



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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JOHN F. KRATTLI
County Counsel

February 19, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Anthony Perez, et al. v. Cassandra Daphne Lo, et al.
Orange County Superior Court Case No. 30-2012 00591164

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

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

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Anthony Perez, et al. v. Cassandra Daphne Lo, et al., Orange County Superior Court Case No. 30-2012 00591164, in the amount of \$4,000,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

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

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Anthony Perez, et al. v. Cassandra Daphne Lo, et al.
CASE NUMBER	30-2012 00591164
COURT	Orange County Superior Court
DATE FILED	August 15, 2012
COUNTY DEPARTMENT	Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 4,000,000
ATTORNEY FOR PLAINTIFF	Daniel McGee, Brad Simon, and Robert Simon
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on June 1, 2012, near the intersection of Orangethorpe and Magnolia Avenues in Fullerton when a vehicle driven by Anthony Perez collided with a vehicle driven by Ms. Lo. Mr. Perez, his wife, and their adult son, who were also in his vehicle, claim to have sustained serious 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	\$ 16,833
PAID COSTS, TO DATE	\$ 3,201

Case Name: Perez, Anthony, 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:	June 1, 2012
Briefly provide a description of the incident/event:	Identified employee negligently failed to yield to traffic while exiting private property resulting in a collision with the Perez' family vehicle and subsequent injuries to said family.

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

Vehicle Code Section 21804(a) infraction by an employee within the course and scope of duty and lack of structured motor vehicle safety—defensive driver—training program.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

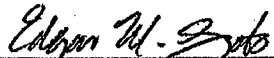
- a) 3-Day suspension of identified employee: August 19, 2013 – August 21, 2013.
- b) Motor Vehicle Safety and Defensive Driving Training for identified employee: October 4, 2012.
- c) Development of a Modular Motor Vehicle Safety and Defensive Driving Training Program: March 30, 2012 – December 31, 2012.
- d) In-person Motor Vehicle Safety and Defensive Driving (Tier One) Training: August 9, 2012 – August 28, 2012.
- e) Motor Vehicle Safety and Defensive Driving (Tier Two) Training requirement for mileage permittees: August 9, 2012 – June 30, 2014.


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

Yes – The corrective actions address department-wide system issues.


County of Los Angeles
Summary Corrective Action Plan

No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Signature: 	Date: 12/19/13

Name: (Department Head)	
Mitchell H. Katz, M.D.	
Signature: 	Date: 1/22/14

Chief Executive Office Risk Management Inspector General USE ONLY
Are the corrective actions applicable to other departments within the County?
<input 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)	
LEO COSTANTINO	
Signature: 	Date: 12/3/13

Case Name: Perez, Anthony, et al



Corrective Action Plan

1. General Information

Department:	Department of Health Services, Human Resources
Date CAP document prepared:	November 26, 2013
Name of departmental contact person:	Edgar Soto
• Title:	Risk Manager
• Phone number:	(323) 890-8650
• E-mail Address:	esoto@dhs.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	June 1, 2012
Location of incident/event:	Orangethorpe Avenue (near Magnolia Avenue), Fullerton, CA
Event contact person:	Karen White
• Phone Number:	(323) 869-8924
• E-mail Address:	kawhite@dhs.lacounty.gov
Claim adjuster: (Third Party Administrator or County Counsel)	Richard Kudo (County Counsel)
• Phone number:	(213) 974 1879
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Richard Kudo (Case settled September 4, 2013)
• Phone number:	(213) 974 1879

3. Incident/Event Description:

Nature of incident/event:	Plaintiffs; Anthony Perez, his wife Joanne Perez, and their adult son Martin Perez, alleged that County of Los Angeles Department of Health Services' employee—Casandra Lo—collided with their vehicle when exiting a Mobile Gas station on June 1, 2012.
Provide a brief description of the incident/event:	<p>The Perez family was travelling eastbound on Orangethorpe Avenue in the city of Fullerton, CA. The family was in Martin Perez' 1996 Toyota 4Runner sport utility vehicle. They alleged that as they approached the intersection of Orangethorpe and Magnolia, they observed Ms. Lo's car (a 2007 Toyota Corolla) in the driveway of the gas station and expected her not to enter the flow of traffic until they passed. However, as the family neared the intersection Ms. Lo unexpectedly exited the driveway and broadsided the driver's side of the 4Runner causing it to roll over and land upright on its tires. Mr. Anthony Perez, who was driving at the time of the collision, lost all four fingers of his dominant left hand, was hospitalized for five days and diagnosed with upper and lower hyperextension injuries. Lupe Perez suffered five fractured ribs, a right shoulder injury, and sustained a large laceration to her right forearm. She underwent surgery to remove pieces of glass from her right arm and was hospitalized for five days. Martin Perez who underwent a full emergency room work up, was diagnosed with soft tissue injuries to his neck and upper and lower back.</p> <p>The Traffic Collision Report identified Ms. Lo as the primary cause for the collision due to her violation of Vehicle Code section 21804(a) – failing to yield to traffic while exiting private property.</p>

- X Included a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

Vehicle Code Section 21804(a) Infraction by an employee within the course and scope of duty.

