

# COUNTY COUNSEL ANNUAL LITIGATION COST REPORT FISCAL YEAR 2021-2022

*Note: This Report includes only those litigation expenses incurred between July 1, 2021 and June 30, 2022*

## I. Overview

Annual litigation expenses for Fiscal Year ("FY") 21-22 totaled \$148.3 million<sup>1</sup>, a seven percent increase from the \$138.1 million spent in FY 20-21. This increase was largely due to a \$7.5 million increase in contract law firm fees and costs, and a \$3.5 million increase in judgments and settlements compared to FY 20-21. The \$148.3 million paid in FY 21-22 consists of \$82.5 million in judgments and settlements and \$65.8 million in attorneys' fees and costs.

	FY 2021-2022 Litigation Expenses	% Change from FY 20-21
CONTRACT LAW FIRM FEES	\$42,479,185	+14%
CONTRACT LAW FIRM COSTS	\$6,668,241	+51%
<b>CONTRACT LAW FIRM FEES &amp; COSTS TOTAL</b>	<b>\$49,147,426</b>	<b>+18%</b>
COUNTY COUNSEL FEES	\$13,143,023	-5%
COUNTY COUNSEL COSTS	\$3,555,288	-2%
<b>COUNTY COUNSEL FEES &amp; COSTS TOTAL</b>	<b>\$16,698,311</b>	<b>-5%</b>
<b>TOTAL FEES AND COSTS</b>	<b>\$65,845,737</b>	<b>+11%</b>
<b>JUDGMENTS PAID</b>	<b>\$26,495,881</b>	<b>+157%</b>
<b>SETTLEMENTS PAID</b>	<b>\$55,996,587</b>	<b>-19%</b>
<b>TOTAL JUDGMENTS &amp; SETTLEMENTS PAID</b>	<b>\$82,492,468</b>	<b>+4%</b>
<b>TOTAL ANNUAL EXPENSES</b>	<b>\$148,338,205</b>	<b>+7%</b>

## II. Judgments and Settlements

Of the \$148.3 million the County of Los Angeles ("County") spent on litigation in FY 21-22, \$82.5 million was paid to satisfy 14 judgments and settle 267 lawsuits. This marks a four percent increase from the \$79 million the County expended on judgments and settlements in FY 20-21.

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<sup>1</sup> While it is worth noting that the Contract Cities Liability Trust Fund and special districts reimbursed the County \$9.4 million of its FY 21-22 litigation expenses, this report covers the total amount paid by the County in litigation, which is \$148.3 million.

### *Judgments*

TOP TWO JUDGMENTS			
NAME	CASE TYPE	DEPARTMENT	AMOUNT
<i>AMADOR</i>	Law Enforcement	LASD	\$17,666,666
<i>ROY</i>	Law Enforcement	LASD	\$4,565,426
TOTAL			\$22,232,092

The County paid \$26.5 million in judgments in FY 21-22, an increase of 157 percent compared to the \$10.3 million spent in FY 20-21. The \$26.5 million was comprised of 14 judgments, with seven against the Sheriff's Department ("LASD") (\$25 million); one against the Department of Children and Family Services ("DCFS") (\$1.4 million); one each against the Department of Child Support Services (\$112,881), the Department of Public Health ("DPH") (\$20,000), the Department of Regional Planning (\$3,702), the Department of Public Social Services ("DPSS") (\$2,428), and the Department of Health Services ("DHS") (\$1,500); and one entered jointly against LASD and DCFS (amounts are reflected in above totals). The two most expensive judgments accounted for 84 percent of the \$26.5 million spent on judgments in FY 21-22.

The costliest judgment paid in FY 21-22 arose from the settlement of a class action civil rights lawsuit against LASD (*Mary Amador et al.*; Case No. 2:10-CV-01649 - \$17,666,666) by female inmates of the Century Regional Detention Facility who claimed they were strip-searched without privacy and in unsanitary conditions between 2008 and 2015. After certification of the class, there were 87,937 class members claiming they were strip-searched a total of 421,718 times. In August 2020, the court approved a settlement between the parties that requires the County to pay \$53 million into a claims fund in three annual installments. Up to \$3 million is allocated for an assessment of LASD training needs and programs by the Moss Group, a criminal justice consulting firm, and any remaining funds not claimed by class members will revert to the County for specific jail-related programs. In FY 21-22, LASD paid the first installment, totaling \$17,666,666.

The second costliest judgment paid in FY 21-22 also arose from the settlement of a class action civil rights lawsuit against LASD (*Duncan Roy et al.*; Case No. 2:12-CV-09012 - \$4,565,426) by jail inmates who alleged that they were unlawfully detained between 2010 and 2014 due to federal immigration holds ("detainers") issued by the Department of Homeland Security Immigration and Customs Enforcement ("ICE"). Plaintiffs alleged that LASD violated their civil rights by holding them in compliance with ICE detainers beyond their release dates. While LASD acted pursuant to federal regulations requiring that detainees be held for a specified time, ICE officials later stated publicly that detainers were only "requests" that could be ignored. In 2014 LASD changed its practices, stopped holding inmates with ICE detainers beyond their release dates, and discontinued in-custody warrantless transfers to ICE. In February 2022, the court approved a settlement under which the County will pay \$14 million into a claims fund, from which class members will be paid \$1,000 per day of over-detention. Any remaining funds will be spent on programs selected by both parties. In FY 21-22, LASD paid out \$4,565,426, with the remainder anticipated to be paid in FY 22-23.

### *Settlements*

TOP 12 SETTLEMENTS			
NAME	CASE TYPE	DEPARTMENT	AMOUNT
<i>ORTIZ</i>	Auto Liability	FIRE	\$16,000,000
<i>A.G.</i>	Law Enforcement	LASD	\$3,840,000
<i>MONTGOMERY</i>	Law Enforcement	LASD	\$2,750,000
<i>MUNOZ</i>	Auto Liability	LASD	\$2,500,000
<i>ZISSA</i>	Employment	DCFS	\$2,350,000
<i>DECASAS</i>	Law Enforcement	PDO	\$2,150,000
<i>FINN</i>	Employment	DCFS	\$1,850,000
<i>EVANS</i>	Law Enforcement	LASD	\$1,500,000
<i>ALTOBELLI</i>	General Liability	LASD/FIRE	\$1,250,000
<i>MAUSER</i>	General Liability	LASD/FIRE	\$1,250,000
<i>MEDINA</i>	Medical Malpractice	LASD	\$1,250,000
<i>VALENTINE</i>	Employment	DCFS	\$1,250,000
<b>TOTAL</b>			<b>\$37,940,000</b>

The County paid \$56 million for 267 settlements in FY 21-22, a decrease of 19 percent compared to the \$68.7 million spent in FY 20-21. Of the settlements, 12 cost the County more than \$1 million each. The cost of these 12 settlements totaled \$37.9 million and accounted for 68 percent of the total settlement expenses in FY 21-22. The 12 settlements involved four departments (LASD - \$13.1 million; Fire - \$17.3 million; DCFS - \$5.5 million; and the Public Defender's Office ("PDO") - \$2.2 million); and five case types (auto liability - \$18.5 million; law enforcement - \$8.1 million; employment - \$5.5 million; general liability - \$4.7 million; and medical malpractice - \$1.3 million). The six most expensive settlements accounted for 53 percent of the total settlement expenses in FY 21-22.

The costliest settlement (*Leilani Ortiz et al.*; Case No. 20STCV07358 - \$16 million), arose from a collision between the plaintiffs' car and an F-350 service truck driven by a Fire Department employee. On June 14, 2019, the plaintiffs picked up their sons, ages six and nine, from school. Shortly thereafter, they entered an intersection on a green light and were broadsided by the Fire vehicle. Three independent witnesses confirmed that the Fire vehicle ran the red light. The plaintiffs were severely injured and incurred over \$1.2 million in medical expenses after the accident. They also presented life care plans detailing their need for future treatment and care in excess of \$9.2 million, including future surgeries, medical and psychiatric treatments, home modifications, counseling, and special education for the minors, and sought an additional \$40 million in general damages for pain and suffering. The lawsuit settled for \$16 million.

The second costliest settlement (*A.G. et al.*; Case No. 2:17-CV-00074 - \$3.84 million) arose from a 2015 service call from a woman ("Ford") reporting that her son ("Decedent") was threatening to kill her and her daughter ("Pickett"). Responding deputies struck Decedent with their fists, feet, batons and flashlights, and shot him with a Taser, resulting in his death. Although the Taser manufacturer recommended that charges be delivered in five-

second bursts, records from the device reflected that it was used in one 29-second burst followed by another five or six-second burst. Decedent's multiple minor children, including Pickett, filed separate lawsuits. The cases were consolidated, and the court granted summary judgment for the County as to Pickett, finding that she lacked standing because she was not Decedent's biological child. All parties reached a global settlement of \$1.75 million, but Ford and Pickett backed out of the settlement before the other parties were paid in FY 19-20. They appealed the summary judgment ruling, prevailed, then dismissed their state court case and filed a new lawsuit in federal court. In FY 21-22, their lawsuit settled for \$3.84 million.

The third costliest settlement (*Barry Montgomery*; Case No. BC692204 - \$2.75 million) arose from Plaintiff's 2014 arrest. Two patrol deputies approached Plaintiff at a park after smelling burnt marijuana and seeing what appeared to be a joint in his hand. Plaintiff admitted to smoking marijuana and was uncooperative, refusing to put his hands behind his back, threatening to shoot the deputies, and suddenly punching one of them. The deputies tackled Plaintiff and arrested him after a struggle. He had less than an ounce of marijuana on him, no weapons, and a history of schizophrenia. He was later found incompetent to stand trial, and the criminal charges against him were dismissed. However, he sustained fractured ribs and a traumatic brain injury during the encounter with deputies. In 2018, he sued for assault, battery, and state civil rights violations. The lawsuit settled for \$2.75 million.

The fourth costliest settlement, (*Maria Munoz*; Case No. BC723658 - \$2.5 million) arose from an auto accident involving a marked sport utility vehicle driven by an LASD deputy who allegedly ran a red light responding to an emergency. In November 2017, the deputy and her training supervisor were responding to an assault with a deadly weapon radio call when their patrol vehicle collided with a Honda Accord at an intersection. After colliding with the Accord, the patrol vehicle struck a pedestrian in the crosswalk, then ran off the road onto the sidewalk, injuring multiple pedestrians and killing two children. The traffic collision report concluded that the deputy was the primary cause of the collision. Plaintiffs Luis Hernandez and Maria Munoz, the father and mother of the children, sued for wrongful death. Plaintiff Munoz witnessed the death of her children and sustained severe physical injuries. The *Hernandez* lawsuit settled for \$5 million, which was paid in FY 20-21. The *Munoz* lawsuit settled in FY 19-20 for \$17.5 million, payable in four installments. The final installment of \$2.5 million was paid in FY 21-22.

The fifth costliest settlement (*Judith Zissa*; Case No. 2:18-CV-10174 - \$2.35 million) was a proposed class-action lawsuit alleging Fair Labor Standards Act ("FLSA") violations. Plaintiff was a social worker who alleged, on behalf of herself and all social workers who worked for DCFS from December 2015 to the present, that they were scheduled to work 40 hours per week but often had to work 50 hours per week or more because of heavy caseloads and strict deadlines. Plaintiff further alleged that social workers were not compensated for time worked beyond their 40-hour week because the Department regularly denied and discouraged overtime requests but assigned caseloads based on need, and social workers faced disciplinary action when they missed deadlines or failed to meet productivity standards. The Department contended that its policies were intended to comply with the FLSA, and that it had paid its employees over \$50 million in overtime within the claimed time period. The lawsuit settled for \$2.35 million.

The sixth costliest settlement (*Rodrigo De Casas*; Case No. 2:20-CV-09265 - \$2.15 million) involved allegations of civil rights violations against the PDO. The plaintiff alleged that the PDO violated his civil rights by holding him in custody for 13 years, awaiting trial in a civil commitment proceeding that was ultimately dismissed. In 1994, Plaintiff was convicted of sex crimes. In 2006, near the end of his prison sentence, the District Attorney's Office ("DAO") filed a petition for civil commitment of Plaintiff as a Sexually Violent Predator ("SVP"). Plaintiff was represented in the SVP case by the PDO from 2006 until 2018, when the court relieved the PDO and appointed private counsel. Shortly after appointment, the plaintiff's private counsel moved to dismiss the SVP petition for violation of the plaintiff's right to a speedy trial, and the court dismissed the SVP case in 2019. After the DAO appealed and lost, Plaintiff filed a civil suit against the County. The lawsuit was settled for \$2.15 million.

The seventh costliest settlement (*Dennis Finn*; Case No. 20STCV10676 - \$1.85 million) involved a former social worker who alleged disability discrimination, harassment, retaliation, failure to accommodate, and related claims. Plaintiff started with DCFS in 1994 and was assigned to the child protection hotline for the majority of his career. He was discharged in 2019 for accessing a file that was not assigned to him, speaking to others about the case without authority, and backdating call logs. However, the plaintiff had submitted numerous medical certifications and requests for accommodations during his tenure, made several equity complaints against his supervisor, complained to the State of California about the way DCFS operated the hotline, and accused DCFS of falsifying records and conspiring to hide reports of child abuse. Moreover, there was no evidence that he had altered call logs. The lawsuit settled for \$1.85 million.

The eighth costliest settlement (*Joseph Evans*; Case No. 2:19-CV-00793 - \$1.5 million) arose from a 2018 fight between two inmates at the Inmate Reception Center ("IRC") that caused the death of Tony Joseph Evans ("Decedent"). Decedent and the other inmate had a brief verbal altercation in a waiting area while awaiting mental health evaluations to complete the IRC intake process, then began fighting when they were moved to a holding cell with about 30 other inmates. Decedent was knocked down, hit his head, and was punched as he lay on the floor. After deputies entered the cell and found him unconscious, he was diagnosed with a serious brain injury and remained comatose until he died months later. Decedent's children sued for wrongful death and civil rights violations, alleging that the County failed to protect Decedent from the other inmate, who had a violent criminal history. The lawsuit settled for \$1.5 million.

Four settlements cost the County \$1.25 million each in FY 21-22: *Altobelli* (Case No. 21STCV17693), *Mauser* (Case No. 20STCV48132), *Medina* (Case No. 19ST CV10101), and *Valentine* (Case No. BC602184).

*Altobelli* is one of four related cases arising from the high-profile, January 26, 2020 helicopter crash that killed nine members of the Bryant, Chester, Mauser, and Altobelli families. The crash attracted international attention when the public learned that Kobe Bryant, his daughter, and all others onboard died in the crash. Personnel from LASD and Fire were among the governmental investigators on site. Sheriff Villanueva met with the victims' families and told them his deputies were securing the crash site. However, it was later revealed that unauthorized photos of the crash site were taken and shared, including photos taken by LASD and Fire employees. Plaintiff Vanessa Bryant filed a lawsuit, and the other families followed suit, alleging that the County violated privacy rights by taking and sharing photos at the crash

site, and demanding compensatory damages and punitive damages, plus attorneys' fees and costs. Both *Altobelli* and *Mauser* settled for \$1.25 million each, while *Bryant* and *Chester* were still in litigation at the close of FY 21-22. Expenses associated with the defense of all four matters are shared by LASD and Fire.

In *Medina*, inmate Mathew Martinez ("Decedent") died in custody at the Twin Towers Correctional Facility. While conducting a safety check about 4:00 a.m., deputies found him unresponsive in his cell. Decedent's cellmate said he had snorted pills several hours earlier and did not appear to be breathing. Attempts at resuscitation failed, and he was pronounced dead about thirty minutes later. Decedent's parents sued for federal civil rights violations and wrongful death, alleging that custody staff failed to conduct adequate safety checks and that necessary medical care was not provided. The lawsuit settled for \$1.25 million.

*Valentine* was a class action lawsuit challenging the County's pre-employment medical evaluation process. Plaintiffs alleged unlawful medical inquiry, discrimination, failure to accommodate, and related claims, arguing that the County violated their privacy rights, required job applicants to submit health questionnaires and undergo medical exams, and disclosed their confidential medical information. In FY 19-20, the County paid \$7,137,900 to settle class claims, including incentive awards for lead plaintiffs Valentine and Moore, and nearly \$2.4 million in attorneys' fees. However, the court also allowed Valentine and Moore to pursue their own individual claims. Valentine alleged disability discrimination, claiming that DCFS withdrew a conditional employment offer after the medical exam revealed she had cancer. Moore alleged failure to accommodate, claiming that her start date was deferred for three months after her exam revealed her pregnancy. The lawsuit settled for \$1.25 million, including Plaintiffs' attorneys' fees and costs, with \$1 million allocated to Valentine and \$250,000 to Moore.

