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, NOVEMBER 6, 2017, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, 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. **Non-Litigated Claim of Sergio Ocampo**

      This inverse condemnation claim against the Department of Public Works contends that a main line sewer backed into Claimant's business office building.

      Action Taken:

      The Claims Board approved the settlement of this matter in the amount of $30,446.97 (includes prior payment of $10,000).

      Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

      See Supporting Document

b. **Samuel Morales v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. EC 085 265

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a motorcycle versus motorcycle accident.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $80,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

See Supporting Document

c. **Sadie Distin, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 520 210

This wrongful death lawsuit alleges federal civil rights violations and negligence arising out of the death of an inmate while incarcerated at Twin Towers Correctional Facility.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $46,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

See Supporting Document

d. **Altrikii Brown v. County of Los Angeles, et al.**
United States District Court Case No. CV 16-01413

This lawsuit concerns allegations of civil rights violations and excessive force when Plaintiff was shot and arrested by a Sheriff's Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $300,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

See Supporting Documents

e. **Joseph Giovannetti v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 611 622

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $49,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

See Supporting Document

f. **Vernon McBride v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 580 633

This lawsuit concerns allegations that an employee from the Department of Children and Family Services was subjected to disability discrimination and unlawful medical inquiry.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $29,999.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

g. **Olga Gutierrez v. County of Los Angeles**
Los Angeles Superior Court Case No. VC 064 684

This lawsuit concerns allegations that an employee from the Registrar-Recorder/County Clerk was subjected to discrimination, harassment, and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $300,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

h. **Tami Olenik v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 600 346

This lawsuit concerns allegations that an employee from the Department of Health Services was subjected to disability discrimination, harassment based on disability, and that the Department failed to engage in the interactive process.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

i. **Stephanie Lewis v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 634 363

This lawsuit concerns allegations that the Department of Health Services and the Department of Public Health denied employment to Plaintiff based on medical disability and that both Departments failed to engage in the interactive process.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, 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 October 16, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, 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		Non-Litigated Claim of Sergio Ocampo
CASE NUMBER		N/A
COURT		N/A
DATE FILED		N/A
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	$30,446.97 (sum includes payments already made totalling $10,000)
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Kelsey Nau Senior Associate County Counsel
NATURE OF CASE		This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimant's business complex and damaged his real 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		Samuel Morales v. County of Los Angeles, et al.
CASE NUMBER		EC058265
COURT		Los Angeles Superior Court
DATE FILED		April 13, 2012
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	80,000
ATTORNEY FOR PLAINTIFF		Jon M. Steiner, Esq.
COUNTY COUNSEL ATTORNEY		Michael J. Gordon, Deputy County Counsel
NATURE OF CASE		On April 17, 2011, Plaintiff was involved in a motorcycle versus motorcycle collision on Big Tujunga Canyon Road in which he sustained personal injuries. Plaintiff alleges that the County created a danagerous condition on the roadway by its failure to post traffic and warning signs near a curve in the roadway which created a trap and caused the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $80,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	486,055
PAID COSTS, TO DATE	$	105,440

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Sadie Distin, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 520210
COURT		Los Angeles Superior Court
DATE FILED		September 3, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	46,500
ATTORNEY FOR PLAINTIFF		Larry D. Lewellyn, Esq.
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $46,500, inclusive of attorneys' fees and costs, a lawsuit filed by Sadie Distin against the County and the Sheriff's Department alleging wrongful death, negligence, and federal civil rights violations arising out of the death of Ms. Distin's grandson, Leo Distin, while he was incarcerated at the Twin Towers Correctional Facility. Given 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 $46,500 is recommended.
PAID ATTORNEY FEES, TO DATE	$	67,194
PAID COSTS, TO DATE	$	6,323

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Altriki Brown v. County of Los Angeles, et al.
CASE NUMBER		CV 16-01413
COURT		United States District Court
DATE FILED		July 25, 2016
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	300,000
ATTORNEY FOR PLAINTIFF		Jamon R. Hicks, Esq. Douglas/Hicks Law, APC
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $300,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit arising out of a May 2014 non-fatal, deputy-involved shooting at the House of Blues in the City of West Hollywood filed by Altriki Brown. Given 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 $300,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	$40,051
PAID COSTS, TO DATE	$	2,303

Case Name: Altriki Brown 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:	May 24, 2014 at approximately 1:50 A.M.
Briefly provide a description of the incident/event:	**Altriki Brown v. County of Los Angeles** Summary Corrective Action Plan 2017-27 On May 24, 2014, at approximately 1:50 A.M., six deputy sheriff personnel and one sergeant were working a special contract event at the "House of Blues" providing security at a rap concert. A briefing was conducted prior to the start of the shift in which personnel were instructed to allow House of Blues security staff to handle any problems inside the venue. The assigned deputy sheriff personnel were to intervene if they witnessed a criminal act outside of the venue, but maintain awareness of potential consequences due to the presence of a large crowd at the venue. **Note:** On-duty deputy sheriff personnel assigned to West Hollywood Station commonly work similar events to assist in discouraging problems and to provide a more rapid and coordinated response if any problems arise. Once the event concluded, and patrons were leaving the venue, House of Blues security personnel alerted deputy sheriff personnel of a fight in the parking lot of the venue. Deputy sheriff personnel responded to the area for further investigation. Prior to the deputy sheriffs' arrival at the location of the fight, House of Blues security personnel separated the involved parties. One of the involved male adults was angry and he attempted to re-engage the plaintiff and other involved persons. The angry man was escorted to a brown Pontiac Bonnevlle that was parked in the valet area. The Pontiac was parked approximately four to ten feet in front of the plaintiff's Chrysler 300. The first deputy sheriff saw that the plaintiff was uncooperative with security personnel and approached to assist. Security personnel convinced the plaintiff to enter his Chrysler 300, prior to the first deputy making contact with him. The plaintiff entered his Chrysler 300 vehicle and accelerated forward, ramming the Pontiac Bonneville parked in front of him. After the collision, the plaintiff's vehicle continued to accelerate forward and push against the Bonneville, causing his tires to screech, spin, and smoke. Several patrons scattered and two security personnel, which had been positioned between the two vehicles, were forced to jump out of the way. One security officer received a minor injury when he fell as he moved out of the way.

A second deputy sheriff ran over to the driver's side of the Chrysler 300, drew his firearm, and ordered the plaintiff to stop and exit the vehicle. The plaintiff briefly stopped accelerating then re-accelerated "full-throttle," and rammed the Bonneville for a second time. While the plaintiff's Chrysler 300 was in contact with the Bonneville, the plaintiff continued to accelerate forward, causing his vehicle's tires to spin, screech, and smoke.

The first deputy sheriff ran toward the driver's side of the Chrysler 300, in close proximity to the second deputy sheriff, and drew his firearm. Both deputy sheriffs ordered the plaintiff to stop and exit the vehicle, but the plaintiff did not comply. Event patrons were standing in several positions around and near the Chrysler 300, and the plaintiff continued accelerating his vehicle's engine and using his vehicle to recklessly push the Bonneville.

Due to the plaintiff's erratic and reckless actions causing a potential for great bodily injury or death to the nearby patrons, security, and deputy sheriff personnel, the first deputy fired one round which struck the rear driver's window of the Chrysler 300. The plaintiff continued to recklessly accelerate his vehicle against the Bonneville. The first deputy reassessed the plaintiff's actions and the threat to the bystanders, and then fired a second round which struck the plaintiff in the left bicep.

After the second shot, the plaintiff immediately stopped his acceleration, exited his vehicle, rolled onto the ground, and was handcuffed without further resistance.

A third deputy sheriff broadcasted via radio that a shooting occurred and requested paramedics. The second deputy sheriff, along with one security guard, administered first aid to the plaintiff until paramedics arrived at the location.

The plaintiff was subsequently transported to the hospital, where he was treated for a gunshot wound to his left arm.

