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 3, 2017, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Roger Granbo

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. **Oliver Balotro v. County of Los Angeles**
   Los Angeles Superior Court Case No. BC 580 878

   This inverse condemnation lawsuit against the Department of Public Works contends that a main line sewer backed up into Plaintiff's home as it was being remodeled.

   Action Taken:

   The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $154,205.76.

   Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

   See Supporting Document

b. **Tremell Thomas, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 547 390

This wrongful death lawsuit arises from an incident that occurred at the Jesse Owens Park swimming pool where Plaintiffs' son was found unconscious by County lifeguards.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $3,000,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

c. **Rosa M. Simon-Juan, et al. v. Bernabe Rios, et al.**
Los Angeles Superior Court Case No. BC 577 676

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department employee and a pedestrian.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $430,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

d. **Arthur Jenkins, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 607 608

This lawsuit concerns allegations of civil rights violations and excessive force by Sheriff's Deputies during a traffic stop.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $40,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

e. **Tara Jan Adams v. County of Los Angeles**
United States District Court Case No. 15-CV-4501

This lawsuit alleges that an employee from the Sheriff's Department was subjected to retaliation and denied promotional opportunities.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,275,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

f. **Virginia Jauregui v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 540 351

This lawsuit alleges that an employee from the Department of Mental Health was subjected to sexual harassment, retaliation, and that the Department failed to accommodate her disability and engage in the interactive process.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $350,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

g. **Katherine Berberian v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 593 549

This lawsuit alleges that an employee from the Department of Health Services was subjected to retaliation, discrimination, and harassment based on disability and ancestry.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $40,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

h. **Gayane Shirvanyan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 560 386

This lawsuit alleges that an employee from the Department of Health Services was subjected to retaliation, sexual harassment, and discrimination based on national origin and gender.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

i. **Scott Bricker v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 587 279

This lawsuit alleges that an employee from the Department of Health Services was subjected to retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $235,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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 20, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Oliver Balotro v. County of Los Angeles
CASE NUMBER		BC580878
COURT		Los Angeles Superior Court
DATE FILED		May 4, 2015
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	154,205.76
ATTORNEY FOR PLAINTIFF		Maurice Wainer Snipper, Wainer & Markoff
COUNTY COUNSEL ATTORNEY		Jenny Tam Deputy County Counsel
NATURE OF CASE		Mr. Balotro alleges that the County's sewer main line backed up and caused a sewage overflow into Mr. Balotro's home at 23645 Sunset Crossing Road in Diamond Bar on February 28, 2014. Mr. Balotro claims his home sustained major damage from the backflow. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	56,265
PAID COSTS, TO DATE	$	9,444

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Tremell Thomas, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC547390
COURT		Los Angeles Superior Court
DATE FILED		June 2, 2014
COUNTY DEPARTMENT		Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	$	3,000,000
ATTORNEY FOR PLAINTIFF		Brian Panish Panish Shea & Boyle LLP Bradley J. Yourist Yourist Law Corporation
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE		Plaintiffs Tremell Thomas and Enger Dodson filed this action for wrongful death as a result of the death of their minor son Enodre Thomas, who nearly drowned at the Jesse Owens Park pool on June 9, 2013. Enodre was pronounced dead three days later, after his parents took him off of life support. Plaintiffs claim that the County lifeguards were negligent resulting in Enodre's death. Plaintiffs claim that as a result of Enodre's death, they suffered damages for the loss of his love, companionship, comfort, care, assistance, protection, affection, society, and moral support. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	263,412
PAID COSTS, TO DATE	$	102,158

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Rosa M. Simon-Juan, et al. v. Bernabe Rios, et al.
CASE NUMBER		BC 577676
COURT		Los Angeles Superior Court
DATE FILED		April 6, 2015
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	430,000
ATTORNEY FOR PLAINTIFF		Augusto Focil
COUNTY COUNSEL ATTORNEY		Michael J. Gordon, Senior Associate County Counsel
NATURE OF CASE		On August 29, 2013, Mrs. Simon-Juan was walking in a marked crosswalk which connects the west side of Central Avenue with the south side of 108th Street. At the same time, a Parks Bureau Security Officer made a left turn, but he did not see Mrs. Simon-Juan in the crosswalk until just prior to the impact, and was unable to stop or take any evasive action before striking her about the left side of her body. Mrs. Simon-Juan claims injuries to her right knee and the entire left side of her body including back, neck, and shoulder. Mr. Simon-Juan claims damages for loss of consortium. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $430,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	101,449
PAID COSTS, TO DATE	$	41,522

Case Name: Simon-Juan 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:	
Briefly provide a description of the incident/event:	**Simon-Juan v. County of Los Angeles** Summary Corrective Action Plan 2016-052 On August 29, 2013, an on-duty Los Angeles County Sheriff's Department security officer, assigned to Countywide Services Division – Parks Bureau, was driving as a single-person unit in a marked security officer vehicle at the intersection of 108th Street and Central Avenue. As the security officer made a left turn from westbound on 108th Street to southbound Central Avenue, traveling approximately 5-10 miles per hour, he struck the plaintiff who was in the crosswalk as she walked eastbound on Central Avenue. The security officer called for paramedics via his handheld radio and Los Angeles City Fire Department personnel responded. The plaintiff complained of pain to her left foot and left hand. The plaintiff also sustained minor abrasions to the left side of her head and left hand. The plaintiff was transported to Harbor UCLA Hospital for treatment of her injuries.