### III. Fees and Costs

The County paid \$65.8 million for fees and costs in FY 21-22, an increase of \$6.7 million, or 11 percent, from the \$59.1 million the County paid in FY 20-21. Of the \$65.8 million, \$49.1 million was paid to contract counsel firms, and \$16.7 million was billed by County Counsel attorneys to various County departments engaged in litigation.

ATTORNEYS' FEES & COSTS - FISCAL YEAR COMPARISON			
	FY 2021-22	FY 2020-21	CHANGE FROM FY 20-21
CONTRACT LAW FIRM FEES	\$42,479,185	\$37,183,823	+14%
CONTRACT LAW FIRM COSTS	\$6,668,241	\$4,416,529	+51%
<b>CONTRACT LAW FIRM FEES &amp; COSTS</b>	<b>\$49,147,426</b>	<b>\$41,600,352</b>	<b>+18%</b>
IN-HOUSE FEES	\$13,143,023	\$13,866,366	-5%
IN-HOUSE COSTS	\$3,555,288	\$3,630,929	-2%
<b>IN-HOUSE FEES &amp; COSTS</b>	<b>\$16,698,311</b>	<b>\$17,497,295</b>	<b>-5%</b>
<b>TOTAL: IN-HOUSE AND CONTRACT LAW FIRM FEES &amp; COSTS</b>	<b>\$65,845,737</b>	<b>\$59,097,647</b>	<b>+11%</b>

### ***Contract Counsel***

Contract counsel fees and costs totaled \$49.1 million in FY 21-22, an increase of 18 percent from \$41.6 million in FY 20-21.

Contract counsel fees increased to \$42.5 million in FY 21-22, an increase of \$5.3 million, or 14 percent, from \$37.2 million in FY 20-21.

Contract counsel costs increased to \$6.7 million in FY 21-22, an increase of \$2.3 million, or 51 percent, from \$4.4 million in FY 20-21.

### ***County Counsel***

County Counsel fees and costs decreased to \$16.7 million in FY 21-22, a decrease of five percent from \$17.5 million in FY 20-21.

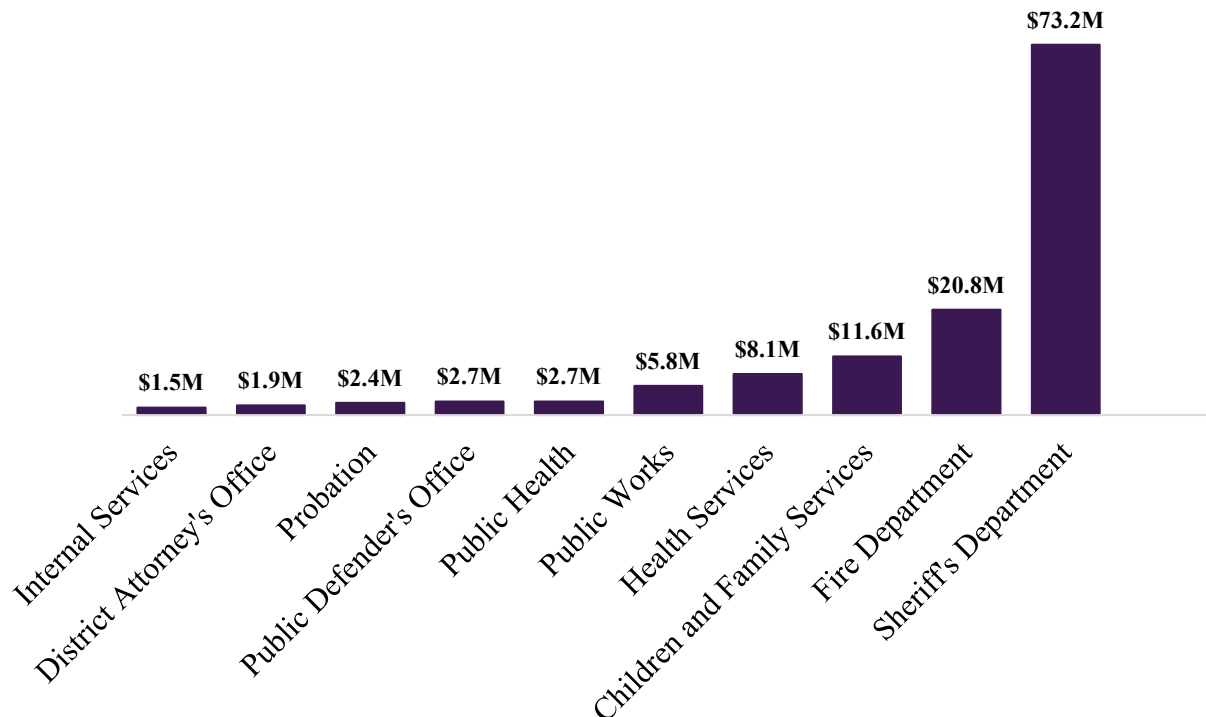
County Counsel fees decreased to \$13.1 million in FY 21-22, a decrease of \$723,000, or five percent, from \$13.9 million in FY 20-21.

County Counsel costs decreased to \$3.6 million in FY 21-22, a decrease of \$76,000, or two percent, from \$3.6 million in FY 20-21.

## **IV. Total Department Litigation Expenses**

<b>TOP TEN DEPARTMENTS</b> <b>(Judgments, Settlements, Fees, and Costs)</b> <b>FY 21-22</b>	
<b>Sheriff's Department</b>	<b>\$73,240,650</b>
<b>Fire</b>	<b>\$20,793,807</b>
<b>Children and Family Services</b>	<b>\$11,616,050</b>
<b>Health Services</b>	<b>\$8,070,261</b>
<b>Public Works</b>	<b>\$5,807,444</b>
<b>Public Health</b>	<b>\$2,712,514</b>
<b>Public Defender's Office</b>	<b>\$2,689,134</b>
<b>Probation</b>	<b>\$2,410,293</b>
<b>District Attorney's Office</b>	<b>\$1,907,412</b>
<b>Internal Services</b>	<b>\$1,547,213</b>

## TOP TEN DEPARTMENTS FY 21-22 TOTAL LITIGATION EXPENSES



### V. Contract Cities and Special Districts

Of the \$148.3 million reported in annual litigation expenses in FY 21-22, the Contract Cities Liability Trust Fund ("Fund") and special districts reimbursed the County \$9.4 million.

#### ***Contract Cities***

In FY 21-22, the Fund reimbursed the County \$7.3 million of the \$9.4 million. Of the \$7.3 million paid by the Fund, \$7.2 million was paid for judgments, settlements, fees and costs arising from the conduct of deputies contractually assigned by LASD to various cities throughout the County, and \$83,000 was for judgments, settlements, fees and costs associated with the Department of Public Works ("DPW").

#### ***Special Districts: Flood Control, Open Space, Sewer & Drain, and Waterworks***

The County was also reimbursed for litigation expenses paid on behalf of its special districts, which have their own funding sources. In FY 21-22, the special districts (Flood Control – \$1.1 million; Sewer & Drain – \$528,000; Waterworks – \$435,000; and Open Space – \$85,000) reimbursed the County a total of \$2.1 million.



## **VI. Dismissals**

In FY 21-22, the County disposed of 263 lawsuits without payment of any settlements, judgments, or attorneys' fees to opposing parties and with no County liability. Of these 263 dismissals, 201, or 76 percent, resulted from voluntary dismissals effectuated by plaintiffs and/or their attorneys, often resulting from a pretrial court ruling exposing defects in the lawsuit or insufficient evidence to win. Of the 263 dismissals, 62, or 24 percent, were involuntary dismissals effectuated by the court, usually after a successful motion by the County, such as a demurrer, motion to dismiss, motion for summary judgment, or discovery motion resulting in terminating sanctions.

## **VII. New Lawsuits**

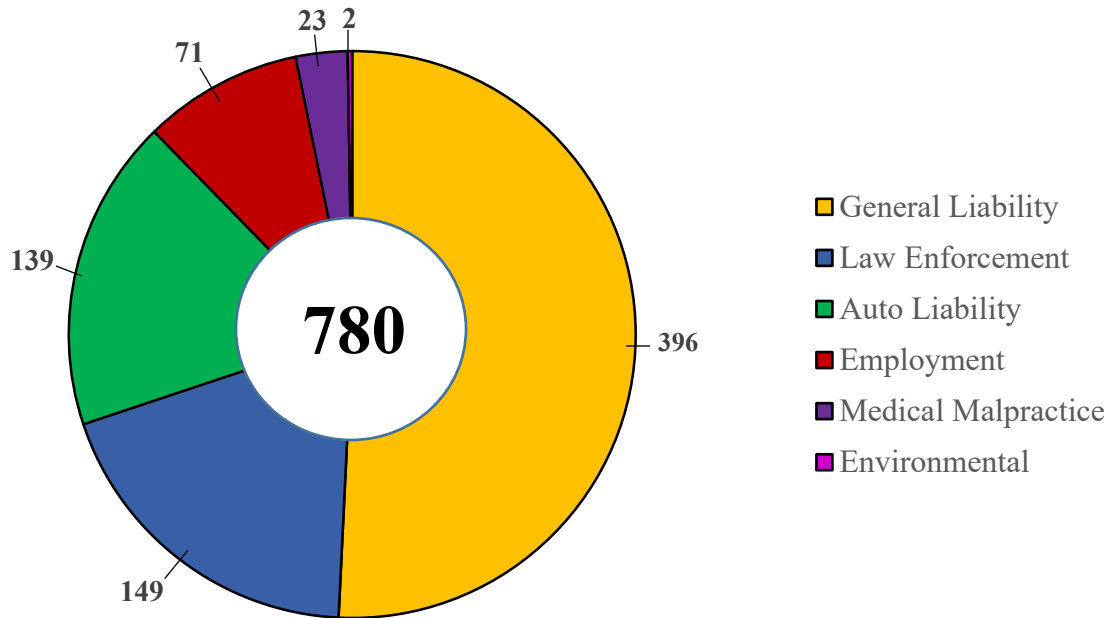
The number of new lawsuits in which the County was served increased by three percent, from 757 in FY 20-21 to 780 in FY 21-22. LASD was sued more often than any other County department in FY 21-21. LASD was served with 226 lawsuits in FY 21-22, an increase from 193 in FY 20-21. DPW was second, with 52 new lawsuits in FY 21-22, an increase from 43 in FY 20-21. Closely following DPW was DCFS, with 46 new lawsuits, an increase from 23 in FY 20-21, along with DHS, with 32 new lawsuits in FY 21-22, a decrease from 37 in FY 20-21, and Fire, with 16 new lawsuits in FY 21-22, a decrease from 19 in FY 20-21. Seven additional departments were named in 10 or more new lawsuits in FY 21-22: DAO, 15, a decrease from 18; the Treasurer Tax Collector, 15, an increase from 14; the Department of Parks and Recreation, 14, a decrease from 19; DPSS, 13, an increase from nine; DPH, 12, a decrease from 23; Probation, 11, a decrease from 18; and the Registrar-Recorder/County Clerk ("RR/C"), 10, an increase from eight. All remaining County departments were not sued or were named in fewer than 10 lawsuits in FY 21-22.

The County was also named in 242 Non-Jurisdictional lawsuits. These lawsuits consist of allegations that do not involve the County, County officers or employees acting within the scope of their employment, or County property.

The 780 lawsuits cover six case types:

1. General Liability (396)
2. Law Enforcement (149)
3. Auto Liability (139)
4. Employment (71)
5. Medical Malpractice (23) and
6. Environmental (2).

## FY 21-22 NEW LAWSUITS BY CASE TYPE



DEPARTMENT	FY 21-22 NEW LAWSUITS	FY 20-21 NEW LAWSUITS	DIFFERENCE BETWEEN FY 20-21 and FY 21-22
Non-Jurisdictional	242	238	+4
Sheriff's Department	226	193	+33
Public Works	52	43	+9
Children and Family Services	46	23	+23
Health Services	32	37	-5
Fire	16	19	-3
District Attorney's Office	15	18	-3
Treasurer and Tax Collector	15	14	+1
Parks and Recreation	14	19	-5
Public Social Services	13	9	+4
Public Health	12	23	-11
Probation	11	18	-7
Registrar-Recorder/County Clerk	10	8	+2

## **VIII. Trials, Writs and Appeals**

### ***Trials***

The County prevailed in six of 12 trials in FY 21-22, a success rate of 50 percent. Of the 12 lawsuits tried in FY 21-22, LASD had the most, with four trials. LASD won two of those trials, one of which was a law enforcement case involving a man bitten by a canine and the other was a general liability case against LASD and DMH arising from a 2015 suicide at Men's Central Jail. Also, DCFS won a general liability trial arising from the removal of the plaintiffs' two minor children, and Fire, DHS and Probation each won a trial involving employment issues including discrimination and retaliation. Of the six losses, an employment case (*Denise Bertone*; Case No. 18STCV04681) resulted in the largest verdict in FY 21-22. In *Bertone*, the plaintiff was a recently retired 25-year Medical Examiner-Coroner investigator who sued for whistleblower retaliation, claiming that the department retaliated against her by eliminating her administrative position and refusing to promote her after she complained about the department "covering up" the homicide of a disabled child whose organs were harvested. The case was tried, and the jury returned a verdict of \$8,422,373 in the plaintiff's favor in December 2021. In June 2022, the court granted the County's motion for a new trial.

### ***Writs***

A petition for a writ of mandate can be filed to compel the County to perform certain acts. The County was named as a respondent in nine petitions for writs of mandate in FY 21-22, unchanged from FY 20-21.

The County prevailed in seven writ actions. Two involved Public Records Act requests for documents from LASD and DHS; two sought to compel the Registrar-Recorder/County Clerk to remove information from, or include information in, voting materials; one sought to rescind and cancel the County's contract with the Daily Journal Corporation for publication of DCFS legal notices; one sought to enjoin the County's transfer of Bruce's Beach to the heirs of the Bruce family; and one sought to rescind a paragraph of Governor Newsom's Executive Order N-40-20, issued during the pandemic, allowing the completion of investigations of alleged misconduct by public safety officers beyond the otherwise applicable one-year statute of limitations.

Adverse parties prevailed in the remaining two writ actions. One involved an environmental challenge to the County's approval of a new master planned community in the Antelope Valley. The other writ action involved a parent's petition to compel DPSS to set aside its decision denying her autistic son protective supervision under the In-Home Supportive Services program.

### ***Appeals***

The County won 13 of the 15 appeals to which it was a party in FY 21-22. Thirteen of the appeals were initiated by adverse parties and two were initiated by the County. One notable appellate victory was *LA Alliance for Human Rights*, filed in federal court in 2020. In this case, a nonprofit organization sued the County and City of Los Angeles, alleging that they had not taken adequate action to address the homelessness crisis in Los Angeles. The litigation

was stayed in an effort to negotiate a settlement, but that stay was lifted when the plaintiffs filed for a preliminary injunction in April 2021, requesting that the court order the County and City to take immediate action to clear persons experiencing homelessness from the streets of the Skid Row area. The district court issued the preliminary injunction, ordering the County and City to house all people experiencing homelessness in Skid Row within 180 days, and to provide funding for additional supportive services and operations countywide. Defendants filed an appeal. In September 2021, the Ninth Circuit Court of Appeals granted the appeal, vacated the order, and remanded the case.

## **IX. Recoveries**

The County recovered \$714,084 in FY 21-22 from 36 lawsuits, a 186 percent decrease from the \$5.1 million recovered in FY 20-21. The largest recovery in FY 21-22 was *County v. Bar LLC*. In *Bar*, DPH, acting as the Local Enforcement Agency (the "LEA"), filed an action for declaratory and injunctive relief and civil penalties against landfill owner Bar V Bar LLC ("Defendant") because of its failure to install and operate a methane monitoring and control system as directed by the LEA. Defendant owns a portion of the closed Cogen Landfill in the city of Monterey Park. After numerous attempts by the LEA to bring the defendant into compliance, the LEA filed suit. Ultimately, the LEA and Defendant reached a settlement that requires the defendant to complete design, construction, operation and maintenance of an approved landfill gas collection, control, and monitoring system at the site. The settlement also included five milestone dates by which various tasks have to be completed by Defendant and required Defendant to pay the LEA \$300,000 in three installments of \$100,000.