The plaintiff was arrested and charged with Assault with a Deadly Weapon (California Penal Code Section 245[a][1]), Obstruct/Resist a Peace Officer by means of threats or violence (California Penal Code Section 69), and Resisting, Delaying or Obstructing a Peace Officer (California Penal Code section 148[a][1]).

The plaintiff was released from custody on bond, pending criminal proceedings.

As a result of a jury trial, the plaintiff was acquitted of Assault with a Deadly Weapon and the subsequent criminal charges were dismissed in furtherance of justice.

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

A **Department** root cause in this incident was the discharge of a firearm into an occupied and moving vehicle in an effort to stop the driver's erratic and reckless actions.

A **Non-Department** root cause in this incident was the plaintiff's failure to comply with the lawful orders of the Los Angeles County deputy sheriff, and his reckless actions that placed citizens and deputy sheriff personnel in danger of great bodily injury or death.

The plaintiff intentionally caused damage to another patron's vehicle. The plaintiff's actions also caused a security guard to be injured when he feared for his life and safety and fell when he moved out of the way of the plaintiff's moving vehicle.

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

The incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred. Upon conclusion of their investigation, the case was submitted to the Los Angeles County District Attorney's Office for filing consideration.

On January 22, 2015, the Los Angeles County District Attorney's Justice Systems and Integrity Division (J.S.I.D.) concluded that the first deputy sheriff, "acted in lawful self-defense and the defense of others when he used deadly force against (the plaintiff)." They added that they are closing their file on this case and will take no further action in this matter.

The incident was investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident.

On December 3, 2015, the results of the administrative investigation were presented to the Executive Force Review Committee (EFRC) for evaluation.

The EFRC determined the tactics and the use of deadly force were within Department policy.

On August 4, 2016, the Los Angeles County Sheriff's Department published an update to the Manual of Policy and Procedures, section 3-10/220.00 *Use of Firearms Against Vehicles and/or Occupants of Vehicles*. The policy update was coupled with a training video that was produced by the Department's Video Production Unit.

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: 9-13-17

Name: (Department Head) Karyn Mannis, Chief Professional Standards and Training Division	
Signature: Karyn Mannis	Date: 09-14-17

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: 9/18/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Joseph Giovannetti. v. County of Los Angeles, et al.
CASE NUMBER	BC 611622
COURT	Los Angeles Superior Court
DATE FILED	February 25, 2016
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$49,000
ATTORNEY FOR PLAINTIFF	David Blaine, Esq. Law Offices of Ted Wacker
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on March 14, 2014, in which the Plaintiff was injured when a DCFS social worker rear ended the Plaintiff's Toyota van at East Colorado Blvd. and Euclid Blvd.in the City of Pasadena. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$9,876
PAID COSTS, TO DATE	$2,632

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

October 16, 2017

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:29 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 Steve Robles, Arlene Barrera, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Jonathan McCaverty, Kelsey Nau, Stacey Lee, and Donna Koch; Sheriff's Department: Scott Johnson, Chris Berguer, Kevin Pearcy, and Dominic Dannan; Fire Department: William McCloud and Julia Bennett; Probation Department: Vicky Santana.

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 9:31 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 10:15 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Frank O'Connell, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 13-01905

This lawsuit against the County of Los Angeles and the Sheriff's Department alleges federal civil rights violations for an arrest, conviction, and 27-year incarceration for a murder Plaintiff alleges he did not commit.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $15 million.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

b. **Haydee V. Trejo, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 620 965

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department's paramedic squad.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $32,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

c. **Glen Smith v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 615 823

This lawsuit concerns allegations that an employee from the Fire Department was subjected to discrimination, racial harassment, retaliation, and that the Department violated the Fair Labor Standards Act by not compensating Plaintiff for overtime.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

d. **Zuleima Portillo v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 603 378

This lawsuit alleges that an employee from the Probation Department was subjected to sexual harassment, discrimination based on sex and disability, and retaliation.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

5. **Approval of the minutes of the October 2, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, 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 10:16 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz