



County of Los Angeles

February 6, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

Holly J. Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

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Supervisor, Fourth District

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Supervisor, Fifth District



The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012


RE: **County of Los Angeles Annual Litigation Cost Report –
Fiscal Year 2022-23**

Dear Supervisors:

Enclosed is the County Counsel Annual Litigation Cost Report ("Cost Report") for the Fiscal Year 2022-23. The Cost Report is a public document and will be posted on the County Counsel website.

Very truly yours,

DAWYN R. HARRISON
County Counsel

By 
ADRIENNE M. BYERS
Litigation Cost Manager

APPROVED AND RELEASED:


DAWYN R. HARRISON
County Counsel

DRH:AMB:ds

Enclosure



ANNUAL LITIGATION COST REPORT FY 2022–2023



COUNTY COUNSEL ANNUAL LITIGATION COST REPORT

FISCAL YEAR 2022-2023

Note: This Report includes only those litigation expenses incurred between July 1, 2022 and June 30, 2023

I. OVERVIEW

Annual litigation expenses for Fiscal Year ("FY") 22-23 for the County of Los Angeles ("County") totaled \$340.2 million^[1], a 129 percent increase from the \$148.3 million spent in FY 21-22. This increase was largely due to a \$14 million increase in contract law firm fees and costs, and a \$174.9 million increase in judgments and settlements compared to FY 21-22. The \$340.2 million paid in FY 22-23 consists of \$257.4 million in judgments and settlements and \$82.8 million in attorney's fees and costs. There were 1,466 more lawsuits filed, eight more judgments and 53 more settlements in FY 22-23 than in FY 21-22.

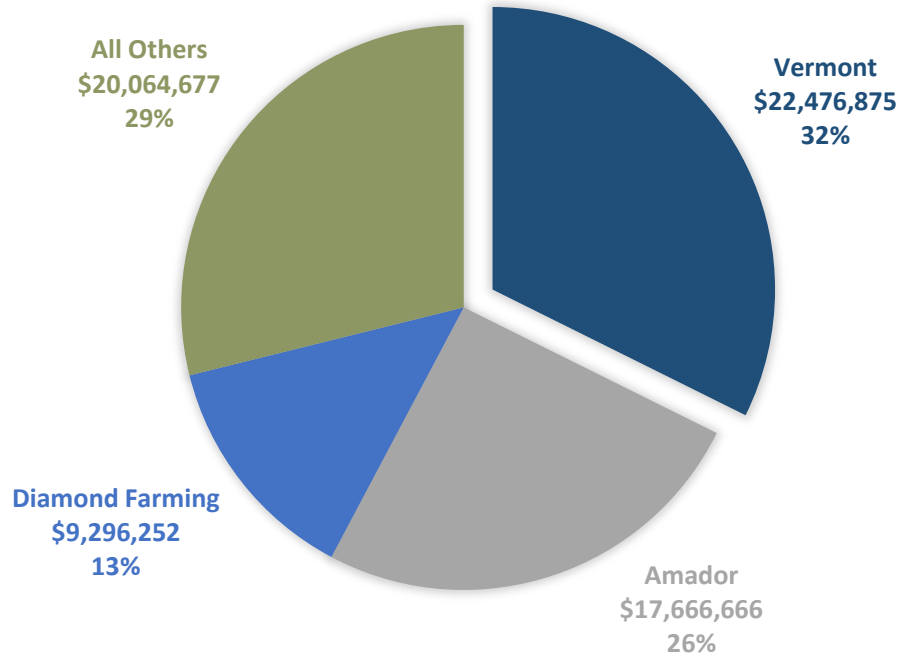
	FY 22-23 Litigation Expenses	% Change from FY 21-22
CONTRACT LAW FIRM FEES	\$53,726,068	+26%
CONTRACT LAW FIRM COSTS	\$9,442,933	+42%
TOTAL CONTRACT LAW FIRM FEES & COSTS	\$63,169,001	+29%
COUNTY COUNSEL FEES	\$16,385,030	+25%
COUNTY COUNSEL COSTS	\$3,269,844	-8%
TOTAL COUNTY COUNSEL FEES & COSTS	\$19,654,874	+18%
TOTAL FEES & COSTS	\$82,823,875	+26%
JUDGMENTS	\$69,504,470	+162%
SETTLEMENTS	\$187,907,441	+236%
TOTAL JUDGMENTS & SETTLEMENTS	\$257,411,911	+212%
TOTAL ANNUAL EXPENSES	\$340,235,786	+129%

[1] While it is worth noting that the Contract Cities Liability Trust Fund and special districts reimbursed the County \$39.6 million of its FY 22-23 litigation expenses, this report covers the total amount paid by the County in litigation, which is \$340.2 million.

II. JUDGMENTS AND SETTLEMENTS

Of the \$340.2 million the County spent on litigation in FY 22-23, \$257.4 million was paid to satisfy 22 judgments and settle 320 lawsuits. This marks a 212 percent increase from the \$82.5 million the County expended on judgments and settlements in FY 21-22.

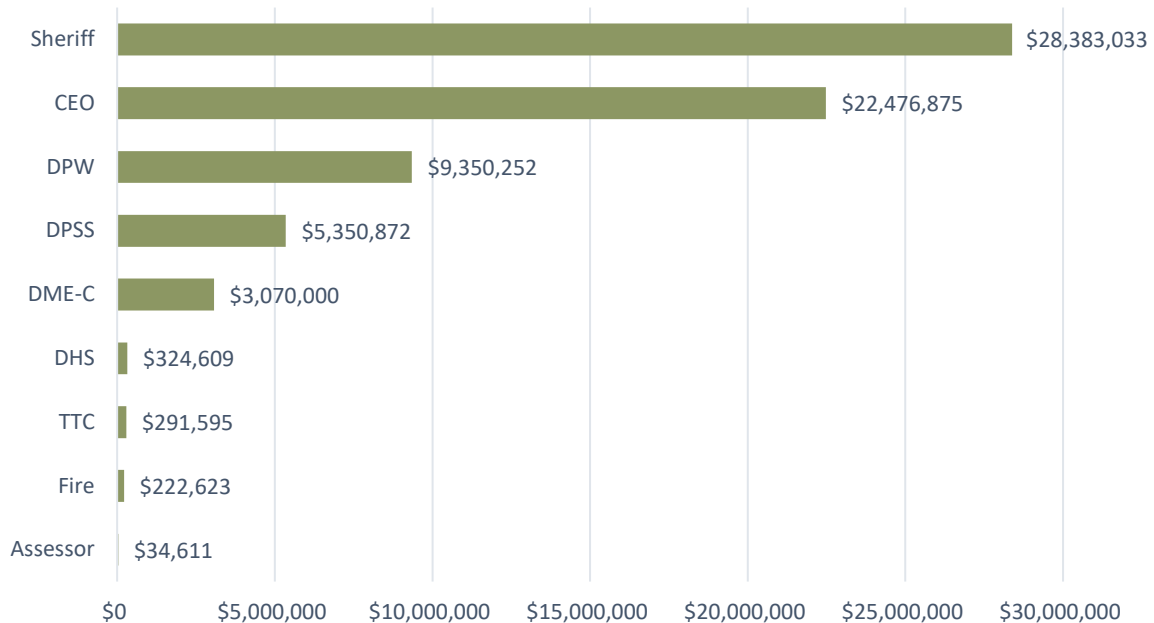
FY 2022–2023 JUDGMENTS



TOP THREE JUDGMENTS			
NAME	CASE TYPE	DEPARTMENT	AMOUNT
8300-8400 S. VERMONT	General Liability (Eminent Domain)	Chief Executive Office	\$22,476,875
AMADOR	Law Enforcement	Sheriff's Department	\$17,666,666 (Second installment of \$53 million 2019 judgment)
DIAMOND FARMING	Groundwater Adjudication	Department of Public Works/Waterworks Dist. 40	\$9,296,252
TOTAL			\$49,439,793

The County paid \$69.5 million in judgments in FY 22-23, an increase of 162 percent compared to the \$26.5 million spent in FY 21-22. The \$69.5 million was comprised of 22 judgments, with ten against the Sheriff's Department ("LASD") (\$28,383,033), one against the Chief Executive Office ("CEO") (\$22,476,875), two against the Department of Public Works ("DPW") (\$9,350,252), two against the Department of Public Social Services ("DPSS") (\$5,350,872), one against the Department of Medical Examiner-Coroner ("DME-C") (\$3,070,000), three against the Department of Health Services ("DHS") (\$324,609), one against the Treasurer and Tax Collector ("TTC") (\$291,595), one against the Fire Department ("Fire") (\$222,623), and one against the Assessor's Office (\$34,611). The three most expensive judgments totaled \$49.4 million and accounted for 71 percent of the \$69.5 million spent on judgments in FY 22-23.

FY 2022–2023 JUDGMENTS



The costliest judgment paid in FY 22-23 was *8300-8400 S. Vermont* (LASC Case No. BC686141 - \$22,476,875), an eminent domain action filed in state court in 2017 to condemn 16 parcels for public development projects. The County valued the property at \$17.9 million. The case went to trial, where a jury rendered a valuation verdict of \$39 million. Defendant property owner unsuccessfully moved the court for \$5 million in fees and costs from the County. The CEO spent \$865,490 in fees and costs defending the lawsuit in FY 22-23.

The second costliest judgment paid in FY 22-23 was *Amador* (Case No. 2:10-CV-01649 - \$17,666,666). *Amador* was a federal class-action lawsuit filed in 2010 by female inmates of the Century Regional Detention Facility who claimed they were subjected to intrusive visual body-cavity searches (strip searches) without privacy and in unsanitary conditions. After the court

certified two classes and three subclasses of female inmates who were strip-searched while incarcerated between 2008 and 2015, there were 87,937 class members claiming they were strip-searched a total of 421,718 times. In 2019, a \$53 million settlement was approved by the court, under which the County was to pay \$53 million into a claims fund in three installments at twelve-month intervals. LASD paid the second installment (\$17,666,666) and spent \$1,630 in fees and costs defending the lawsuit in FY 22-23.

The third costliest judgment paid in FY 22-23 was *Diamond Farming* (Case No. BC325201 - \$9,296,252), also known as The Antelope Valley Groundwater Adjudication, filed in state court in 1999 by various public water purveyors, including Los Angeles County Waterworks District No. 40 ("District 40"), involved a comprehensive adjudication of groundwater rights and a groundwater basin management plan in the Antelope Valley. In 2015, the court approved a settlement reached by a majority of the parties, including District 40, and entered judgment in favor of the settling parties against the non-settling parties. Some of the settling parties, including District 40, appealed rulings involving attorney's fees awarded to the small-pumper class counsel. The Court of Appeal found against District 40 and remanded the case to the trial court for further proceedings, where the trial court awarded small-pumper class counsel fees and interest in the amount of \$9,296,252. DPW spent \$2,017 in fees and costs defending the lawsuit in FY 22-23.

TOP 13 SETTLEMENTS				
NAME	CASE TYPE	DEPARTMENT	AMOUNT	
AVALOS	General Liability – Foster Care	DCFS	\$32,000,000	
BRYANT	General Liability – Operations / Invasion of Privacy	LASD/FIRE	\$28,850,000	
CHESTER	General Liability – Operations/Civil Rights Violation	LASD/FIRE	\$19,950,000	
MATAMOROS	General Liability—Dangerous Condition	DPW	\$13,166,666 (\$19,750,000 settlement; \$13,166,666 installment paid)	
GUARDADO	Law Enforcement – Excessive Force	LASD	\$8,000,000	
NEAL	Law Enforcement – Excessive Force	LASD	\$7,000,000 (\$16,500,000 settlement; insurance paid all but \$7,000,000)	

<i>BRICENO</i>	Law Enforcement – Other	LASD	\$7,000,000 (\$16,250,000 settlement; insurance paid all but \$7,000,000)
<i>ALARCIO</i>	Law Enforcement – Failure to Protect	LASD/DHS	\$7,000,000
<i>ESPHORST</i>	Law Enforcement – Failure to Protect	LASD	\$6,500,000
<i>CARRIER</i>	Medical Malpractice—Failure to Treat	LASD	\$4,500,000
<i>CASSIANIS</i>	Medical Malpractice—Negligent Surgery	DHS	\$4,000,000
<i>VENEGAS- GARCIA</i>	Law Enforcement – Excessive Force	LASD	\$2,750,000
<i>CARRILLO</i>	Law Enforcement – Failure to Protect	LASD/DHS	\$2,500,000
TOTAL			\$143,216,666

The County paid \$188 million for 320 settlements in FY 22-23, an increase of 236 percent compared to the \$56 million spent in FY 21-22. Of the total settlements, 22 cost more than \$1 million, and involved the Department of Children and Family Services ("DCFS"), District Attorney's Office ("DAO"), Fire, DHS, Internal Services ("ISD"), DME-C, DPW, and LASD. Of the 22 costliest settlements, 13 cost \$2.5 million or more, and involved DCFS, Fire, DHS, DPW, and LASD. The 13 most expensive settlements accounted for \$143 million, or 76 percent, of the total settlement expenses in FY 22-23. The six most expensive settlements accounted for 58 percent of the total settlement expenses in FY 22-23.

The costliest settlement, *Avalos* (Case No. 19STCV27032 - \$32,000,000), filed in state court in 2019, involved Plaintiffs' allegations that DCFS failed to properly investigate child-abuse allegations and failed to detect and prevent the physical abuse of a 10-year-old boy ("Decedent") and his siblings while they were in the custody of his mother and her boyfriend. The mother and her boyfriend were subsequently prosecuted and convicted of Decedent's murder and the abuse of his two siblings. Plaintiffs, including Decedent's father and six surviving half-siblings, sued the County alleging wrongful death, violation of civil rights, fraud and negligence, including negligent hiring and retention. Plaintiffs also sued a mental health services provider. The County's portion of the case settled for \$32 million. In addition, DCFS spent \$262,011 in fees and costs defending the lawsuit in FY 22-23.

The second and third costliest settlements, *Bryant* (Case No. 2:20-CV-09582 - \$28,850,000) and *Chester* (Case No. 2:20-CV-10844 - \$19,950,000), filed in state court and removed to federal court

in 2020, were two of four related cases arising from the high-profile helicopter crash that killed nine members of the Bryant, Chester, Mauser, and Altobelli families. The crash attracted international attention when the public learned that Koby Bryant, his daughter, and all others onboard had died in the crash. LASD and Fire staff were among the first governmental investigators on site. 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, as did the other families, alleging that the County violated privacy rights by taking and sharing photos of the crash site, and demanding compensatory damages and punitive damages plus attorney's fees and costs. In August 2022, trial commenced on behalf of the Chester and Bryant plaintiffs. The jury rendered a verdict in favor of both plaintiffs for a total of \$30 million (\$15 million to each party). Before the verdicts were paid, the parties agreed to settle Chester's claims for \$19,950,000, and Bryant's claims for \$28,850,000. The litigation expenses of \$2,434,472 for *Bryant* and \$1,562,120 for *Chester* were split between LASD and Fire.

The fourth costliest settlement, *Matamoros* (Case No. 19STCV46198 - \$13,166,666), filed in state court in 2019, arose from a single-vehicle accident that occurred in September 2018 on Mulholland Highway. Plaintiff was a passenger in a speeding vehicle driven by his friend, Novin Sepanj ("Sepanj"), who was driving 71 miles per hour when he lost control at a curve, struck a chain link fence, went off the road, and landed at the bottom of Triunfo Creek. The plaintiff sustained severe injuries, rendering him quadriplegic. He sued Sepanj and the County, alleging that Sepanj was negligent, and the County was liable for a dangerous condition of public property because the subject location lacked guardrails or a barrier to prevent vehicles from leaving the roadway. Sepanj was charged with reckless driving; his insurance carrier paid the maximum of \$250,000. The County settled for \$19,750,000, payable in three installments, \$13,166,666 of which was paid in FY 22-23. DPW spent \$527 in fees and costs defending the matter in FY 22-23.

The fifth costliest settlement, *Guardado* (Case No. 20STCV33203 - \$8,000,000) arose from the fatal deputy-involved shooting of Andres Guardado ("Decedent"). In June 2020, deputies observed Decedent standing outside a body shop carrying a firearm. As the deputies approached, Decedent fled, resulting in a foot pursuit. After they reached the end of the alley, Decedent reached for his gun and was shot and killed by deputies. Decedent's parents sued alleging Decedent was shot without provocation or justification, and that the deputies were negligent in their pursuit and apprehension of Decedent. Plaintiffs also alleged that the shooting was done for the purposes of the deputies becoming members of a deputy gang. The lawsuit settled for \$8 million, and LASD spent \$36,754 in fees and costs defending the lawsuit in FY 22-23.

The sixth costliest settlement, *Neal* (Case No. 2:20-CV-06315 - \$7,000,000), filed in federal court in 2020, arose from a deputy-involved shooting which left Plaintiffs' son ("Neal") paralyzed from the neck down. In July 2019, Plaintiffs reported that their adult son was psychotic, violent, off his medication, and trying to kill them. Deputies from the Mental Evaluation Team and a Crisis Negotiation Team were unable to de-escalate the situation, so a warrant was obtained for the son's arrest. The next day, deputies returned to arrest Neal, who refused to exit his room and

threatened to kill the deputies. Two deputies broke the door down, entered the room, and shot Neal when he ran at them with a knife in each hand. Plaintiffs sued the County and involved deputies, alleging that deputies failed to consider their son's mental health status and failed to employ de-escalation techniques. The lawsuit settled for \$16.5 million. After insurance proceeds, LASD paid \$7 million and spent \$19,598 in fees and costs defending the matter in FY 22-23.

The seventh costliest settlement, *Briceno* (Case No. 2:21-CV-01388 - \$7,000,000), filed in federal court in 2021, was a civil rights lawsuit filed by the parents of Eric Briceno ("Decedent"), a mentally ill man who died after a physical altercation with Sheriff's deputies. In March 2020, Decedent was reportedly under the influence of a controlled substance and attacked his 73-year-old father. Deputies responded to the home, found Decedent asleep, and tried to handcuff him. A physical struggle ensued, with deputies using pepper spray and Tasers to subdue Decedent before placing handcuffs and a hobble restraint on him. Decedent stopped breathing. CPR was unsuccessful, and Decedent was transported to the hospital, where he was pronounced dead. Decedent's parents were placed in separate patrol cars, taken to the station for interviews, and released five hours later, at which point they were informed of their son's death. The lawsuit settled for \$16,250,000. After insurance proceeds, LASD paid \$7 million and spent \$116,765 in fees and costs defending the lawsuit in FY 22-23.

The eighth costliest settlement, *Alarcio* (Case No. 2:20-CV-00514 - \$7,000,000), filed in federal court in 2020, arose from a 2018 incident at Twin Towers Correctional Facility in which the 61-year-old plaintiff ("Plaintiff") was severely beaten by his cellmate and left in a permanent vegetative state, requiring life-long care. Plaintiff and his family sued the County and individual employees for civil rights violations, failure to protect, and deliberate indifference. The case settled for \$7 million. The settlement, and fees and costs of \$12,471 incurred in this lawsuit, were apportioned between LASD and DHS.

The ninth costliest settlement, *Esphorst* (Case No. BC701531 - \$6,500,000), filed in state court in 2018, arose from a fatal car accident that killed the plaintiffs' 16-year-old son ("Decedent"). Plaintiffs contended that the County was responsible because one of the drivers had called 911 and was chasing the other driver attempting to read his license plate number. Decedent was killed when his vehicle was struck by two vehicles while one driver was chasing the other at speeds in excess of 80 miles per hour. Plaintiffs sued for gross negligence, contending that the Sheriff's deputy who answered the 911 call failed to instruct the caller to stop chasing the other driver. The lawsuit settled for \$6.5 million, and LASD spent \$3,976 in fees and costs defending the matter in FY 22-23. (In December 2023, a civil jury awarded \$61 million to Decedent's parents against the two other drivers involved in the crash.)

The tenth costliest settlement, *Carrier* (Case No. 2:17-CV-07231 - \$4,500,000), filed in federal court in 2018, was a civil rights lawsuit brought by the father of Randall Carrier ("Decedent"), who died in March 2017 at Twin Towers Correctional Facility. Plaintiff alleged that the County and jail staff were deliberately indifferent to Decedent's medical needs by failing to follow standardized

emergency protocols, resulting in his death due to an acute asthma attack. Plaintiff also alleged omissions by medical staff in monitoring and treating his son's asthma condition in the days leading up to the fatal incident. The case was settled for \$4.5 million, and LASD spent \$1,224 in fees and costs defending the lawsuit in FY 22-23.

The eleventh costliest settlement, *Cassianis* (Case No. 18STCV04340 – \$4,000,000), filed in state court in 2018, was a medical malpractice lawsuit for treatment received at Harbor UCLA Medical Center. In November 2017, Plaintiff presented with a fever, swelling, and pain in his neck. Initial tests suggested that he was suffering from an infection. A radiologist reviewed the images and determined the plaintiff was suffering from swelling of his neck muscles. Plaintiff was treated for an infection, but his condition deteriorated. Further emergency imaging was ordered on an urgent basis, but there was significant delay in obtaining the films. Due to the delay in providing the correct treatment, Plaintiff suffered injury to his spinal cord and was rendered a paraplegic. DHS settled the case for \$4 million and spent \$112,416 in fees and costs defending the lawsuit in FY 22-23.

The twelfth costliest settlement, *Venegas-Garcia* (Case No. 2:20-CV-07393 - \$2,750,000), filed in federal court in 2020, was a civil rights lawsuit filed by the parents and minor son of Alvaro Venegas (“Decedent”), a mentally ill man who died after an interaction with LASD deputies. In September 2019, deputies were responding to a suspicious-person call and contacted Decedent to inquire if he was okay. Decedent advanced toward one of the deputies. Believing Decedent was going to assault him, the deputy backed up, ordered him to stop, and pulled out his Taser. An altercation occurred, and the deputy shot Decedent in the arm and chest. Emergency medical treatment was provided, but Decedent was pronounced dead at the scene. The lawsuit settled for \$2,750,000, and LASD spent \$1,225 in fees and costs defending the lawsuit in FY 22-23.

The thirteenth costliest settlement, *Carrillo* (Case No. 2:21-CV-05481 – \$2,500,000), filed in federal court in 2021, involved a widow and her five children who alleged civil rights violations, wrongful death, and general negligence arising from the death of 38-year-old Mark Carrillo ("Decedent") who took his own life at Men's Central Jail in January 2021. Decedent's family and estate alleged that he was denied access to psychiatric care and proper mental health housing while incarcerated for 30 days before his death. The lawsuit settled for \$2.5 million. The settlement, and fees and costs of \$612, were apportioned between LASD and DHS in FY 22-23.

ADDITIONAL FY 22-23 SETTLEMENTS \$1 MILLION AND OVER			
NAME	DEPT	CASE TYPE	AMOUNT
PAREDES	LASD	Medical Malpractice - Failure to Monitor	\$1,900,000

<i>LOCKETT</i>	LASD	Law Enforcement - Excessive Force	\$1,823,439 (\$2,900,000 settlement; insurance paid all but \$1,823,439)
<i>JAFARI</i>	LASD	Law Enforcement - Excessive Force	\$1,750,000
<i>NUNEZ</i>	ISD	Auto Liability - Unsafe Maneuver	\$1,700,000
<i>MORA</i>	LASD	Auto Liability - Unsafe Maneuver	\$1,500,000
<i>F.M.</i>	DCFS	General Liability - Foster Care	\$1,330,795
<i>PAVEK</i>	DME-C	Employment - Retaliation	\$1,250,000
<i>JIMENEZ</i>	DAO	Law Enforcement - False Imprisonment	\$1,200,000
<i>CHA</i>	DPW	Auto Liability - Unsafe Maneuver	\$1,000,000
TOTAL			\$13,454,234

III. FEES AND COSTS

The County paid \$82.8 million for fees and costs in FY 22-23, an increase of \$17 million, or 26 percent, from the \$65.8 million the County paid in FY 21-22. Of the \$82.8 million, \$63.2 million was paid to contract counsel firms, and \$19.7 million was billed by County Counsel attorneys to various County departments engaged in litigation.

ATTORNEY'S FEES & COSTS - FISCAL YEAR COMPARISON			
	FY 2022-2023	FY 2021-2022	CHANGE FROM FY 21-22
CONTRACT LAW FIRM FEES	\$53,726,068	\$42,479,185	+26%
CONTRACT LAW FIRM COSTS	\$9,442,933	\$6,668,241	+42%
CONTRACT LAW FIRM FEES & COSTS	\$63,169,001	\$49,147,426	+29%
IN-HOUSE FEES	\$16,385,030	\$13,143,023	+25%
IN-HOUSE COSTS	\$3,269,844	\$3,555,288	-8%
IN-HOUSE FEES & COSTS	\$19,654,874	\$16,698,311	+18%
TOTAL IN-HOUSE AND CONTRACT LAW FIRM FEES & COSTS	\$82,823,875	\$65,845,737	+26%

Contract Counsel

Contract counsel fees and costs totaled \$63 million in FY 22-23, an increase of \$14 million, or 29 percent, from \$49 million in FY 21-22.