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

A **Department** root cause for this incident was the Department's security officer violated California Vehicle Code section 21950(a).

The California Vehicle Code states that a driver of a vehicle shall yield the right-of-way to a pedestrian within a marked crosswalk or within any unmarked crosswalk at an intersection.

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

This collision was investigated by the Los Angeles Police Department (LAPD) South Traffic Division and Los Angeles County Sheriff's Department Parks Bureau management personnel.

Following their investigation and review, it was determined the security officer was at fault for the collision in violation of California Vehicle Code section 21950(a), failure to yield to a pedestrian in a crosswalk.

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 addressed the circumstances which occurred in the incident. Appropriate administrative action has been taken.

Parks Bureau conducted a review and assessment of all traffic collisions from 2013 through 2016. Based on this audit, a traffic reduction – risk management plan was developed.

The Parks Bureau's Traffic Collision Reduction - Risk Management Plan will serve as Parks Bureau's outline for ongoing traffic collision reduction efforts. The intent of the plan is to reduce exposure to auto liability by reducing preventable traffic accidents and minimize the loss or decline of Department resources.

During the audit, it was discovered that the total number of traffic collisions between the calendar year of this incident (August 2013) and the 2016 calendar year decreased by approximately 11%.

The most frequently cited causes of preventable traffic collisions at Parks Bureau were incidents where employees traveling at low speeds had struck objects while operating vehicles off-road in the parks (i.e. rocks, curbs, trees, steel poles, etc.).

Within this plan, specific risk management issues have been identified and goals have been established. Mitigation efforts will include strict audits concerning the condition of the fleet and coordination between other Sheriff's Department patrol stations and Traffic Services Detail to ensure timely investigations. Additionally, Parks Bureau will increase driver's training to include all employees involved in a traffic collision to attend the Sheriff's Department Alternatives to Discipline Driving Course or S.T.A.R. Driving Course.

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: 2-14-17

Name: (Department Head) Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 02-14-17

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: Destiny Castro	Date: 2/21/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Arthur Jenkins, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 607608
COURT		Los Angeles Superior Court
DATE FILED		January 19, 2016
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	40,000
ATTORNEY FOR PLAINTIFF		Charles Ludd, Jr., Esq.
COUNTY COUNSEL ATTORNEY		Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $40,000, inclusive of attorneys' fees and costs, the lawsuit filed by Plaintiffs Arthur Jenkins, Barbara Jenkins, and Simaine Jenkins against the County, a Sheriff's Deputy, and two Sergeants alleging State-law civil rights violations and other related causes of action. 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.
PAID ATTORNEY FEES, TO DATE	$	34,380
PAID COSTS, TO DATE	$	2,889

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

MARCH 20, 2017

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: Chair John Naimo, Steve Robles, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Jessica Rivas, Bruce Cochran, Richard Kudo, Michael Gordon, and Christopher Keosian; Fire Department: Monica Paraya Dominguez; Department of Parks and Recreation: David Waage and Donald Limbrick; Department of Public Works: Michael Hays and Dominic Osmena; Sheriff's Department: Al Reyes, Bill Song, Christopher Cale, Keith Swenson, Chris Perez, Joshua Bardon, Kevin Pearcy, and Dominic Dannan; and Outside Counsel: Armineh Megrabyan.

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 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 10:36 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Non-Litigated Claim of State Farm Mutual Automobile Insurance Company</u>

This claim arises from alleged damages sustained in a vehicle accident involving a Fire Department employee.

<u>Action Taken</u>:

The Claims Board approved the settlement of this matter. The substance of the above settlement will be disclosed upon inquiry by any person as soon as settlement between all parties becomes final.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

b. **Juan Maldonado v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 588 994

This lawsuit arises from alleged injuries and damages sustained in a vehicle accident involving an employee from the Department of Parks and Recreation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $66,500.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

c. **James Castillo, Sr., et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 591 419

This lawsuit arises from alleged injuries and damages sustained when a County-owned tree maintained by the Department of Public Works fell on Plaintiffs.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $2,000,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

d. **Manuel Casas Porras v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 536 811

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $25,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

e. **Fernie Mosquera v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 553 310

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department Security Officer and a motorcyclist.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $70,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

f. **Guadalupe Lopez v. County of Los Angeles.**
Los Angeles Superior Court Case No. BC 540 387 / BC 588 302

This lawsuit alleges that an employee from the Sheriff's Department was subjected to retaliation and harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,500,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

5. **Approval of the minutes of the March 6, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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 10:37 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz