

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, MAY 15, 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. **Lillian Garcia, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 561 344**

This lawsuit arises from alleged injuries sustained when Plaintiff was hit by a Fire Department Lifeguard's vehicle.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$225,000.

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

[See Supporting Documents](#)

- b. **Benjamin Nicholas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 575 312**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department patrol car.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$23,233.44.

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

[See Supporting Document](#)

c. **Raquel Rodriguez v. County of Los Angeles , et al.**
Los Angeles Superior Court Case No. BC 603 094

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department patrol car.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$27,000.

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

[See Supporting Document](#)

d. **Jonathan Hatter v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 574 671

This dangerous condition lawsuit arises from injuries Plaintiff received from a fall while at the lobby of a Department of Public Social Services' office.

Action Taken:

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

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

[See Supporting Document](#)

e. **Ghislaine Couchman v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 591 734

This lawsuit arises from injuries Plaintiff sustained when she tripped and fell on concrete rubble and debris in the parking lot at Harbor/UCLA Medical Center.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$60,000.

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

[See Supporting Document](#)

f. **Moises A. Sandoval and Martha A. Sandoval v. County of Los Angeles and Richard Hugues**
Los Angeles Superior Court Case No. BC 602 093

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee from the Internal Services Department.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$95,000.

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

[See Supporting Document](#)

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 May 1, 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	Lillian Garcia, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC561344
COURT	Los Angeles Superior Court
DATE FILED	October 21, 2014
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 225,000
ATTORNEY FOR PLAINTIFF	Kyle Madison Madison Law Group
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises out of an accident that occurred on October 21, 2012, in Marina Del Rey when plaintiff Lillian Garcia was struck by a vehicle driven by a Fire Department employee while Ms. Garcia was exercising in a marked fire lane of a parking lot. Ms. Garcia claims to have suffered injuries and damages as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 74,572
PAID COSTS, TO DATE	\$ 23,657



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:	October 26, 2012
Briefly provide a description of the incident/event:	<p>On October 26, 2012, Department received a 911 call regarding a possible plane crash into the waters of Marina Del Rey. At approximately 11:30 a.m., Lifeguard Captain responded to the emergency call with lights and sirens activated. Additionally, two (2) Ocean Lifeguard Specialists also responded to the scene of the emergency with lights and sirens activated.</p> <p>The lifeguard personnel pulled straight to the curb with plaintiff exercising to their right. The lifeguard captain saw the plaintiff exercising in the marked fire zone of the parking lot, but plaintiff did not look up nor did she acknowledge that an emergency incident was in progress. Lifeguard personnel ran down the dock to the water and determined that there was no emergency and returned to their vehicles.</p> <p>Upon returning to his vehicle the lifeguard captain did not see the plaintiff. He got into his vehicle and started a right turn at the speed of approximately four (4) miles per hour to leave the scene while reaching for his radio microphone to call dispatch and provide them a report of the incident. He made contact with the plaintiff, felt the impact and stopped and got out of the vehicle. The plaintiff, who had been down on the ground in a prone position, was on the ground with her head and shoulder near the right front tire of the lifeguard captain's vehicle.</p> <p>The plaintiff was transported by McCormick and treated at UCLA Westwood.</p>

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


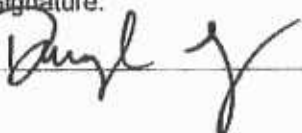
The Lifeguard Captain failed to see the plaintiff while in the prone position in the marked fire lane when he drove the Department vehicle to exit the parking lot.


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

1. The Department anticipates training approximately 170 permanent lifeguard personnel in defensive driving by July 1, 2017.
2. The Risk Management Division has begun to conduct quarterly meetings with internal stakeholders to discuss overlapping cases and matters that may be of concern to Risk Management, Return to Work, Human Resources, Professional Performance Section, and Employee Relations. During the internal meetings stakeholders can identify and determine the appropriate steps to be taken to correct a situation including investigations prior to the lapse of the FBOR statute.
3. Department is working toward implementing improved methods of reporting and assessing matters globally by improving Department wide communication via the quarterly internal stakeholders meeting and accountability, up to and including disciplinary action, for all employees within the chain of command that fail to report violations of policy and procedure.
4. Notice of Instruction issued March 31, 2017, for lifeguard captain.
5. Department managers will be provided FBOR update given by Leibert Cassidy Whitmore (LCW) on May 9, 2017. Attendees include, but are not limited to, Executive Team members (Fire Chief, Chief Deputies, Deputy Chiefs, and Assistant Chiefs). Moreover, all managerial level lifeguard personnel, including but not limited to, all Section Chiefs Assistant Lifeguard Chief, and Chief Lifeguard. The customized training will focus on areas related to the needs of the Department including strict observance of FBOR statute of limitation and timely reporting of possible disciplinary matters.

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.