Contract counsel fees increased to \$53.7 million in FY 22-23, an increase of \$11.2 million, or 26 percent, from \$42.5 million in FY 21-22.

Contract counsel costs increased to \$9.4 million in FY 22-23, an increase of \$2.7 million, or 42 percent, from \$6.7 million in FY 21-22.

County Counsel

County Counsel fees and costs increased to \$19.7 million in FY 22-23, an increase of \$3 million, or 18 percent, from \$16.7 million in FY 21-22.

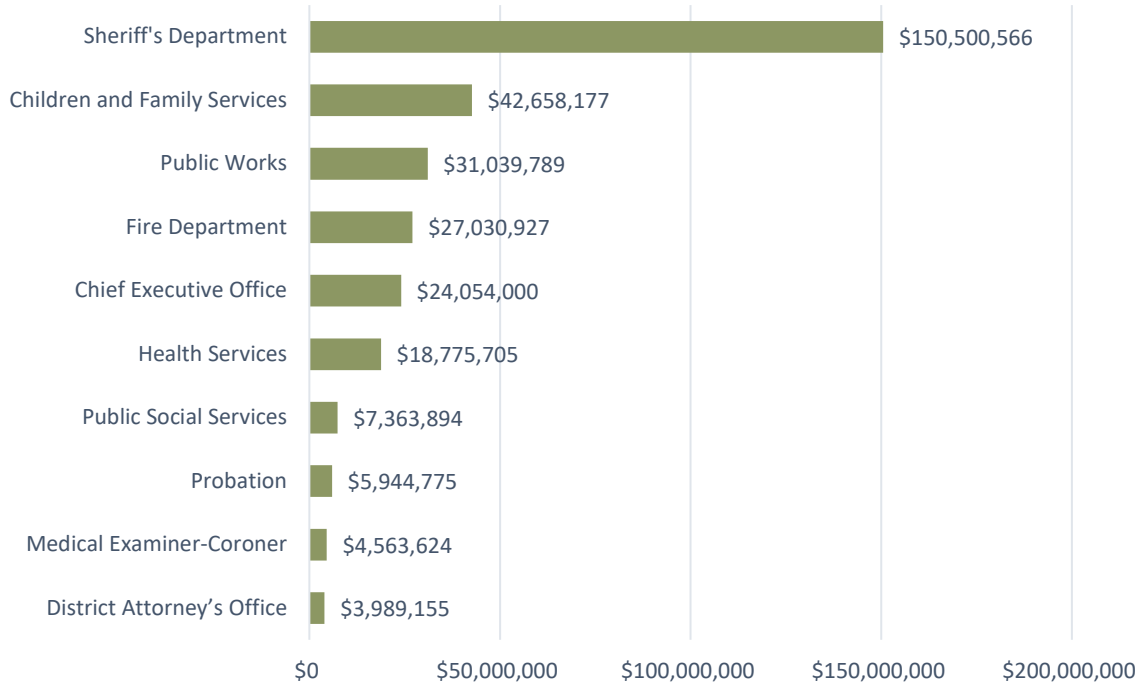
County Counsel fees increased to \$16.3 million in FY 22-23, an increase of \$3.2 million, or 25 percent, from \$13.1 million in FY 21-22.

County Counsel costs decreased to \$3.3 million in FY 22-23, a decrease of \$285,444, or eight percent, from \$3.6 million in FY 21-22.

IV. TOTAL DEPARTMENT LITIGATION EXPENSES

TOP 10 DEPARTMENTS FY 22–23 (Judgments, Settlements, Fees, and Costs)	
Sheriff's Department	\$150,500,566
Children and Family Services	\$42,658,177
Public Works	\$31,039,789
Fire Department	\$27,030,927
Chief Executive Office	\$24,054,000
Health Services	\$18,775,705
Public Social Services	\$7,363,894
Probation	\$5,944,775
Medical Examiner-Coroner	\$4,563,624
District Attorney's Office	\$3,989,155

TOP 10 DEPARTMENTS FY 22-23 TOTAL LITIGATION EXPENSES



V. CONTRACT CITIES AND SPECIAL DISTRICTS

Of the \$340.2 million reported in annual litigation expenses in FY 22-23, the Contract Cities Liability Trust Fund ("Fund") and special districts reimbursed the County \$39.6 million.

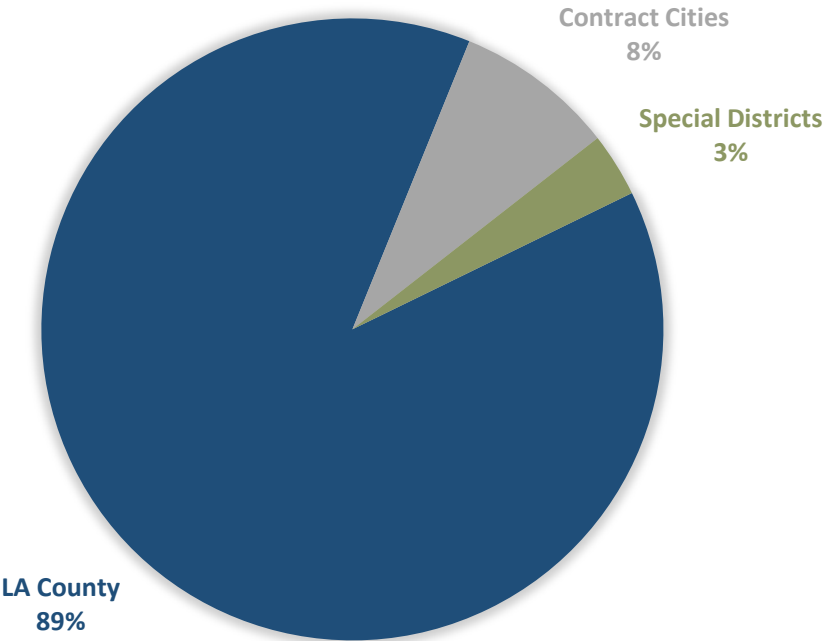
Contract Cities

In FY 22-23, the Fund reimbursed the County \$28.3 million of the \$39.6 million. Of the \$28.3 million paid by the Fund, \$28.2 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 \$51,000 was for judgments, settlements, fees and costs associated with 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 22-23, the special districts (Waterworks – \$9.6 million; Flood Control – \$950,000; Sewer & Drain – \$632,000; Road – \$159,000) reimbursed the County a total of \$11.3 million.

**CONTRACT CITIES & SPECIAL DISTRICTS
REIMBURSED LITIGATION EXPENSES**



VI. DISMISSALS

In FY 22-23, the County disposed of 434 lawsuits without payment of any settlements, judgments, or attorney's fees to opposing parties and with no County liability. Of these dismissals, 372, or 86 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 434 dismissals, 62, or 14 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

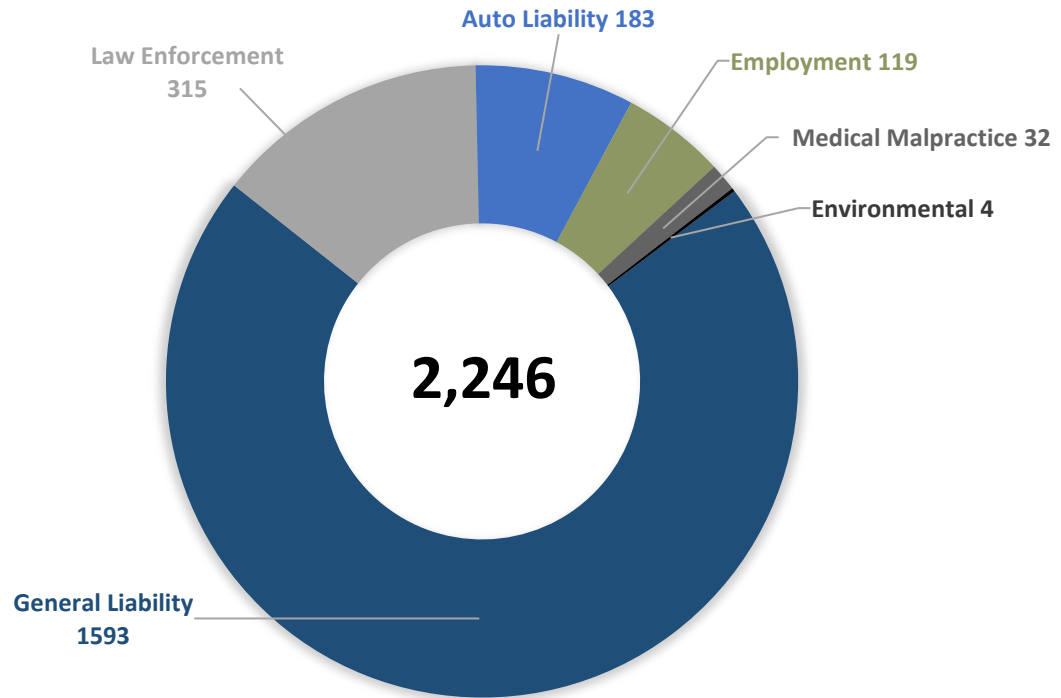
The number of new lawsuits with which the County was served increased by 188 percent, from 780 in FY 21-22 to 2,246 in FY 22-23. Of the 2,246 new lawsuits, 463 were non-jurisdictional, consisting of allegations that do not involve the County, County officers or employees acting within the scope of their employment, or County property.

The 2,246 lawsuits cover six case types:

1. General Liability (1,593)
2. Law Enforcement (315)
3. Auto Liability (183)
4. Employment (119)
5. Medical Malpractice (32) and
6. Environmental (4).

DCFS was sued more than any other County department in FY 22-23. DCFS was served with 870 lawsuits in FY 22-23, an increase of 824 new lawsuits, compared to 46 in FY 21-22. Probation was second, with 326 new lawsuits in FY 22-23, an increase of 315 new lawsuits, compared to 11 in FY 21-22. LASD was served with 244 new lawsuits, an increase of 18, compared to 226 in FY 21-22. Fourteen additional departments were named in 10 or more new lawsuits in FY 22-23: DPW, 67, an increase from 52; DHS, 57, an increase from 32; Fire, 33, an increase from 16; DAO, 23, an increase from 15; DPSS, 17, an increase from 13; TTC, 14, a decrease from 15; DMH, 14, an increase from eight; Registrar-Recorder/County Clerk, 14, an increase from 10; Parks and Recreation, 14; Public Health ("DPH"), 12; Regional Planning, 11; Child Support Services, 11, an increase from five; Assessor, 11, an increase from seven; and ISD, 10, an increase from nine in FY 21-22. All remaining County departments were not sued or named in fewer than 10 lawsuits in FY 22-23.

FY 22-23 NEW LAWSUITS BY CASE TYPE



DEPARTMENT	FY 22-23 NEW LAWSUITS	FY 21-22 NEW LAWSUITS	DIFFERENCE BETWEEN FY 22- 23 and FY 21-22
Children and Family Services	870	46	+824
Non-Jurisdictional	463	242	+221
Probation	326	11	+315
Sheriff's Department	244	226	+18
Public Works	67	52	+15
Health Services	57	32	+25
Fire	33	16	+17
District Attorney's Office	23	15	+8
Public Social Services	17	13	+4
Treasurer and Tax Collector	14	15	-1

Mental Health	14	8	+6
Registrar-Recorder/County Clerk	14	10	+4
Parks and Recreation	14	14	0
Public Health	12	12	0
Regional Planning	11	11	0
Child Support Services	11	5	+6
Assessor	11	7	+4
Internal Services	10	9	+1

VIII. TRIALS, WRITS AND APPEALS

The County prevailed in ten of 19 trials in FY 22-23, a success rate of 53 percent. Of the 19 lawsuits tried in FY 22-23, LASD had the most, with seven trials (including one ending in a hung jury). LASD won four of those trials, including one involving an inmate's claim to have been injured while inside a custody bus, and employment matters involving constructive discharge allegations and retaliatory conduct.

Probation and DHS also won trials involving employment issues, sexual assault and age discrimination allegations. Of the trial losses, an eminent domain case, *8300-8400 S. Vermont*, resulted in the largest verdict in FY 22-23 (See page 2 of this report.).

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 ten petitions for writs of mandate in FY 22-23, compared to nine in FY 21-22. The County prevailed in six writ actions.

Appeals

The County won 14 of 15 appeals to which it was a party in FY 22-23, a 93 percent success rate. One notable appellate victory was *Burkot*, filed in state court in 2018. In this case, Plaintiff sustained injuries in November 2017 while in a crosswalk due to a dangerous condition of public property. Plaintiff alleged the intersection constituted a dangerous condition due to a defective design, improper maintenance, restricted sight lines, and the absence of proper traffic signals and signs for pedestrian safety. The County filed a motion for summary judgment on the grounds of lack of a dangerous condition, lack of causation, and lighting and sign immunities. The trial court granted summary judgment in the County's favor and the plaintiff appealed. The Court of Appeal affirmed the judgment in November 2022.

Another notable appellate victory was *Marte*, filed in state court in 2015, a wrongful death lawsuit brought by the surviving family of Leonard Delmo Marte ("Decedent"). Plaintiffs alleged that the Decedent was fatally injured in a crosswalk by a vehicle in January 2014 due to a dangerous condition of public property. The plaintiffs alleged the subject location was a dangerous condition due to the absence of a traffic light, warning signal or adequate lighting at the crosswalk. The County moved for summary judgment on the grounds of sign and lighting immunities, and lack of a dangerous condition, and County prevailed. Plaintiff appealed, but the Court of Appeal affirmed the judgment in December 2022.

IX. RECOVERIES

County Counsel's Affirmative Litigation and Consumer Protection Division brought in over \$33 million to the County to combat the opioid crisis through its opioid litigation. County Counsel, working closely with the DPH, sued several opioid manufacturers (Purdue, Janssen/Johnson & Johnson, Teva, Allergan, and Endo), alleging that they concealed the addictive dangers of opioid medications from doctors and patients, leading to a substantial increase in addiction, overdoses, hospitalizations, and deaths. Each year in the County, there are hundreds of deaths caused by overdoses of fentanyl and prescription opioids. County Counsel partnered on the case with counsel for Santa Clara County, Orange County, and the City of Oakland, and it was one of the first cases in the country by public entities to address the opioid epidemic. While the case was pending, the County also joined national settlements against manufacturer Johnson & Johnson/Janssen ("J&J Settlement"), and with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen ("Distributor Settlement"). The County will receive approximately \$50 million over nine years from the J&J Settlement and will receive approximately \$200 million over 18 years from the Distributor Settlement.

In FY 22-23, the County received over \$33 million in funds from settlements related to the opioid crisis, which will be used by the County to address the opioid crisis, including helping to treat substance use disorders.