

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	SHARYL RENE BEEBE
CASE NUMBER	SC094597
COURT	SANTA MONICA
DATE FILED	JULY 7, 2007
COUNTY DEPARTMENT	FIRE
PROPOSED SETTLEMENT AMOUNT	\$125,000.00
ATTORNEY FOR PLAINTIFF	BRENT STEPHEN MERRITT
COUNTY COUNSEL ATTORNEY	JOSEPH A. LANGTON
NATURE OF CASE	<p>On December 12, 2006, at approximately 1:45 p.m., plaintiff Sharyl Beebe was in the number three southbound lane on Pacific Coast Highway approaching the McClure tunnel.</p> <p>Ms. Beebe was traveling behind a vehicle which stopped to make a right hand turn into a beach parking lot. Once the vehicle in front of Ms. Beebe completed its turn, Ms. Beebe began to accelerate. At that time, she was rear-ended by the County Fire employee. The employee was driving in the course and scope of his employment. His speed was at</p>

approximately 25-30 miles per hour on impact.

Ms. Beebe's vehicle sustained rear end damage in the amount of \$6,110.00.

Among other physical injuries, Ms. Beebe's left elbow and arm hit the driver door jam as her body moved backwards in the collision. She was taken via ambulance to St. John's Health Center where she was diagnosed with mild trapezial tenderness. In the days thereafter, Ms. Beebe developed additional pain, including, but not limited to cervical and lumbar spine, left ankle and post-concussion syndrome. She also developed pain to her left elbow as well as numbness and tingling in her pinky and ring fingers. As a result, Ms. Beebe underwent left ulnar nerve transposition and left medial epicondylectomy surgery on July 6, 2007.

Ms. Beebe's special medicals totaled \$59,831.00. Her property damage claim totaled \$6,110.00.

The Santa Monica Police Department's December 12, 2006 report held that the Fire employee was the primary collision factor and in violation of Vehicle Code section 21703, for following Ms. Beebe's automobile too closely.

Due to the risks and uncertainties of litigation, the County of Los Angeles Fire Department proposes a full and final settlement of the case against the County by tendering a lump sum payment in the amount of \$125,000.00.

PAID ATTORNEY FEES, TO DATE	\$18,276.43
PAID COSTS, TO DATE	\$5,770.44

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:	December 12, 2006
Briefly provide a description of the incident/event:	<p>A Fire Department utility driver for the Lifeguard Division was traveling southbound on Pacific Coast Hwy near California Ave. following the plaintiff, Ms. Beebe. A car in front of Ms. Beebe slowed to turn into a beach parking lot, causing her to come to a complete stop. As she was beginning to move forward again, the Department vehicle was unable to stop in time and rear-ended Ms. Beebe at approximately 25 – 30 mph.</p> <p>The plaintiff apparently sustained some minor, soft tissue injuries and an elbow bruise which were identified at the time of the accident. She was transported to the hospital. At a later date she was diagnosed with ulnar nerve entrapment which required surgical release. The IME retained by the County stated that the release surgery was necessary because she apparently developed scarring in the region of the cubital tunnel from the contusion to the left elbow at the time of this traffic accident. The physician felt this was not an uncommon cause of a condition such as hers.</p>

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

The Fire Department driver failed to maintain a safe distance between his vehicle and the plaintiff's vehicle in front of him which did not allow him adequate time to stop and avoid the accident.

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

1. The employee was issued a Request for Written Statement on December 13, 2006, the day after the accident. After receiving that statement the employee was issued a Notice of Instruction indicating the requirement for him to adhere to Fire Department Standards of Behavior.
Completed: December 29, 2006
Responsible Party: Assistant Lifeguard Chief
Disciplinary Action: Notice of Instruction

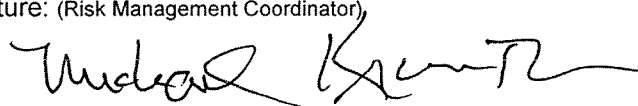

2. The employee participated in the Fire Department training for utility drivers. This was a 9 hour course which included the topics; Defensive and Safe Driving and Accident Prevention and Reporting.
Completed: June 19, 2007
Responsible Party: Fire Department Training Section

3. The Department employee will be required to undergo the additional training of attending a 4 hour Recruit Defensive Driving lecture at the training academy in Pomona.
Expected Completion: April 4, 2008
Responsible Party: Fire Department Training Section; Assistant Lifeguard Chief

4. The employee will undergo a 4 hour "behind the wheel" driving session with the Department's DMV Coordinator.
Expected Completion: May 1, 2008
Responsible Party: Fire Department Training Section; Assistant Lifeguard Chief

3. State if the corrective actions are applicable to only your department or other County departments:
 (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 3/28/08
Signature: (Department Head) 	Date: 04/01/08

County of Los Angeles Fire Department

Corrective Action Plan

Lawsuit: Beebe v. Gonzales, et al.
Claim No: 07-1050505
Date of Incident: December 12, 2006
Location of Incident: Pacific Coast Hwy., Santa Monica

Incident Summary:

The County employee is a Fire Department utility driver for the Lifeguard Division. He was traveling southbound on Pacific Coast Hwy near California Ave. following the plaintiff, Ms. Beebe. A car in front of Ms. Beebe slowed to turn into a beach parking lot, causing her to come to a complete stop. As she was beginning to move forward again, the Department vehicle was unable to stop in time and rear-ended Ms. Beebe at approximately 25 – 30 mph.

Ms. Beebe apparently sustained some minor, soft tissue injuries and an elbow bruise which were identified at the time of the accident. She was transported to the hospital. At a later date she was diagnosed with ulnar nerve entrapment which required surgical release. The IME retained by the County stated that the release surgery was necessary because, "Ms. Beebe apparently developed scarring in the region of the cubital tunnel from a contusion to the left elbow at the time of this traffic accident. This is not an uncommon mechanism for the development of traumatic cubital tunnel syndrome."

Risk Management Issues:

Issue #1 – This employee failed to maintain adequate distance between his vehicle and the plaintiff's vehicle which would have allowed him to stop in time. Employees driving Department vehicles are required to drive in a safe manner at all times and maintain adequate distance from other vehicles.

Corrective Action Summary

1. The Assistant Lifeguard Chief issued a Request for Written Statement to the Department employee on December 13, 2006, the day after the accident. After receiving that statement, the employee was issued a Notice of Instruction indicating the requirement for him to adhere to Fire Department Standards of Behavior.

Completed: December 29, 2006

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- 2. The employee participated in the Fire Department training for utility drivers. This was a 9 hour course which included the topics; Defensive and Safe Driving and Accident Prevention and Reporting.

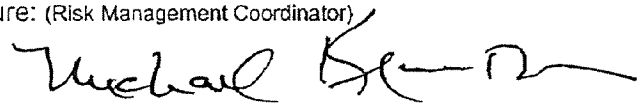
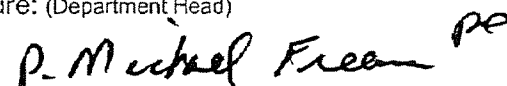
Completed: June 19, 2007

- 3. The Department employee will be required to undergo the additional training of attending a 4 hour Recruit Defensive Driving lecture at the training academy in Pomona.

Expected Completion: April 4, 2008

- 4. The employee will undergo a 4 hour "behind the wheel" driving session with the Department's DMV Coordinator.

Expected Completion: May 1, 2008

Signature: (Risk Management Coordinator) 	Date: 4/9/08
Signature: (Department Head) 	Date: 04/10/08

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