



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, September 21, 2015, 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. Claim of Tracy May

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage; settlement is recommended in the amount of \$38,856.55.

[See Supporting Document](#)

b. Claim of James and Gail Wells

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage; settlement is recommended in the amount of \$51,257.54.

[See Supporting Document](#)

c. Claim of Bruce and Lady Spence

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage; settlement is recommended in the amount of \$21,692.21.

[See Supporting Document](#)

d. Claim of Fielding Maxwell Norman

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage; settlement is recommended in the amount of \$21,227.33.

[See Supporting Document](#)

e. N.G., a minor, by Rosa Maria Murillo v. County of Los Angeles, et al.  
United States District Court Case No. CV 13-04985

This lawsuit concerns allegations of civil rights violations by a juvenile ward against the Probation Department and the Department of Mental Health arising from physical and sexual abuse by other juvenile wards; settlement is recommended in the amount of \$600,000.

[See Supporting Document](#)

f. Aaron Beierschmitt v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 480 772  
(Consolidated with Mark Lewis v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 504 042, and  
Donald Deltiempo and Andrew Macaluso v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 483 077)

This lawsuit alleges injuries and civil rights violations arising out of a shooting by an off-duty Sheriff's Deputy; settlement is recommended in the amount of \$2,499,998.

[See Supporting Documents](#)

- g. Troy Dunnavant v. County of Los Angeles  
United States District Court Case No. CV 13-00837 DMG (CWx)

This lawsuit alleges Sheriff's Department personnel were deliberately indifferent to the medical needs of an inmate after he suffered an injury; settlement is recommended in the amount of \$99,999.

[See Supporting Document](#)

- h. Joshua Rice v. County of Los Angeles, et al.  
United States District Court Case No. 15 CV-0249 SVW

This lawsuit concerns allegations of excessive force by Sheriff's Deputies arising out of an arrest; settlement is recommended in the amount of \$50,000.

[See Supporting Document](#)

- i. Kelvin Gant, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV-08-5756 SVW

This lawsuit alleges federal civil rights violations when Plaintiff was wrongfully arrested and held in County jail on a warrant that was for someone else; settlement is recommended in the amount of \$40,000.

[See Supporting Document](#)

- j. Richard Garberg v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 518 104

This lawsuit concerns allegations by a contract employee for the Department of Health Services for disability discrimination, retaliation, failure to accommodate and failure to engage in the interactive process; settlement is recommended in the amount of \$48,000.

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the August 17, 2015, regular 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	Non-Litigated Claim of Tracy May
CASE NUMBER	N/A
COURT	N/A
DATE FILED	April 15, 2015
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 38,856.55
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Liliana Campos
NATURE OF CASE	This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimant's rental condominium property damaging its structure and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	\$ N/A
PAID COSTS, TO DATE	\$ N/A

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claims of James and Gail Wells
CASE NUMBER	N/A
COURT	N/A
DATE FILED	April 22, 2015
COUNTY DEPARTMENT	Department Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 51,257.54 (sum included payment already made of \$12,613.29)
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Liliana Campos
NATURE OF CASE	<p>This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimant's residential property damaging its structure and personal property.</p> <p>Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claim of Bruce and Lady Spence
CASE NUMBER	n/a
COURT	n/a
DATE FILED	Claim filed March 10, 2014
COUNTY DEPARTMENT	Public Works, Sewer Maintenance Division
PROPOSED SETTLEMENT AMOUNT	\$ 21,692.21
ATTORNEY FOR PLAINTIFF	n/a
COUNTY COUNSEL ATTORNEY	Joanne Nielsen
NATURE OF CASE	This is an inverse condemnation claim based on property damage that resulted from sewage backflow caused by a blockage in a sewer mainline. The mainline blockage was due to tree roots and grease. The backflow into the claimants' home caused damage to a bathroom, living room, and garage, as well as to some items of personal property in those areas. A full settlement of this claim is recommended in order to avoid the risks and uncertainties involved in litigation, which include the potential for recovery of attorneys' fees.
PAID ATTORNEY FEES, TO DATE	\$ 0.
PAID COSTS, TO DATE	\$ 0

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Fielding Maxwell Norman
CASE NUMBER	N/A
COURT	N/A
DATE FILED	July 17, 2014
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 21,227.33
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Lindsay Yoshiyama
NATURE OF CASE	This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimant's residence and damaged his real and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	N.G., a minor vs. County of Los Angeles, et al.
CASE NUMBER	CV 13-04985
COURT	United States District Court
DATE FILED	September 10, 2013
COUNTY DEPARTMENT	Department of Mental Health and Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 600,000
ATTORNEY FOR PLAINTIFF	Vicki I. Sarmiento, Esq. Dale Galipo, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$600,000, the lawsuit filed by Plaintiff N.G. by and through his Guardian Ad Litem, Rosa Maria Murillo, alleging his civil rights were violated by the Department of Mental Health and Probation Department</p> <p>Plaintiff N.G., a juvenile ward confined in the Probation Department's Camp Afflerbaugh, alleges he was beaten and sexually abused by other juvenile wards.</p> <p>Due to the risks and uncertainties of 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 \$600,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 196,539
PAID COSTS, TO DATE	\$ 44,621

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Aaron Beierschmitt, et al.
CASE NUMBER	BC480772, BC504042, BC483077
COURT	Los Angeles Superior Court
DATE FILED	2/6/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 2,499,998
ATTORNEY FOR PLAINTIFF	Dale Galipo Law Offices of Dale K. Galipo George M. Rosenberg George Rosenberg, APC Mark Geragos Geragos & Geragos
COUNTY COUNSEL ATTORNEY	Edwin Lewis
NATURE OF CASE	Plaintiffs Aaron Beierschmitt, Mark Lewis, Donald Deltiempo and Andrew Macaluso claim their civil rights were violated arising out of a March 26, 2011, shooting by an off-duty Los Angeles County Sheriff's Deputy.  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 \$2,499,998 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 174,407
PAID COSTS, TO DATE	\$ 22,801

Case Name: Aaron Beierschmitt 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, March 26, 2011; approximately 1:55 a.m.
	<p style="text-align: center;"><b><u>Aaron Beierschmitt v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan No. 2015-015</p> <p>On Saturday, March 26, 2011, at approximately 1:55 a.m., an off-duty Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Temple Station, entered the drive-thru traffic lane of the fast food restaurant located at 230 South Rosemead Boulevard, Pasadena (unincorporated Los Angeles County). The deputy sheriff was driving his personal vehicle and was accompanied by a female companion.</p> <p>After the deputy sheriff entered the drive-thru traffic lane, two of the four men in the vehicle directly behind his vehicle began to yell and make threats directed towards the deputy sheriff and his passenger. The driver and front passenger of the second vehicle exited their vehicle and began to approach the deputy sheriff's vehicle. While still seated in the driver's seat of his vehicle, the deputy sheriff attempted to call 9-1-1, but the call was unsuccessful.</p> <p>As the two men approached his vehicle, the deputy sheriff exited his vehicle with his Department-issued firearm, identified himself several times as a Los Angeles County deputy sheriff, and ordered the men to retreat. The two men, however, ignored his instructions to retreat and continued to approach the deputy sheriff. As the men neared the deputy sheriff, the man nearest the deputy sheriff reached towards his waistband and lunged at him, striking the deputy sheriff on the shoulder.</p> <p>Fearing the man would retrieve a weapon from his waistband or take his gun and shoot him, the deputy sheriff discharged his Department-issued duty weapon, striking the man. The second man, who was behind the first man with his hands concealed, continued his advance towards the deputy sheriff. Believing the second man was also going to retrieve a weapon or take his gun away, the deputy sheriff discharged his Department-issued duty weapon a second time, striking the man.</p> <p>Both men were transported to a local hospital for medical treatment.</p>

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

The primary root cause in this incident is the plaintiffs' failure to adhere to the instructions of a deputy sheriff and commit battery upon a peace officer. As a result, the deputy sheriff feared the plaintiffs' were going to disarm him or arm themselves.

A secondary root cause in this incident was the plaintiff's consumption of alcohol over the nearly eight-hour period immediately preceding the incident

Another secondary root cause in this incident was what would appear to be a mechanical malfunction of the deputy sheriff's personal cellular telephone preventing him from placing an emergent (9-1-1) call to summon help and therefore had to confront the men who threatened him.

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 Office of the Los Angeles County District Attorney. On May 10, 2012, representatives from the Los Angeles County District Attorney's Office concluded that the deputy sheriff acted in lawful self-defense.

The incident was then investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On February 14, 2013, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The Committee members concluded the use of force was reasonable, necessary, and justified. Furthermore, the members of the committee concluded the deputy sheriff's tactics were within Department training standards.

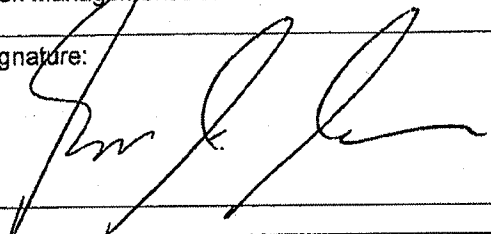
No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

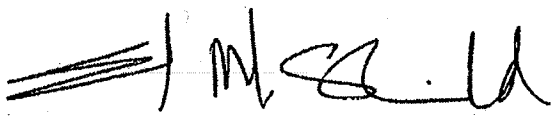
3. Are the corrective actions addressing department-wide system issues?


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

County of Los Angeles  
Summary Corrective Action Plan

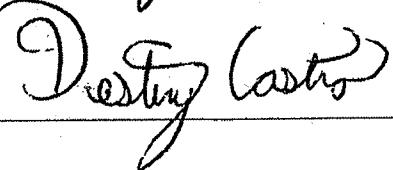
Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Faye A. Adragna, A/Captain Risk Management Bureau	
Signature: 	Date: 08/31/15

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 08-31-15



<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
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: 9/10/2015

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Troy Dunnavant v County of Los Angeles
CASE NUMBER	CV 13-00837
COURT	United States District Court
DATE FILED	February 6, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 99,999
ATTORNEY FOR PLAINTIFF	Greg W. Garrotto, Esq. Law Offices of Garrotto & Garrotto 1925 Century Park East, Suite 2000 Los Angeles, California 90067
COUNTY COUNSEL ATTORNEY	Edwin Lewis Principal Deputy County Counsel
NATURE OF CASE	<p>Troy Dunnavant, who was an inmate at the Pitchess Detention Facility, alleges he sustained a serious head injury on January 30, 2012. He alleges the injury was caused by deliberate indifference by the Deputies in the jail and that Deputies failed to summon or provide medical care.</p> <p>Due to the risks and uncertainties of 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 \$99,999 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 85,698
PAID COSTS, TO DATE	\$ 6,267

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Joshua Rice v. County of Los Angeles, et al.
CASE NUMBER	15-CV0249
COURT	United States District Court
DATE FILED	January 13, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Humberto Guizar, Esq. Guizar, Henderson & Carrazco, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$50,000, the lawsuit filed by Plaintiff Joshua Rice against the County alleging federal civil rights violations for excessive force arising out of Mr. Rice's arrest for possession of a stolen vehicle on January 13, 2013.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of 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 \$50,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 72,276
PAID COSTS, TO DATE	\$ 7,250

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kelvin Gant, et al. v. County of Los Angeles, et al.
CASE NUMBER	08-CV5756
COURT	United States District Court
DATE FILED	September 5, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	Donald Cook, Esq. Cook & Mann, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$40,000, the lawsuit filed by Plaintiff Jose Ventura against the County alleging federal civil rights violations for a violation of Mr. Ventura's procedural due process rights when he was arrested on a warrant that was for someone else.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of 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 \$40,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 225,057
PAID COSTS, TO DATE	\$ 9,590



**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**AUGUST 17, 2015**

**1. Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:33 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: Chair John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Jessica Rivas, Liliana Campos, Julie Dixon Silva, Adrian Gragas, Jonathan McCaverty, Edwin Lewis and Edward Hsu; Department of Public Works: Craig Cline and Michael Hays; Office of the District Attorney: Pamela Booth; Sheriff's Department: Det. Dan Duran, Lt. Patrick Hunter, Sgt. Pauline Panis and Christy Guyovich.

**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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

**4. Report of actions taken in Closed Session.**

At 11:25 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Claim of Verizon CMR Claims Department**

This claim alleges that the Road Maintenance Division of the Department of Public Works caused property damage to Verizon's buried telecommunications cable.

**Action Taken:**

The Claims Board approved settlement of this matter in the amount of \$42,340.41.

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

b. **Los Angeles County District Attorney's Office v. Employee Relations Commission – Various Administrative Complaints**

These administrative complaints allege that the Office of the District Attorney retaliated against members of the Association of Deputy District Attorneys for engaging in union activities and exercising their rights under the County's Employee Relations Ordinance.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,999.

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

c. **Alexis Morales v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 565 100**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,000.

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

d. **Jose Farias, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. 14-CV-4667**

This lawsuit alleges excessive force and unlawful detention by Sheriff's Deputies

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

e. **Mirko Hoffman v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 15-03724**

This lawsuit concerns allegations of civil rights violations arising from an arrest made by Sheriff's Deputies; authority is requested to make a statutory offer.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

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

- f. **Cecilia Garcia v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 488 439**  
**(Consolidated with Pauline Garcia v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 488 440)**

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

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

- g. **Charvus Thomas v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 477 574**

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in custody at Men's Central Jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$165,000.

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

5. **Approval of the minutes of the August 3, 2015, regular 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 11:28 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson  
Carol J. Slosson