

**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, APRIL 7, 2014, 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. **Michael Bryant v. County of Los Angeles
Los Angeles Superior Court Case No. BC 491 485**

This lawsuit concerns allegations that an employee of the Fire Department was subjected to reverse discrimination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

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

- b. **Eric Buege v. County of Los Angeles, et al.**
Los Angeles Superior Court Case Nos. BC 474 137
and BS 137 507
Civil Service Commission Case No. 12-364

These lawsuits and Civil Service Commission case concern allegations against the Fire Department of non-compliance with the California Public Records Act, discrimination, harassment, and retaliation under the Fair Employment and Housing Act, and the appeal of an ordered absence.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$525,000.

Vote: Ayes: 2 - John Naimo and Steve Robles
Abstentions: 1 - Patrick Wu

- c. **James Shortt v. County of Los Angeles, et al.**
United States District Court Case No. CV 11-05484

This lawsuit concerns allegations of civil rights violations based on the actions of the County's Sheriff's Department and District Attorney's office, that resulted in a wrongful murder conviction.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$425,000.

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 March 17, 2014, 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 - AMENDED

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	James Shortt v. County of Los Angeles, et al.
CASE NUMBER	Case No. CV1105484
COURT	United States District Court
DATE FILED	Complaint filed: July 1, 2011
COUNTY DEPARTMENTS	Sheriff's Department District Attorney's Office
PROPOSED SETTLEMENT AMOUNT	\$ 425,000
ATTORNEY FOR PLAINTIFF	Barry Litt, Esq. Litt, Estuar & Kitson
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$425,000, the lawsuit filed by James Shortt alleging civil rights violations. Mr. Shortt claims that he was wrongfully convicted of murder based on Sheriff's Deputies and Deputy District Attorneys eliciting false testimony from a jailhouse informant. Defendants claim that no such civil rights violations occurred and he was convicted based on eyewitness testimony.</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 amount of \$425,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 548,206

PAID COSTS, TO DATE \$ 13,399

Case Name: James Shortt 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:	Between 1982 and 2010.
Briefly provide a description of the incident/event:	<p><u>James Shortt v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-037</p> <p>In 1982, the plaintiff was arrested, prosecuted, and convicted of murder. The case was investigated by members of the Los Angeles County Sheriff's Department and prosecuted by representatives from the Los Angeles County District Attorney's Office. Evidence in the case included testimony from another jail inmate to whom the plaintiff confessed to the crime.</p> <p>In 1991, the jail inmate admitted his testimony in the plaintiff's murder trial was false. The plaintiff filed appeals with the Los Angeles Superior Court, the California Court of Appeal, and the California Supreme Court. All three courts let the conviction stand. The plaintiff then filed an appeal with the United States District Court. The Court denied his petition, ruling that the jail inmate's testimony did not affect the conviction.</p> <p>In 2009, the plaintiff filed an appeal with the Ninth Circuit Court of Appeals. The Court overturned the plaintiff's murder conviction on the basis that the Los Angeles County District Attorney's Office failed to disclose favorable material information regarding the jail inmate and his testimony.</p> <p>In 2010, the plaintiff was re-tried without the testimony of the jail inmate. He was acquitted by a jury.</p>

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

The root cause of this lawsuit is a decision by the Ninth Circuit Court of Appeals to overturn the plaintiff's murder conviction on the basis that the Los Angeles County District Attorney's Office failed to disclose favorable material information regarding the jail inmate and his testimony.

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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's Risk Management Bureau reviewed known facts in this case. There is no evidence to support the plaintiff's allegation that members of the Los Angeles County Sheriff's Department lied or coerced the jail inmate's testimony. No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

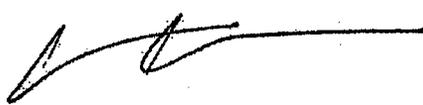
3. Are the corrective actions addressing department-wide system issues?

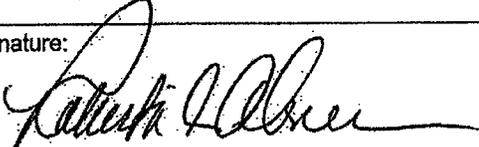
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

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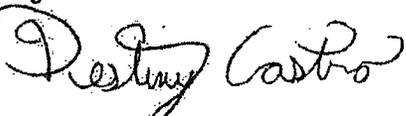
County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Ronald D. Williams, Acting Captain Risk Management Bureau	
Signature: 	Date: 3/3/14

Name: (Department Head) Roberta A. Abner, Chief Professional Standards Division	
Signature: 	Date: 3/12/14

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) Destiny Castro	
Signature: 	Date: 3/12/2014

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING
March 17, 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: Brian Chu, Roger Granbo, Ruben Baeza, Jr., Lindsay Yoshiyama, and Rosemarie Belda; Department of Public Works: Bill Winter and Dean Lehman; Sheriff's Department: Sgt. Bruce Cantley, Kevin Kuykendall and Nick Teophilov; and Department of Health Services: Karen White.

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 9:38 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 10:44 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**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.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

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

- 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.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

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

- 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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$245,000.

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

- 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.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

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

5. Approval of the minutes of the March 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 10:47 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson