



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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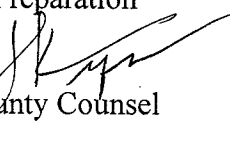
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ANDREA SHERIDAN ORDIN
County Counsel

September 30, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Bryan David Moore, et al. v. County of Los Angeles**
Compton Superior Court Case No. TC 022 412

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 the Summary Corrective Action Plan to be made available to the public.

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

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Bryan David Moore, et al. v. County of Los Angeles, Compton Superior Court Case No. TC 022 412, in the amount of \$350,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Bryan D. Moore, et al. v. County of Los Angeles, et al.
CASE NUMBER	TC 022412
COURT	Los Angeles Superior Court-South Central
DATE FILED	June, 26, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEYS FOR PLAINTIFF	The Cochran Firm
COUNTY COUNSEL ATTORNEY	Gordon W. Trask, Principal Deputy County Counsel, (213) 974-1921
NATURE OF CASE	<p>Plaintiffs Bryan David Moore, and Alice Smith the surviving father and mother of Bryan David Lee Moore, allege that on 06/26/2008, their civil rights and their son's civil rights were violated when the son was shot and killed by Sheriff Deputies. They claim that the Deputies use of deadly force was not warranted.</p> <p>The Deputy who shot Mr. Moore contends that he fired in self-defense.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is</p>

entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$350,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	63,229
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PAID COSTS, TO DATE	\$	27,907
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Case Name: Bryan David Moore, et al. 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, June 26, 2008; approximately 5:55 p.m.
Briefly provide a description of the incident/event:	<p><u>Bryan David Moore, et al. v. County of Los Angeles</u> (Summary Corrective Action Plan No. 2010-018)</p> <p>On Thursday, June 26, 2008, at approximately 5:55 p.m., Bryan David Lee Moore was walking in the vicinity of 1009 East 150th Street, Compton, when two Los Angeles County deputy sheriffs approached him to investigate his involvement in possible criminal activity. Mr. Moore fled on foot, and both deputies observed Mr. Moore to be holding a firearm as he fled.</p> <p>The deputies immediately established a perimeter around the area and located Mr. Moore. One deputy ordered Mr. Moore to stop and show his hands. Mr. Moore, who had one hand in his waistband area, suddenly began to turn toward the deputy. The deputy believed he was about to be shot and fired three rounds at Mr. Moore. Mr. Moore was transported to a local hospital where he was pronounced dead.</p>

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

The County is responsible for the negligent and intentional acts of its employees when the acts are committed in the course and scope of employment.

The plaintiff's son, Bryan David Lee Moore, was shot and killed by an on duty member of the Los Angeles County Sheriff's Department.

The plaintiff, Bryan David Moore, is the surviving father of the decedent, Bryan David Lee Moore. Potential damages include loss of care, comfort, and society, and an award of reasonable attorneys' fees.

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County of Los Angeles
Summary Corrective Action Plan

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

The Los Angeles County Sheriff's Department had relevant policies and procedure/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.


The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

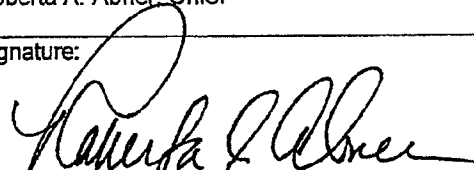
This summary corrective action plan does not appear to have Countywide or other department(s) implications (see #3 below).

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 Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

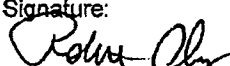
Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain	
Signature: 	Date: 7/28/10

Name: (Department Risk Manager)	
Roberta A. Abner, Chief	
Signature: 	Date: 7/29/10

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County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Branch

Name: Robert Chavez	
Signature: 	Date: 9/9/10

L:\Risk Mgt. Inspector General\SCAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

*RMIS approval is based on information available to RMIS staff during review.