Name: (Risk Management Coordinator) Monica Paraja Dominguez	
Signature: 	Date: 04/27/17
Name: (Department Head) Daryl L. Osby	
Signature: 	Date: 04/27/17

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" 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)	
Destiny Castro	
Signature:	Date:
	4/25/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Benjamin Nicholas, et al. v. County of Los Angeles Sheriff's Department, et al.
CASE NUMBER	BC575312
COURT	Los Angeles Superior Court
DATE FILED	March 12, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 23,233.44
ATTORNEY FOR PLAINTIFF	Thomas Rothstein Feldman & Rothstein, P.C.
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a two vehicle collision that occurred on October 2, 2014, at the intersection of Hacienda Boulevard and Stafford Street in the City of Industry, when a vehicle driven by a Sheriff's Deputy collided with a vehicle driven by plaintiff Benjamin Nicholas. His wife plaintiff Ofelia Nicholas was seated in the right, front passenger seat. Mr. Nicholas and Mrs. Nicholas both claim to have suffered injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 1,318
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Raquel Rodriguez v. County of Los Angeles, et al.
CASE NUMBER	BC603094
COURT	Los Angeles Superior Court
DATE FILED	December 4, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 27,000
ATTORNEY FOR PLAINTIFF	Sam Helmi Lebedev, Michael & Helmi, APC
COUNTY COUNSEL ATTORNEY	Jessica C. Rivas Deputy County Counsel
NATURE OF CASE	This is a lawsuit filed by Raquel Rodriguez for bodily injuries and loss of earnings caused by a Sheriff's Deputy in a January 12, 2014 traffic collision. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$27,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 7,641
PAID COSTS, TO DATE	\$ 2,246

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jonathan Hatter v. County of Los Angeles
CASE NUMBER	BC 574671
COURT	Los Angeles Superior Court
DATE FILED	March 5, 2015
COUNTY DEPARTMENT	Department of Public Social Services
PROPOSED SETTLEMENT AMOUNT	\$ 75,000
ATTORNEY FOR PLAINTIFF	Chester Bennett, Law Offices of Chester Bennett Lisa Mitts Patrick, Law Offices of Lisa Mitts Patrick
COUNTY COUNSEL ATTORNEY	Jessica C. Rivas Deputy County Counsel
NATURE OF CASE	Plaintiff Jonathan Hatter alleges that he was injured when a row of chairs collapsed as he attempted to stand up at the General Relief lobby of a Department of Public Social Services building. He claims that the chair was a dangerous condition of public property. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$75,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 46,143
PAID COSTS, TO DATE	\$ 8,036

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ghislaine Couchman v. County of Los Angeles
CASE NUMBER	BC591734
COURT	Los Angeles Superior Court
DATE FILED	January 13, 2015
COUNTY DEPARTMENT	Department of Health Services - Harbor/UCLA
PROPOSED SETTLEMENT AMOUNT	\$ 60,000
ATTORNEY FOR PLAINTIFF	Derek Tabone, Esq. Law Offices of Tabone, APC
COUNTY COUNSEL ATTORNEY	Jenny P. Tam Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a dangerous condition that occurred on September 9, 2014, at the parking lot of 1000 W. Carson Street, in the City of Torrance when Plaintiff Ghislaine Couchman alleges she tripped and fell on concrete rubble and debris in the parking lot.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 34,554.54
PAID COSTS, TO DATE	\$ 7,091.18

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Moises A. Sandoval; Martha A. Sandoval v. County of Los Angeles; Richard Hugues
CASE NUMBER	BC602093
COURT	Los Angeles Superior Court
DATE FILED	November 23, 2015
COUNTY DEPARTMENT	Internal Services Department
PROPOSED SETTLEMENT AMOUNT	\$ 95,000
ATTORNEY FOR PLAINTIFF	Brenton L. Horner, Esq.
COUNTY COUNSEL ATTORNEY	Jenny P. Tam Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle accident that occurred on December 2, 2014, at the intersection of Palm Avenue and Lemon Street in Alhambra. A County employee failed to yield to oncoming traffic from a stop sign, causing a collision. Plaintiffs seek compensation for their alleged injuries from the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 26,161
PAID COSTS, TO DATE	\$ 21,142

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

MAY 1, 2017

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 Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Lindsay Yoshiyama, and Diana Taing; Fire Department: Cynthia Maluto, William McCloud, and Julia Bennett; Sheriff's Department: David Flores, Kevin Percy, and Dominic Dannan; Department of Public Works: Hassan Alameddine; and Outside Counsel: Jeff Hausman.

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.**

One member 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(c) below.

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

At 10:17 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **David Gutierrez, et al. v. Los Angeles County Fire Department, et al.
Los Angeles Superior Court Case No. BC 583 430**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department pickup truck.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$27,000.

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

b. Non-Litigated Claims of Lu Yi Yang and State Farm Mutual Automobile Insurance Company

This subrogation claim seeks reimbursement of Lu Yang's out of pocket expenses and the insurance benefits that State Farm Mutual Automobile Insurance Company paid to its insured due to a collision involving a Sheriff's Department patrol car.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$50,864.59.

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

**c. Martin Barco v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 605 518**

This lawsuit alleges that an employee from the Department of Public Works was subjected to disability discrimination, harassment and that the Department failed to engage in the interactive process or provide a reasonable accommodation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$299,000.

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

5. Approval of the minutes of the April 17, 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

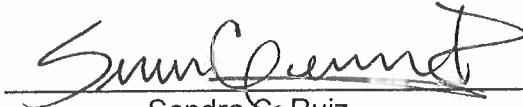
6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:18 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Sandra C. Ruiz