arrest.</p> <p>However, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Settlement of this matter in the amount of \$100,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 45,783

PAID COSTS, TO DATE \$ 2,472

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Khalil Muhammad v. County of Los Angeles, et al.
CASE NUMBER	BC475659
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: Dec. 21, 2011
COUNTY DEPARTMENT	Sheriff's Department Contract Cities Trust Fund - Santa Clarita Valley
PROPOSED SETTLEMENT AMOUNT	\$ 135,000
ATTORNEY FOR PLAINTIFF	Evan M. Zucker Kabateck Brown Kellner LLP Mark J. Geragos Geragos & Geragos, P.C.
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$135,000, the lawsuit filed by Khalil Muhammad against the County of Los Angeles and two Sheriff's Deputies alleging civil rights violations arising from an arrest in a Best Buy parking lot in Santa Clarita.</p> <p>While we believe the Deputies acted reasonably and the arrest was supported by probable cause, due to the uncertainties of litigation, a full and final settlement</p>

of the case in the amount of
\$135,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 51,179

PAID COSTS, TO DATE \$ 1,576

Case Name: **Khalif F. Muhammad 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:	Friday, April 29, 2011; approximately 5:15 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Khalif F. Muhammad v. County of Los Angeles</u> Summary Corrective Action Plan No. 2013-025</p> <p>On Friday, April 29, 2011, at approximately 5:15 p.m., Los Angeles County deputy sheriffs assigned to the Department's Santa Clarita Valley Station received a radio call of a burglary in progress at a large electronic retail store. A loss prevention officer employed by the store told one of the deputy sheriffs the suspect purchased an item with a fraudulent credit card and ran from the store. The loss prevention officer told the deputy sheriff another store employee witnessed the crime and followed the suspect as he ran from the store and into the parking lot.</p> <p>The store employee followed the burglary suspect to a vehicle and watched as he appeared to pass items through the passenger window and flee. The store employee approached the vehicle and saw what he believed to be the stolen item laying on the front passenger seat.</p> <p>Based on this information, one of the deputy sheriffs (a sergeant) approached the vehicle and detained the driver (plaintiff). He was subsequently arrested and taken into custody.</p> <p>On May 3, 2011, the case was presented to representatives from the Los Angeles County District Attorney's Office for their review and consideration. On May 4, 2011, the case was rejected by the Los Angeles County District Attorney's office and the plaintiff was released from custody.</p>

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

The root cause in this incident is an allegation of false arrest committed by members of the Los Angeles County Sheriff's Department.

County of Los Angeles
Summary Corrective Action Plan

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.

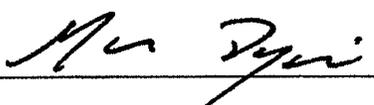
This incident was reviewed by representatives from the Los Angeles County Sheriff's Department's Santa Clarita Valley Station. No employee misconduct is suspected or alleged, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken and no other corrective 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: 11-13-13

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 type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	11/21/13

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

MINUTES OF MEETING

June 12, 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 11:27 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; **Alternates:** David Spence, La Canada Flintridge, Region I; **County of Los Angeles Staff:** Roger H. Granbo, Assistant County Counsel; Shaun Mathers, Civil Litigation Unit, Los Angeles Sheriff's Department; Ronald Williams, Civil Litigation Unit, Los Angeles Sheriff's Department; Chris Deacon, Civil Litigation Unit, Los Angeles County Sheriff's Department; Michael Hays, Department of Public Works; Alan Boring, Wells Fargo Insurance Services USA, Inc.; Karen Bartak, Bedford Falls Insurance; **Third Party Administrator for the County of Los Angeles:** Sylvia Hernandez, Claims, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Officer; Jim Thyden, Insurance Programs 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 11:27 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. Estate of Christian Cobian v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC483709
- b. Susan Eng, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 12-10892
- c. Khalil Muhammad v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC475659

The meeting was reconvened into public session at 12:09 p.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 May 8, 2013 meeting of the Contract Cities Liability Trust Fund Claims Board.

The Minutes for the meeting of May 8, 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

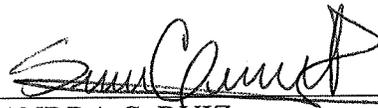
7. Other Business

None

8. Adjournment

There being no further business, the meeting was adjourned at 12:10 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD

A handwritten signature in black ink, appearing to read "Sandra C. Ruiz", written over a horizontal line.

SANDRA C. RUIZ