



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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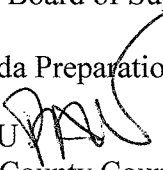
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December 31, 2015

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TO: PATRICK OGAWA
Acting Executive Officer
Executive Office Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
David Paniagua v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 024 695

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled David Paniagua v. County of Los Angeles, et al., Los Angeles Superior Court Case No. MC 024 695 in the amount of \$250,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from alleged injuries sustained in a vehicle versus pedestrian accident involving a civilian employee of the Sheriff's Department.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	David Paniagua v. County of Los Angeles, et al.
CASE NUMBER	MC024695
COURT	Los Angeles County Superior Court
DATE FILED	July 3, 2014
COUNTY DEPARTMENT	Sheriffs
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	S. Edmond El Dabe
COUNTY COUNSEL ATTORNEY	Harold G. Becks of Harold G. Becks & Associates
NATURE OF CASE	This lawsuit arises from a pedestrian versus vehicle accident that occurred on July 18, 2013, in front of the McDonald's Restaurant located at 8507 Pearblossom Highway in Littlerock when a vehicle driven by a non-sworn employee of the Sheriff's Department struck plaintiff David Paniagua as he was walking on the sidewalk. Mr. Paniagua claims 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	\$ 47,308
PAID COSTS, TO DATE	\$ 86

Case Name: David Paniagua v. County of Los Angeles



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, July 18, 2013; approximately 8:16 a.m.
Briefly provide a description of the incident/event:	<p><u>David Paniagua v. County of Los Angeles</u> Summary Corrective Action Plan 2015-039</p> <p>On Thursday, July 18, 2013, at approximately 8:16 a.m., a Los Angeles County Court Services Specialist (CSS) was leaving a private driveway when he stopped at the sidewalk to allow pedestrians to cross his path. The Court Services Specialist acknowledged the plaintiff and his two companions and gestured for them to cross in front of his vehicle. After the two companions crossed the driveway, the Court Services Specialist began to cross the driveway. However, the plaintiff had not completely cleared the path of the vehicle as the Court Services Specialist initiated his turning movement. As a result, the front of the vehicle struck the left side of the plaintiff's body.</p> <p>The plaintiff was transported to a local hospital for treatment of his injuries.</p>

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

The *primary* root cause in this incident is the Los Angeles County Sheriff's Department's Court Services Specialist's violation of California Vehicle Code section 22106, Unsafe Start (**Exhibit A – California Vehicle Code section 22106, Unsafe Start**).

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

This incident was investigated by representatives of the California Highway Patrol and the Los Angeles County Sheriff's Department's Civil Management Unit. Following their investigations and subsequent reviews of the incident, employee misconduct was determined to be the primary causal factor. Pursuant to Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/070.45, Corrective Action, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department (**Exhibit B – Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/070.45, Corrective Action**).

On August 14, 2013, the employee attended and successfully completed an 8-hour defensive driving course entitled, "EVOC Civilian Defensive Driving/Volunteers."

County of Los Angeles
Summary Corrective Action Plan

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

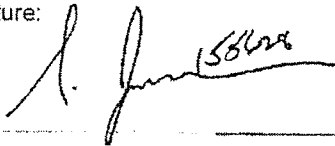
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:

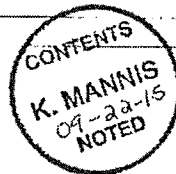


Date:

9-18-15

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division



Signature:

Earl Shields km

Date:

09-22-15

Chief Executive Office Risk Management Inspector General USE ONLY

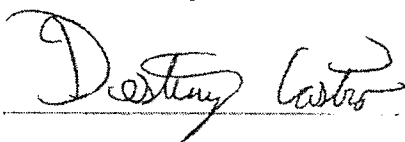
Are the corrective actions applicable to other departments within the County?

- 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:



Date:

9/23/2015