



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, December 15, 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. County of Los Angeles v. Las Virgenes Municipal Water District

This matter concerns the recovery of money from the Las Virgenes Municipal Water District for property damage to a County highway caused by a broken District water main; settlement is recommended whereby the County will receive payment of \$115,000.

[See Supporting Document](#)

b. Mark Green v. County of Los Angeles, et al.
United States District Court Case No. CV 12-06007

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an incarcerated inmate; settlement is recommended in the amount of \$59,995.95.

[See Supporting Documents](#)

- c. Joseph Ober v. County of Los Angeles, et al.
United States District Court Case No. CV 10-10032

This lawsuit concerns allegations of excessive force by Sheriff's Deputies after Plaintiff's arrest, denial of medical treatment and religious discrimination; settlement is recommended in the amount of \$400,000.

[See Supporting Documents](#)

- d. Jane Doe by Latanya Swayzer v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 498 168

This lawsuit concerns allegations of sexual assault and battery by a Sheriff's Deputy; settlement is recommended in the amount of \$440,000.

[See Supporting Document](#)

- e. Kali Louise Hais v. County of Los Angeles
Los Angeles Superior Court Case No. BC 491 835

This lawsuit concerns allegations of negligent medical care by staff at LAC+USC Medical Center, which contributed to Plaintiff's injuries; settlement is recommended in the amount of \$799,950, plus waiver of the County's medical bills in the estimated amount of \$214,500.

[See Supporting Documents](#)

- f. Richard Taylor v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BS 144 885
United States District Court Case No. CV 13-00737

These lawsuits concern allegations by an employee of the Department of Health Services that he was denied procedural due process rights by the Civil Service Commission; settlement is recommended in the amount of \$55,818.47.

- g. Jason Jones v. County of Los Angeles
Los Angeles Superior Court Case No. BC 500 644

This lawsuit concerns allegations that an employee of the Probation Department was subjected to employment discrimination, harassment, and retaliation; settlement is recommended in the amount of \$60,000.

- h. Lucy Serrano v. County of Los Angeles
Los Angeles Superior Court Case No. BC 531 548

This lawsuit concerns allegations that a former employee of the Department of Parks and Recreation was subjected to sexual harassment, discrimination, and retaliation; settlement is recommended in the amount of \$60,000.

- i. Fernando Medina v. County of Los Angeles
Los Angeles Superior Court Case No. BC 497 614

This lawsuit concerns allegations that a former employee of the Department of Parks and Recreation was subjected to sex discrimination, harassment, and retaliation; settlement is recommended in the amount of \$95,000.

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the December 1, 2014, 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	County of Los Angeles v. Las Virgenes Municipal Water District
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 115,000
ATTORNEY FOR PLAINTIFF	Warren R. Wellen
COUNTY COUNSEL ATTORNEY	Warren R. Wellen
NATURE OF CASE	This matter involves the County's claim against the LVMWD for property damage to a County highway, which was caused by the District's broken water main. The District disputes liability, claiming that other sources of water caused the damage. Due to the risk and uncertainties of litigation, settlement of this case by accepting the sum of \$115,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 1,554
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mark Green v. County of Los Angeles, et al.
CASE NUMBER	CV 12-06007
COURT	United States District Court
DATE FILED	December 13, 2011
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 59,995.95
ATTORNEY FOR PLAINTIFF	DROCIAK, YEAGER AND ASSOCIATES
COUNTY COUNSEL ATTORNEY	Joseph A. Langton
NATURE OF CASE	<p>This is a recommendation to settle for \$59,995.95 the lawsuit filed by Plaintiff Mark Green, alleging his federal civil rights were violated when he was battered by Sheriff's Deputies.</p> <p>The Sheriff's Department contends that no force was used and the actions of the involved employees were reasonable under the circumstances.</p> <p>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 \$59,995.95 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 185,040
PAID COSTS, TO DATE	\$ 22,222



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:	Thursday, December 2, 2010; approximately 8:00 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Mark Green v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-036</p> <p>On Friday, December 10, 2010, the plaintiff alleged that on Thursday, December 2, 2010, at approximately 8:00 p.m., he was "severely kicked and beaten" by members of the Los Angeles County Sheriff's Department's Men's Central Jail staff for no reason. The initiation of the investigation into the plaintiff's allegation was delayed until December 12, 2010, because the plaintiff made his allegation by means of an inmate complaint form. There was and is no record of any use of force on the plaintiff. A medical exam subsequent to the allegation revealed no injuries to the plaintiff.</p>

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

The root cause of this incident is the plaintiff's allegation that he was subjected to unreasonable physical force 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.

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?

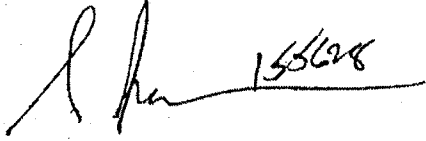
- Yes – The corrective actions address department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



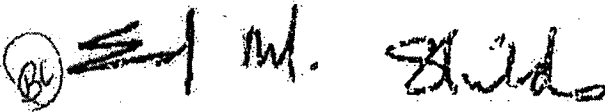
Date:

11-24-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

11/25/14

Chief Executive Office Risk Management Inspector General USE ONLY

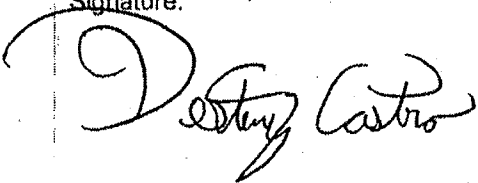
Are the corrective actions applicable to other departments within the County?

- 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:

12/1/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Joseph Ober v. County of Los Angeles, et al.
CASE NUMBER	CV10-10032 DMG (SHx)
COURT	United States District Court
DATE FILED	Complaint filed: 12/29/2010
COUNTY DEPARTMENTS	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Law Offices of John Burton
COUNTY COUNSEL ATTORNEY	Edwin A. Lewis
NATURE OF CASE	This is a recommendation to settle for \$400,000 the lawsuit filed by Plaintiff Joseph Ober, alleging that after his arrest for annoying and molesting a minor, he was attacked and beaten by Los Angeles County Deputies at the Inmate Reception Center without any justification. Mr. Ober further claims that he was denied medical treatment and that his request for Kosher food was met with the casting of religious aspersions by Sheriff's personnel. The Sheriff's Department denies the allegations.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$400,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 210,953

PAID COSTS, TO DATE \$ 26,433



Summary Corrective Action Plan

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Date of incident/event:	Wednesday, April 14, 2010; approximately 2:20 p.m.
Briefly provide a description of the incident/event:	<p><u>Joseph Ober v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-034</p> <p>On Wednesday, April 14, 2010, at approximately 2:20 p.m., the plaintiff was being processed into the Los Angeles County Inmate Reception Center. During the initial identification process, the plaintiff became argumentative and uncooperative. A Los Angeles County deputy sheriff spoke to the plaintiff and appeared to restore the plaintiff's cooperation. The plaintiff asked the deputy sheriff for assistance in rising from the floor. As the deputy sheriff placed his hands on the plaintiff's left arm to assist him, the plaintiff initiated a violent confrontation with the deputy sheriff. As a result, members of the Los Angeles County Sheriff's Department were compelled to use physical force to defend themselves and overcome the resistance offered by the plaintiff.</p> <p>After the violent struggle between the plaintiff and the members of the Los Angeles County Sheriff's Department, the plaintiff was subsequently restrained and ultimately placed in handcuffs.</p>

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

The root cause in this incident is the plaintiff's allegation that he was subjected to unreasonable physical force 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 Inmate Reception Center. Their review found that the force used by the members of the Los Angeles County Sheriff's Department was objectively reasonable and within Department

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?

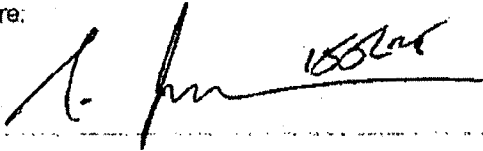
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



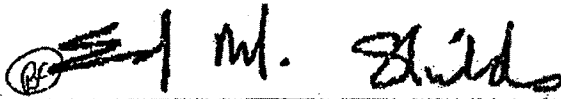
Date:

10-8-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

10/14/14

Chief Executive Office Risk Management Inspector General USE ONLY

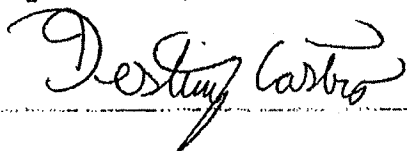
Are the corrective actions applicable to other departments within the County?

- 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:

10/20/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jane Doe by Latanya Swayzer vs. County of Los Angeles
CASE NUMBER	BC 498168
COURT	Los Angeles Superior Court
DATE FILED	February 5, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 440,000
ATTORNEY FOR PLAINTIFF	Brian Shea Panish & Shea, LLP
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff Jane Doe by Latanya Swayzer, alleges sexual assault and battery by a Deputy of the Los Angeles Sheriff's Department.</p> <p>The Sheriff's Department denies that they knew or should have known of the inappropriate relationship between Jane Doe and the Deputy and failed to take action.</p> <p>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 \$440,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 156,398
PAID COSTS, TO DATE	\$ 13,729

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kali Louise Hais v. County of Los Angeles
CASE NUMBER	BC 491835
COURT	Los Angeles Superior Court - Central
DATE FILED	September 10, 2012
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$799,950, plus waiver of the County's medical bills in the estimated amount of \$214,500
ATTORNEY FOR PLAINTIFF	Peter J. McNulty, Esq. McNulty Law Firm
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian - Senior Deputy County Counsel
NATURE OF CASE	<p>After suffering a fall, Kali Louise Hais, was taken to LAC+USC Medical Center, a County facility. While hospitalized at that facility, the plaintiff fell from her bed and suffered additional injuries.</p> <p>In her lawsuit against the County of Los Angeles, the plaintiff claims that the care provided to her at LAC+USC Medical Center was negligent thereby contributing to her fall and the resulting injuries.</p>
PAID ATTORNEY FEES, TO DATE	\$92,166
PAID COSTS, TO DATE	\$78,511

Case Name: Hais, Kailli #3947



Summary Corrective Action Plan

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Date of incident/event:	June 22, 2012
Briefly provide a description of the incident/event:	<p>After suffering a fall, Kailli Louise Hais, was taken to LAC+USC Medical Center, a County facility. While hospitalized at that facility, the plaintiff fell from her bed and suffered additional injuries.</p> <p>In her lawsuit against the County of Los Angeles, the plaintiff claims that the care provided to her at LAC+USC Medical Center was negligent thereby contributing to her fall and the resulting injuries.</p>

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

Brain injury resulting from a fall.

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

- All appropriate personnel corrective actions have been implemented.
- Staff was educated regarding falls prevention measures, restraint application, and hourly rounding.
- All DHS facilities were evaluated with regard to their monitoring procedures for patients in restraints.
- All DHS facilities monitor patients in restraints every 15 minutes.
- DHS created a system-wide Falls Risk Assessment and Prevention Policy.

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

Name: (Risk Management Coordinator)	
Signature: <i>ATM</i>	Date: 10/15/14

Name: (Department Head) Mitchell H Katz M.D.	
Signature: <i>Mitchell H Katz</i>	Date: 11/13/14

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)	
Signature: <i>Destiny Castro</i>	Date: 11/7/2014

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING
December 1, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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: Diane Reagan, Kent Sommer, Adrian Gragas, Patrice Salseda, Joanne Nielsen, Erik Conard, Jessie Lee, Narbeh Bagdasarian, and James Johnson; Sheriff's Department: Lt. Patrick Hunter, Sgt. Chastity Phillians, and Sgt. Albert Schauburger; Department of Children and Family Services: Karla Hernandez; Internal Services Department: Mark Colton and Michele Mathieu; Probation Department: Jacklin Injijian; Fire Department: Chief Anthony Marrone; Department of Public Works: Michael Rodriguez and Michael Hays; Department of Health Services: Arun Patel and Roberto Avitia; Outside Counsel: Steven Rothans and Randy Even.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(h) below.

4. Report of actions taken in Closed Session.

At 12:03 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Daniel Rodriguez v. County of Los Angeles, et al.
United States District Court Case No. CV 12-08622**

This lawsuit concerns allegations of federal civil rights violations and the use of excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$75,000.

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

b. **Farida Kazemi v. Los Angeles County Department of Children and Family Services, et al.**
Los Angeles County Superior Court Case No. BC 507 471

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to religious discrimination and a hostile work environment.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$63,750.

Vote: Ayes: 2 – Steve Robles and Patrick Wu
Noes: 1 – John Naimo

c. **Silvia Pinedo v. County of Los Angeles**
Los Angeles County Superior Court Case No. KC 065 429

This lawsuit arises from alleged injuries received from a slip and fall at a Probation Department office.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$49,999.

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

d. **South Coast Air Quality Management District v. County of Los Angeles (Department of Health Services, Rancho Los Amigos National Rehabilitation Center)**

This matter concerns penalties against the County for alleged violation of State low NOx emission standards regulated by the South Coast Air Quality Management District.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000 plus \$40 per month until completion of the retrofitting project, estimated at ten months.

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

- e. **Alberto Alvarez v. County of Los Angeles, et al.**
Orange County Superior Court Case No. 30-2013-00678468;
consolidated with Alex Solis v. Alberto Alvarez
Orange County Superior Court Case No. 30-2013-00664043

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department fire engine.

Action Taken:

The Claims Board approved settlement of this matter the amount of \$22,500.

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

- f. **Los Angeles County Flood Control District v. PCS/Bella Vita, LLC**
Los Angeles Superior Court Case No. BC 516 384

This lawsuit concerns the recovery of unpaid rent, plus late fees by the Los Angeles County Flood District, Department of Public Works, from PCS/Bella Vita, LLC, related to a breach of contract.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter wherein the County will accept payment in the amount of \$300,000.

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

- g. **Claim of Hasley Canyon Mobile Estates**

This claim seeks compensation for real property damage allegedly caused by the malfunction of a water pressure regulator maintained by the Department of Public Works.

Action Taken:

The Claims Board approved settlement of this matter the amount of \$55,809.

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

- h. **Vicente Perez, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. TC 027 184

This lawsuit concerns allegations of medical malpractice by LAC+USC Medical Center that contributed to the death of the plaintiffs' spouse and mother.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,650,000.

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

5. Approval of the minutes of the November 3, 2014, 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.

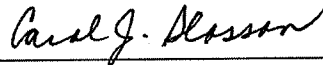
No such matters were discussed.

7. Adjournment

The meeting was adjourned at 12:09 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Carol J. Slosson