



# COUNTY OF LOS ANGELES

## CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

### MEMBERS OF THE BOARD

Rocky A. Armfield  
Chief Executive Office  
John F. Krattli  
Office of the County Counsel  
John Naimo  
Auditor-Controller

### NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on Monday, August 17, 2009, at 9:30 a.m., in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

### AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Craig W. Ginsburg v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. MC 018 533

**This dangerous condition lawsuit arises from a slip and fall incident at the Acton Rehabilitation Center; settlement is recommended in the amount of \$100,000 plus a waiver of medical expenses in the amount of \$374,586.**

**[See Supporting Documents](#)**

- b. Shomari Glass v. County of Los Angeles  
Los Angeles Superior Court Case No. MC 108 327

**This lawsuit concerns emergency medical treatment provided by Los Angeles County Fire Department paramedics; settlement is recommended in the amount of \$550,000 plus assumption of the remaining Medi-Cal lien in the amount of \$73,376.**

**[See Supporting Documents](#)**

- c. Rafael Alarcon and Maria Alarcon v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 398 372

**This lawsuit concerns the care provided to a patient at the LAC+USC Medical Center – Ingleside Psychiatric Hospital; settlement is recommended in the amount of \$395,000.**

**[See Supporting Documents](#)**

- d. Renee Hurtado, et al. v. County of Los Angeles  
Los Angeles Superior Court Case No. TC 021 716

**This medical negligence/wrongful death lawsuit arises from treatment received by a patient while hospitalized at the Harbor/UCLA Medical Center; settlement is recommended in the amount of \$305,000.**

**[See Supporting Documents](#)**

- e. County of Los Angeles v. Sandra Shewry and State Department of Health Services  
Los Angeles Superior Court Case No. BS 117 319

**This lawsuit concerns payments under the State Medi-Cal Program; settlement is recommended whereby the County will receive payment in the amount of \$62,908.**

**[See Supporting Document](#)**

- f. LAC+USC Affiliation Agreement with Hollywood Presbyterian Hospital

**This matter concerns a dispute over amounts owed to the County by Hollywood Presbyterian Hospital under its Affiliation Agreement with LAC+USC; settlement is recommended whereby the County will receive payment of 90 percent of the outstanding invoices (approximately \$450,000).**

**[See Supporting Document](#)**

- g. Hydra-Quip Corp. v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 400 206

**This lawsuit seeks a refund of monies deposited as a condition of approval of a tentative tract map; settlement is recommended in the amount of \$140,000.**

**[See Supporting Document](#)**

- h. Claim of the State of California, ex rel., California Regional Water Quality Control Board, Los Angeles Region

**This lawsuit concerns allegations that the Department of Public Works violated the Porter-Cologne Water Quality Control Act when it cleaned out the Sullivan Debris Basin; settlement is recommended in the amount of \$100,000.**

**[See Supporting Documents](#)**

- i. Jerry Gliksman, et al. v. Terry Wheeler, et al.  
Los Angeles Superior Court Case No. YC 055 709

**This lawsuit seeks compensation for property damage allegedly caused by a mainline sewer; authority is requested to make a statutory offer.**

- j. Cheila Herrera, et al. v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 391 052

**This lawsuit alleges that the Department of Children and Family Services wrongfully detained a newborn infant and toddler; settlement is recommended in the amount of \$350,000.**

**[See Supporting Documents](#)**

- k. Drennan Cannon v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 391 007

**This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and retaliation, and that the Department failed to engage in the interactive process; settlement is recommended in the amount of \$96,000 plus waiver of a temporary disability claim (net value \$10,350).**

1. Theresa Beck v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 385 489

**This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and failure to reasonably accommodate; settlement is recommended in the amount of \$200,000 plus a waiver of \$47,765 in medical bills.**

4. Report of actions taken in Closed Session.
5. Approval of the minutes for the August 3, regular meeting of the Claims Board.

**[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.
7. Adjournment.

A

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Craig W. Ginsburg v. County of Los Angeles
CASE NUMBER	MC018533
COURT	Los Angeles Superior Court
DATE FILED	9/26/2007
COUNTY DEPARTMENT	Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 100,000 plus waiver of \$374,586 hospital bill
ATTORNEY FOR PLAINTIFF	Robert Lepore, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On 12/24/2006, Claimant was a resident patient at the Acton Rehabilitation Center (ARC). In the late afternoon, Mr. Ginsburg was in the ARC cafeteria kitchen when he slipped/tripped and fell allegedly on a spot of liquid on the floor. He fell forward and received a laceration over his left eye that required stitches. He also sustained soft tissue injuries to his low back and left shoulder. He received a discectomy and fusion of his lumbar spine at a County hospital in August 2007.</p> <p>Claimant filed suit against the County contending that it</p>

maintained a dangerous condition of public property. The County contends that it performed adequate and timely safety inspections for floor spillage and that Claimant was comparatively negligent in injuring himself.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$	21,387
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PAID COSTS, TO DATE	\$	4,870
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## Summary Corrective Action Plan



Ginsburg v. County of Los Angeles  
Plaintiff: Ginsburg, Craig  
Court case #: MC018533  
County file #: 07-10535930  
Carl Warren file #: A-0041

Date of incident/event:	12/24/2006. Claim filed 6/16/07.
Briefly provide a description of the incident/event:	<p>Personal injury/dangerous condition case. Plaintiff, a resident at the Antelope Valley Rehabilitation Center (AVRC), entered the kitchen work area on 12/24/06 through a back door after serving hours and asked to assist and get fed. The cook in charge incorrectly assumed Plaintiff was an authorized, trained volunteer worker from the resident population. While walking to get food, Plaintiff fell and cut his head on a counter. The cook witnessed this and said he saw no foreign matter on the floor, but Plaintiff said he saw a small "smear" on the floor after his fall. Plaintiff was treated on the scene and at a local hospital, receiving three stitches. Plaintiff claimed pain in his right shoulder and neck, and lower back. X-rays and a CT scan found no fractures. Subsequent MRIs revealed severe spinal stenosis,</p>



	<p>indicating Plaintiff had a longstanding, lower back condition. Plaintiff was seen at the same hospital on 4/07 after he fell down stairs at home, X-rays showed no changes from the films taken 12/06. Plaintiff eventually received back surgery at LAC+USC, acquiring a MRSA infection in the surgery site.</p>
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**Root causes of the claim/lawsuit:**

**Root cause 1: Unauthorized access to work area of kitchen.**

- a. The kitchen lacked a system for tracking if residents were authorized workers.
- b. The kitchen lacked physical security for the employee entrance.
- c. The kitchen lacked signage regarding unauthorized entrance.

**Root cause 2: Foreign matter on the floor may have contributed to the slip and fall.**

**Root cause 1 corrective actions.**

- a. Beginning on September 30, 2009, a daily listing of authorized resident workers will be prepared by the AVRC Administration, and posted in the kitchen daily to the Chief Cook. Cooks in charge of each shift will check if persons entering the kitchen are so authorized, and deny entry if they are not.
- b. By September 30, 2009, the rear employee entrance door will be altered to a self-locking, alarmed door that is fire-code compliant.
- c. By September 30, 2009, appropriate signage will be posted at all kitchen entrances.

**Root cause 2 corrective actions.**

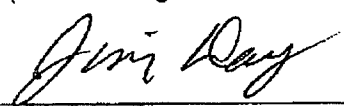
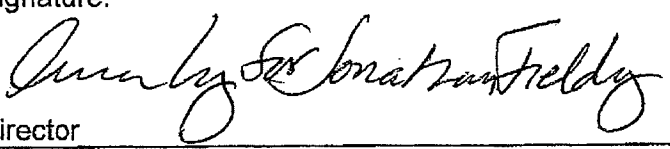

- a. The nature of kitchen operations is that spills and drips occur frequently. Scheduled inspections for such occurrences are not productive, since they may happen at any time. By September 30, 2009, assigned staff will be re-instructed to constantly inspect for, and clean up, foreign matter on the floor.
- b. By September 30, 2009, require that kitchen employees wear footwear that

County of Los Angeles  
Department of Public Health  
Summary Corrective Action Plan

- fully encloses the foot and has slip resistant soles.
- c. By September 30, 2009, provide a slip resistant flooring surface or slip resistant floor covering mats in areas where spills or wet areas are likely to occur.
- d. By September 30, 2009, keep aisles and heavy traffic areas clear at all times.
- e. By September 30, 2009, promptly store delivered goods in designated areas to maintain safe walking and working areas.

3. Applicability of corrective actions to other County departments:

The corrective actions may apply to other departments that operate food services.

Signature: (Risk Management Coordinator & Author) 	Date: July 28, 2009
Signature:  Director	Date: July 30, 2009
Signature:  Chief Deputy	Date: 7.28.09

**B**

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Shomari Glass v. County of Los Angeles
CASE NUMBER	MC 108327
COURT	Los Angeles Superior Court North - Lancaster
DATE FILED	July 10, 2007
COUNTY DEPARTMENT	Los Angeles County Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 550,000 plus the assumption of the remaining Medi-Cal lien in the amount of \$73,376
ATTORNEY FOR PLAINTIFF	Michael D. Weinreb, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>Shomari Glass, a 9-year-old male, had been diagnosed with asthma. On December 17, 2006, Shomari suffered a severe asthma attack. The Los Angeles County Fire Department ("LAFD") paramedics were called.</p> <p>LAFD paramedics arrived at the scene and found Shomari with no respiration and no pulse. The paramedics performed the required resuscitative measures and then transported Shomari to a hospital.</p>

Upon arrival at the hospital, it was determined that Shomari had suffered brain injury due to lack of oxygen.

Shomari Glass and his family filed a lawsuit against several defendants including the County of Los Angeles. As to the County, the plaintiffs contended that on December 17, 2006, LAFD paramedics delayed the resuscitation, thereby contributing to Shomari's brain injury.

Other defendants have settled their case with the plaintiffs. The County proposes to settle this case in the amount of \$550,000, plus the assumption of the remaining Medi-Cal lien in the amount of \$73,376.

PAID ATTORNEY FEES, TO DATE	\$	147,291.05
PAID COSTS, TO DATE	\$	54,872.13



## 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 17, 2006
Briefly provide a description of the incident/event:	A 9 y/o male suffered a severe asthma attack at home resulting in respiratory arrest. His family called 911 and LACoFD paramedics responded along with a private ambulance. The patient was found to be in full arrest with no heart beat and not breathing. CPR was begun immediately and continued throughout treatment. The patient was intubated, provided appropriate medication, transported to the hospital and the paramedics utilized a defibrillator to shock the patient's heart. The patient was resuscitated but suffered significant cognitive and motor deficits as a result of the brain injury secondary to the lack of oxygen.

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

The Department's root cause analysis showed no improper medical care by the paramedics in their response to this situation. This case is presented for settlement based on the opinion of County Counsel that the risk of a significant judgment against the County warranted the settlement. The Fire Department believes the case should be taken to trial given the facts of the case.

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

Incomplete documentation of CPR on EMS form

The Department implemented a policy of review of all advanced airway EMS reports by station captains and battalion chiefs at the end of each shift. The purpose of the review is to check for accurate and complete documentation of patient care.

**Implemented: 12/28/07**

**Responsible Party: All station captains and battalion chiefs**

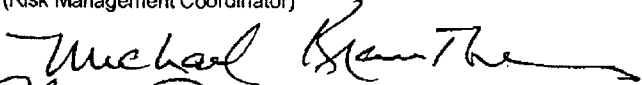
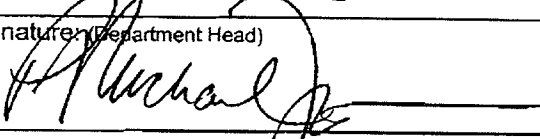
There has been an ongoing QI Airway Study by the EMS section to review all non DOA cases involving intubation.

**Implemented: 2004**

**Responsible Party: EMS Section QI staff**

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: August 12, 2009
Signature: (Department Head) 	Date: August 12, 2009

C



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rafael Alarcon and Maria Alarcon v. County of Los Angeles
CASE NUMBER	BC 398372
COURT	Los Angeles Superior Court, Central District
DATE FILED	September 17, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$395,000
ATTORNEY FOR PLAINTIFF	Peter McNulty
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a civil action brought by Rafael Alarcon and Maria Alarcon, the surviving parents of Jorge Alarcon.</p> <p>Jorge Alarcon was diagnosed with severe mental illness and was placed at LAC+USC Medical Center Ingleside Psychiatric Hospital ("Ingleside"), for observation.</p> <p>On June 2, 2008, while the staff at Ingleside were distracted by another patient, Mr. Alarcon committed suicide by hanging himself.</p> <p>Mr. Alarcon's parents filed an action against the County of Los Angeles alleging that the personnel at Ingleside Psychiatric</p>

Hospital failed to adequately monitor Mr. Alarcon, thereby creating the opportunity for him to commit suicide.

PAID ATTORNEY FEES, TO DATE

\$12,421

PAID COSTS, TO DATE

\$2,050.05

# Summary Corrective Action Plan



Date of incident/event:	June 2, 2008
Briefly provide a description of the incident/event:	Jorge Alarcon was diagnosed with severe mental illness and was placed at Los Angeles County IngleSide Psychiatric Hospital. On June 2, 2008, while the staff were distracted by another patient, Mr. Alarcon committed suicide by hanging himself.

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

- Failure to monitor high risk patient

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

- Appropriate personnel corrective actions were done
- Existing policies for suicide monitoring were reviewed with all facility psychiatric nursing staff.
- Rounds are conducted by supervisors on all shifts to monitor compliance with standards.
- Rounds are conducted by supervisors on all shifts to monitor compliance with standards system-wide.
- Facility policies and protocols for monitoring the patient at risk for suicide were reviewed and were found to be in compliance with all regulatory standards system wide
- Policies were revised system-wide regarding the role and responsibilities of sitters assigned to continuously monitor patients to include a back up plan if the sitter is distracted or called away. The sitter may not leave the patient unless relieved by another staff member.

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) <i>[Handwritten Signature]</i>	Date: 7/14/09
Signature: (Interim Chief Medical Officer) <i>[Handwritten Signature]</i>	Date: 7/16/09
Signature: (Interim Director) <i>[Handwritten Signature]</i>	Date: 7-17-09

D

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Renee Hurtado, Andrea Hurtado, Elana Hurtado, Fanny Hurtado, Joel Hurtado and Diana Hurtado v. County of Los Angeles
CASE NUMBER	TC 021716
COURT	Los Angeles Superior Court
DATE FILED	June 3, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$305,000
ATTORNEY FOR PLAINTIFF	David Kadin and Patricia Law
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a civil action brought by Renee Hurtado, Andrea Hurtado, Elana Hurtado, Fanny Hurtado, Joel Hurtado and Diana Hurtado Zapata, the surviving family of Jose Hurtado who died at Harbor/ UCLA Medical Center ("HUMC").</p> <p>On July 15, 2007, Jose Hurtado was severely injured in a paragliding accident. He was taken to HUMC. The staff evaluated Mr. Hurtado and planned to perform a special diagnostic procedure.</p> <p>During the procedure, the patient began demonstrating difficulty in breathing. In spite of the HUMC staff's efforts to save the patient, the patient died on the same day.</p>

Mr. Hurtado's family filed a medical malpractice action against the County of Los Angeles alleging that the HUMC staff failed to properly intubate the patient prior to performing the diagnostic procedure.

PAID ATTORNEY FEES, TO DATE	\$43,852.65
PAID COSTS, TO DATE	\$23,850.07

# Summary Corrective Action Plan



Date of incident/event:	July 15, 2007
Briefly provide a description of the incident/event:	On July 15, 2007, Jose Hurtado was severely injured in a paragliding accident. He was taken to Harbor/UCLA Medical Center. The staff evaluated Mr. Hurtado and planned to perform a special diagnostic procedure. After the procedure was performed, Mr. Hurtado began demonstrating difficulty in breathing. In spite of the staff's efforts to save him, Mr. Hurtado died the same day.

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

- Failure to intubate prior to angiography

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

- Appropriate personnel corrective actions were done

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) <i>W. McKenzie</i>	Date: 7/14/09
Signature: (Interim Chief Medical Officer) <i>R. Spauls</i>	Date: 7/16/09
Signature: (Interim Director) <i>Tommy</i>	Date: 7-17-09

E



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	County of Los Angeles v. Sandra Shewry and State Department of Health Care Services
CASE NUMBER	BS 117319
COURT	Los Angeles Superior Court
DATE FILED	October 7, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	County would receive approximately \$62,908
ATTORNEY FOR PLAINTIFF	Judy L. McKelvey, Esq. Pollak, Vida & Fisher
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>This is a Petition filed by the County of Los Angeles against Sandra Shewry and California State Department of Health Services. The County seeks reimbursement for medical services provided at LAC+USC Medical Center ("LAC+USC") and Rancho Los Amigos Medical Center ("Rancho").</p> <p>The subject medical services were billed to Medi-Cal. The County of Los Angeles and the State Department of Health Services disagreed as to the extent to which the State Department of Health Services should reimburse the County under the Medi-Cal program.</p>

After exhausting the necessary administrative procedure, the County filed the present petition with the Court. The parties then reached a settlement where the State Department of Health Services would pay \$62,908 as the final settlement of the dispute.

PAID ATTORNEY FEES, TO DATE	\$	6,285
PAID COSTS, TO DATE	\$	4.20

**F**

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF CLAIM

CASE NAME	LAC+USC Affiliation Agreement with Hollywood Presbyterian Hospital
CASE NUMBER	None
COURT	None
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	To accept settlement of 90 percent of outstanding invoices Due County (approximately \$500,000 owing), with 25 percent paid immediately and the balance quarterly over a four-year period, and adherence to County interpretation on a going forward basis.
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Eva Vera-Morrow
NATURE OF CASE	Dispute related to interpretation of Hospital Affiliation Agreement regarding payment to County for residents rotated to hospital.
PAID ATTORNEY FEES, TO DATE	Approximately \$5,000
PAID COSTS, TO DATE	None

**G**

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Hydra-Quip Corp. v. County of Los Angeles
CASE NUMBER	BC400206
COURT	Los Angeles Superior Court
DATE FILED	October 17, 2008
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 140,000
ATTORNEY FOR PLAINTIFF	Patrick Cain
COUNTY COUNSEL ATTORNEY	Principal Deputy County Counsel Warren R. Wellen
NATURE OF CASE	Hydra-Quip is a developer who seeks a refund of \$169,500 it deposited with the County in 1986 as a condition of approval of a tentative tract map.
PAID ATTORNEY FEES, TO DATE	\$ 16,740
PAID COSTS, TO DATE	\$ 0

H

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	People of the State of California, ex rel., California Regional Water Quality Control Board, Los Angeles Region v. Southern California Gas Company, County of Los Angeles and Does 1 through 10, inclusive
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 100,000
ATTORNEY FOR PLAINTIFF	Gary E. Tavetian, Esq. and Noah Golden-Krasner, Esq., Deputy Attorneys General
COUNTY COUNSEL ATTORNEY	Judith A. Fries Principal Deputy County Counsel  Lauren Dods Deputy County Counsel
NATURE OF CASE	The California Regional Water Quality Control Board ("Regional Board") alleges that the County Department of Public Works, acting on behalf of the Los Angeles County Flood Control District, deposited materials from a debris basin in or near waters of the United States, unlawfully



repaired an access road that also caused deposits of material in waters of the United States and diverted a stream, all in violation of a water quality certification and waste discharge requirement issued by the Regional Board.

While Public Works crews mitigated the effects of the deposits, the Regional Board is alleging that the effects of the allegedly unlawful deposits are continuing.

In light of the potentially significant civil penalties that could be assessed (up to \$25,000 for each day of violation) and the risks of litigation, the Department of Public Works and County Counsel recommend a full and complete settlement in the amount of \$100,000.

PAID ATTORNEY FEES, TO DATE	\$	73,245.83
PAID COSTS, TO DATE	\$	100.64



## Summary Corrective Action Plan

### County of Los Angeles Department of Public Works



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.

Claim:	State of California ex rel. Regional Water Quality Control Board
Date of incident/event:	March 24 - April 4, 2005
Briefly provide a description of the incident/event:	<p>Beginning in March 2005, Public Works personnel removed approximately 47,000 cubic yards of sediment from the Sullivan Debris Basin as part of our routine debris basin clean-up efforts. At the request of the Southern California Gas Company (SoCalGas), Public Works stockpiled approximately 15 truckloads, estimated at 8.5 cubic yards per truckload, upstream of the Basin along an access road serving a SoCalGas natural gas pipeline. The stockpiles were placed at the direction of SoCalGas. Due to the condition of the access road, Public Works personnel used a blade to grade and repair the road to allow trucks with debris to move to the stockpile locations.</p> <p>During these operations, Public Works personnel diverted Sullivan Canyon Creek upstream of the Sullivan Debris Basin. After the Regional Water Quality Control Board learned of the stockpiling activities, they ordered them stopped and directed Public Works and SoCalGas to remove the stockpiles and perform mitigation activities in Sullivan Canyon Creek. The Attorney General brought a civil lawsuit against SoCalGas and the County in March 2008, seeking civil penalties and alleging that the repair of the access road represented a continued violation of law that required injunctive relief.</p>

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

Public Works undertook certain activities related to the cleanout of the Sullivan Debris Basin without first obtaining regulatory permits.

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

Subsequent to this incident, Public Works implemented the following corrective action measures:

1. In April 2007, a full time Public Works position, known as the Regulatory Permitting Supervisor, was assigned to handle all regulatory permitting issues relating to debris basin maintenance activities. The person assigned to the regulatory permitting position obtains and expedites all maintenance permits, takes regulatory classes, and uses the Internet to stay abreast of the current environmental laws and regulations, ensures compliance with the permit conditions, visits field sites and monitors work, and submits all required annual reporting documents. This position field trains and educates all Flood Maintenance field office personnel and managers on environmental rules and regulations, consistency in conducting maintenance activities among the different field offices, and the field personnel taking more ownership of their work.
2. The regulatory permitting supervisor provides all Flood Maintenance managers and supervisors with updated permit documents and information, works with each field crew to discuss permit conditions specific to their facilities prior to commencement of work, including legal and local implications for noncompliances; coordinates all required biological resources (e.g., biologists, archeologists, etc.) necessary as part of the permit conditions; conducts random site visits to ensure proper permit compliances; responds to questions relating to permits from field personnel and biologists; meets on-site to discuss and resolve specific concerns; and relays or discusses regulatory questions or concerns raised by the field personnel with regulatory agency personnel and/or consultants.
3. The regulatory permitting supervisor does not allow work to be performed without prior approval from or discussion of the proposed project with the regulatory agencies. This ensures that any environmental permitting requirements are obtained from the regulatory agencies prior to commencement of work.
4. The regulatory permitting supervisor ensures that both field and office personnel review, understand, and comply with all conditions and authorized scope of work contained in the Clean Water Act Section 401 Water Quality Certification and other regulatory permits issued for any project prior to commencement of work.
5. The regulatory permitting supervisor or field superintendent conducts tailgate training to ensure field personnel understand and comply with all required permit conditions prior to commencement of any debris basin cleanout.
6. The regulatory permitting supervisor obtains permit approvals from all affected agencies in cases where, during the course of work, additional activities which were not previously authorized under the current regulatory permits are needed to effectively complete the work. The proposed additional work is not conducted without prior permit approvals from all affected environmental agencies.
7. The regulatory permitting supervisor provides guidance on environmental regulations, consults with qualified biologists (consultants), and/or confers with regulatory agencies for advice and/or direction in emergency-related situations. Further instructions from the regulatory agencies may require formal written notification to other involved agencies.
8. The regulatory permitting supervisor ensures that all required installation of BMPs, biological monitoring and surveys, and water quality testing and sampling are implemented prior to commencement of work.

9. The regulatory permitting supervisor does not allow work to commence for activities requiring a coordinated effort with other cities or private entities, until it is documented that the other parties have obtained all appropriate environmental regulatory approvals.
10. The regulatory permitting supervisor maintains an active working relationship with the regulatory body.

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 a Countywide implication.
- 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 Countywide or other department implications.

Signature: (Risk Management Coordinator) for <i>Steve M. Hennessee</i> Steven G. Steinhoff	Date: 8-11-09
Signature: (Director) <i>Gail Farber</i> Gail Farber	Date: 8-11-09

RS:psr  
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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cheila Herrera, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC391052
COURT	Los Angeles Superior Court
DATE FILED	May 16, 2008
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 350,000
ATTORNEY FOR PLAINTIFF	Linda Wallace Pate (310) 203-2210
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel (213) 974-0695
NATURE OF CASE	Plaintiffs Cheila Herrera and Jesus Bejarano allege that DCFS wrongfully detained the plaintiffs' newborn, Jesse, and toddler, Kelly, after Ms. Herrera's toxicology screen, which plaintiffs contend was inaccurate, indicated the presence of phencyclidine ("PCP") and methamphetamines in her system at the time of Jesse's birth. Plaintiffs also allege intentional infliction of emotional distress, breach of mandatory duties and negligence.
PAID ATTORNEY FEES, TO DATE	\$ 82,030
PAID COSTS, TO DATE	\$ 4,020



**Summary Corrective Action Plan  
Department of Children and  
Family Services**



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:	February 8 through March 24, 2008
Briefly provide a description of the incident/event:	Mother gave birth to a minor at the hospital. The mother had a positive drug screen for phencyclidine (PCP) and methamphetamines. The drug screen led to the placement of the newborn "on Hold" and the detention of the newborn's sibling. A subsequent test determined that the mother did not have a drug problem and the case was ultimately dismissed.

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

The root cause(s) of this claim/lawsuit is (are):

Staff violations of established policies re: Assessment of Drug/Alcohol Abuse, Closure of Investigations and Writing Detention Reports.

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

**Corrective actions to address root cause**

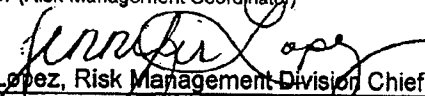
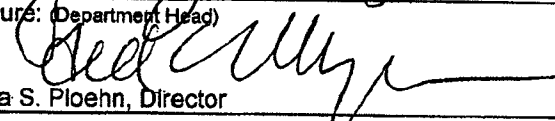
The process non-conformance was referred to Performance Management for review and action. Appropriate personnel action has been decided and will be taken, pending due process.

County of Los Angeles  
Summary Corrective Action Plan

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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)  Jennifer Lopez, Risk Management Division Chief	Date: 7/30/09
Signature: (Department Head)  Patricia S. Ploehn, Director	Date: 7/31/09



MINUTES

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 3, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:38 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: Rocky Armfield, John F. Krattli, and John Naimo.

Other persons in attendance at the meeting were: Office of the County Counsel: Narbeh Bagdasarian, Brian Chu, V. Kozikoujekian; Warren Wellen, Ruben Baeza, Jr., Manuel Valenzuela, and Andrea Ross; Fire Department: P. Michael Freeman and Michael Kranther; Sheriff's Department: Rob Taliento; Department of Public Works: Keith Lehto, John T. Walker, and Dennis Hunter; Office of the Public Defender: Ruben Marquez; Probation Department: Tracy Jordan-Johnson; Office of Affirmative Action Compliance; Hayward Harris, Jr.; Department of Mental Health: Zoe Trachtenberg and Deborah Smith; Outside Counsel: Gregory Houle, Allen Thomas, Diane Ratcliff, and Avi Burkwitz.

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 9:40 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(j) below.**

4. Report of actions taken in Closed Session.

**At 12:44 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

- a. Shomari Glass v. County of Los Angeles  
Los Angeles Superior Court Case No. MC 108 327

This lawsuit concerns emergency medical treatment provided by Los Angeles County Fire Department paramedics; settlement is recommended in the amount of \$550,000 plus assumption of the remaining medi-cal lien in the amount of \$73,376.

**The matter was continued to the next Claims Board meeting.**

**The vote of the Claims Board was unanimous with all members being present.**

- b. Claims of Mercury Insurance Co., Hovanes Keshishyan, Elizabeth Tchalimian, Maria Keshishyan and Mariam Galfayn

These claims seek compensation for property damage and injuries received in a motor vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$67,743.29.

**The Claims Board approved settlement of this matter in the amount of \$67,743.29.**

**The vote of the Claims Board was unanimous with all members being present.**

- c. Claim of Yitzchok Kornwasser

This claim seeks compensation for property damage caused by a sewer back-up; settlement is recommended in the amount of \$32,555.82, less \$16,237.67 previously paid.

**The Claims Board approved settlement of this matter in the total amount of \$32,555.82.**

**The vote of the Claims Board was unanimous with all members being present.**

- d. John Hendricks v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. PC 042 910

This dangerous condition lawsuit concerns injuries sustained when a vehicle collided with a manhole cover that had been flipped into a vertical position; settlement is recommended in the amount of \$36,000.

**The Claims Board approved settlement of this matter in the amount of \$36,000.**

**The vote of the Claims Board was unanimous with all members being present.**

- e. Lechuza Villas West, LLC v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BS 112 115

This lawsuit seeks compensation for the construction of a rock wall on private property; settlement is recommended in the amount of \$70,000 and the removal of the rock wall.

**The Claims Board continued this matter.**

**The vote of the Claims Board was unanimous with all members being present.**

- f. Hydra-Quip Corp. v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 400 206

This lawsuit seeks a refund of monies deposited as a condition of approval of a tentative tract map; settlement is recommended in the amount of \$140,000.

**The Claims Board continued this matter.**

**The vote of the Claims Board was unanimous with all members being present.**

- g. Javier Morales-Hernandez v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 376 301

This lawsuit seeks compensation for wrongful imprisonment; settlement is recommended in the amount of \$100,000.

**The Claims Board approved settlement of this matter in the amount of \$100,000.**

**The vote of the Claims Board was unanimous with all members being present.**

- h. Drennan Cannon v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 391 007

This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and retaliation, and that the Department failed to engage in the interactive process; settlement is recommended in the amount of \$96,000 plus waiver of a temporary disability claim (net value \$10,350).

**The Claims Board continued this matter.**

**The vote of the Claims Board was unanimous with all members being present.**

- i. Dalton B. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health  
Case No. N2009030800

This matter concerns allegations of deprivation of educational rights and related services by the Los Angeles County Department of Mental Health; settlement is recommended in the amount of \$29,632.08.

**The Claims Board approved settlement of this matter in the amount of \$29,632.08.**

**The vote of the Claims Board was unanimous with all members being present.**

- j. Shelby B. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health  
Case No. N2009020218

This matter concerns allegations of deprivation of educational rights and related services by the Los Angeles County Department of Mental Health; settlement is recommended in the amount of \$35,000.

**The Claims Board approved settlement of this matter in the amount of \$35,000.**

**The vote of the Claims Board was unanimous with all members being present.**

5. Approval of the Minutes for the June 15, 2009, regular meeting of the Claims Board and the June 29, 2009, special meeting of the Claims Board.

**The Minutes for the June 15, 2009, regular meeting of the Claims Board and the June 29, 2009, special meeting of the Claims Board were approved.**

**The vote of the Claims Board was unanimous with all members being present.**

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.

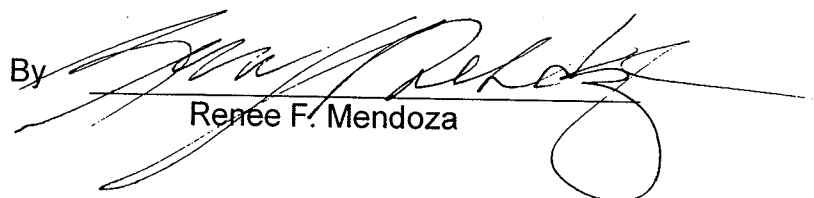
**No such matters were discussed.**

7. Adjournment.

**The meeting was adjourned at 2:40 p.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By

  
Renee F. Mendoza