5. Root Cause Analysis

Root Cause Analysis tool used:	The five (5) - whys method of investigations.
Root Cause Analysis source material(s) used:	Applicable Policies Procedures, Rules and Regulations.

Included a copy of the Root Cause Analysis tool utilized (or related Root Cause analysis documentation).

Identify as many root causes as necessary. Select the root cause type that best describes the nature of the root cause description. You will reference each root cause by its letter when writing the Corrective Action Steps.

Root Cause A	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	Failure to yield the right-of-way to oncoming traffic by mileage permittee during course and scope of duty resulting in a violation of Vehicle Code section 21804(a).

Root Cause B	
Root Cause Type:	<i>Only select one:</i> <input checked="" type="checkbox"/> Process/System <input type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	Lack of structured motor vehicle safety—defensive driver—training for Departmental employees who operate motor vehicles during course and scope.

6. Corrective Action Plan Steps

For each Corrective Action Plan step, please reference, by letter, the Root Cause(s) this Corrective Action Plan step is addressing.

Associated Root Cause reference letter(s):	A
Task number:	1

Task name:	Suspension of identified employee
Scheduled start date:	August 19, 2013
Scheduled completion date:	August 21, 2013
Responsible person:	Performance Management Unit, Chief – Human Resources
Task description:	The Department's Disciplinary Manual and Guidelines (DM&G) Employee's conduct was utilized to assess employee's conduct. It was determined that said employee failed to comply with County or Departmental policies, procedures, rules and regulations, Penal and/or Safety rules.

Associated Root Cause reference letter(s):	B
Task number:	1
Task name:	Modular Motor Vehicle Safety and Defensive Driving Training Program Development
Scheduled start date:	March 30, 2012
Scheduled completion date:	December 31, 2012
Responsible person:	Claims & Operations Manager – Risk Management
Task description:	Comprehensive Motor Vehicle training program developed that equips employees with 'best practice' motor vehicle safety knowledge while operating vehicles in the furtherance of county business. It should be further noted that the Department digitized the course, launched on the County Learning Net, and made the material accessible to all Departments.

Associated Root Cause reference letter(s):	B
Task number:	2
Task name:	Motor Vehicle Safety and Defensive Driving Training for identified employee
Scheduled start date:	October 4, 2012
Scheduled completion date:	October 4, 2012

Responsible person:	Performance Management Unit, Chief – Human Resources
Task description:	Employee completed an in-person motor vehicle safety training program that was facilitated by DHS Risk Management.

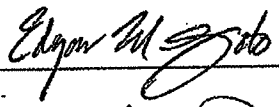
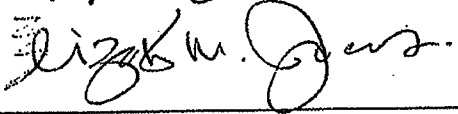
Associated Root Cause reference letter(s):	B
Task number:	3
Task name:	In-person Motor Vehicle Safety and Defensive Driving Training performed for employees with a job requirement to drive as part of their Usual and Customary (U&C) functions, i.e. EMS/EPN employees.
Scheduled start date:	August 9, 2012
Scheduled completion date:	August 28, 2012
Responsible person:	Claims & Operations Manager – Risk Management
Task description:	Train commercial motor vehicle license holders and those subject to the Employee Pull Notice (EPN) Program such as Emergency Medical Services (EMS) personnel.

Associated Root Cause reference letter(s):	B
Task number:	4
Task name:	Motor Vehicle Safety and Defensive Driving Training Requirement for mileage permittees.
Scheduled start date:	August 9, 2012
Scheduled completion date:	June 30, 2014
Responsible person:	Claims & Operations Manager – Risk Management
Task description:	The Department will continue to perform training for its mileage permittee population as part of its Tier 2 phase implementation. Training will occur through in-person sessions or through the computer based modules developed by the Department.

*If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

7. Review and Authorization

The department has reviewed the incident/event investigation, root cause analysis documentation, Corrective Action Plan, and has taken all appropriate corrective actions required.

Review and authorization steps	Signature	Date
Document reviewed by Department Risk Management Coordinator:		12/19/13
Document reviewed by Department head or designee:		12/19/13