



County of Los Angeles

March 29, 2024

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

Holly Mitchell
Supervisor, Second District

Lindsey P. Horvath
Supervisor, Third District

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Kathryn Barger
Supervisor, Fifth District

TO: JEFF LEVINSON
Interim Executive Officer
Board of Supervisor

FROM: ELIZABETH D. MILLER
Assistant County Counsel
Justice and Safety Division

RE: **Item for the Board of Supervisors' Agenda
County Contract Cities Liability Trust Fund
Claims Board Recommendation
Dianne Lugardo v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV15283**



Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action Plan for the case.

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

EDM:js

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

**Settlement for Matter Entitled Dianne Lugardo v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV15283.**

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation:
Authorize settlement of the matter entitled **Dianne Lugardo v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 20STVC15283 in the amount of \$4,700,000.00 and
instruct the Auditor-Controller to draw a warrant to implement this settlement from the
Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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| CASE NAME | Dianne Lugardo, et al. vs. County of Los Angeles, et al. |
| CASE NUMBER | 20STCV15283 |
| COURT | Los Angeles Superior Court |
| DATE FILED | April 21, 2020 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 4,700,000 |
| ATTORNEY FOR PLAINTIFF | Morgan & Morgan |
| COUNTY COUNSEL ATTORNEY | Kevin J. Engelen Senior Deputy County Counsel |
| NATURE OF CASE | This case arises from a traffic collision that occurred involving Plaintiffs Dianne Lugardo and Maria Ramirez and Los Angeles Sheriff's Department Deputy Lawrence Cervantes. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted. |
| PAID ATTORNEY FEES, TO DATE | \$ 80,774 |
| PAID COSTS, TO DATE | \$ 25,005 |

Case Name: Diane Lugardo et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

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| Date of incident/event: | July 23, 2019, approximately 9:15 p.m. |
| Briefly provide a description of the incident/event: | <p style="text-align: center;">Summary Corrective Action Plan 2023-107</p> <p>Details provided in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>On July 23, 2019, an on-duty Los Angeles County Sheriff's Department Deputy Sheriff, assigned to Lakewood Station, was responding authorized Code-3 (lights and siren) to an assistance request (a deputy detaining a possible assault with a deadly weapon suspect at gunpoint). While driving southbound on Downey Avenue, towards Ramona Street, the Deputy Sheriff observed a civilian vehicle (Driver Two) driving southbound in front of him in the number one lane.</p> <p>Driver Two's vehicle began to slow down, but his vehicle did not yield to the right for the Deputy Sheriff's vehicle. The Deputy Sheriff transitioned into the northbound number one lane on Downey Avenue, in an effort to pass Driver Two's vehicle on the left. As the Deputy Sheriff began to pass Driver Two's vehicle, Driver Two began to make a left turn onto Ramona Street (in the path of the Deputy Sheriff's vehicle). The Deputy Sheriff's vehicle collided with the front Driver's side of Driver Two's vehicle. The collision caused the Deputy Sheriff's vehicle to collide with a parked truck, located on the east side of the street. The Deputy Sheriff's vehicle continued southbound on the east sidewalk (driving over several yards).</p> <p>As the Deputy Sheriff's vehicle continued southbound on the sidewalk, it struck Plaintiffs One and Two who were walking southbound towards Cedar Street. The Deputy Sheriff's vehicle finally came to a stop against another parked vehicle with the pedestrians pinned under his vehicle.</p> <p>Responding deputies pulled both Plaintiff One who was pregnant, and Plaintiff Two out from underneath the Deputy Sheriff's vehicle and rendered medical aid until Los Angeles County Fire Department personnel arrived on scene.</p> <p>Plaintiffs One and Two were transported to the hospital for their injuries.</p> <p>The Deputy Sheriff sustained minor injuries.</p> <p>The Deputy Sheriff notified an LASD supervisor and advised he was involved in a traffic collision. The supervisor responded to the collision location and authored a Supervisor's Report of Incident or Damage to County Vehicle investigation.</p> |

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| | <p>The Los Angeles County Sheriff's Department Traffic Services Detail completed a traffic collision investigation and determined the Deputy Sheriff caused the traffic collision, in violation of California Vehicle Code Section 22350 - No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of the highway, and in no event at a speed which endangers the safety of persons or property.</p> <p>The Deputy Sheriff's statement is based on the traffic collision report:</p> <p>The Deputy Sheriff stated he was driving authorized Code-3, southbound on Downey Avenue approaching Ramona Street. As he approached the intersection, he observed a stopped vehicle in the left turning lane. The Deputy Sheriff passed the vehicle on the left and the vehicle turned in front of him. To avoid a traffic collision, the Deputy Sheriff swerved to avoid a traffic collision, but ultimately the driver struck the front passenger side of the Deputy Sheriff's vehicle. The impact of the traffic collision caused the Deputy Sheriff to lose control, hit a park truck, pushed him up onto the sidewalk, and hit two pedestrians.</p> |
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

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| <p>A Department root cause in this incident was the deputy sheriff's excessive speed prior to, and at the time of the collision.</p> <p>Another Department root cause in this incident was the Deputy Sheriff drove on the wrong side of the road to pass a civilian vehicle.</p> <p>Another Department root cause in this incident was the Deputy Sheriff was not wearing his seatbelt while driving a county vehicle.</p> <p>A non-Department root cause in this incident was Driver Two's failure to yield at an emergency vehicle.</p> |
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2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

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| <p><u>Traffic Collision Investigation</u></p> <p>This incident was investigated by Traffic Services Detail.</p> <p>The collision investigation concluded the Deputy Sheriff was the primary cause of the collision by driving at an unsafe speed, in violation of California Vehicle Code Section – 22350.</p> <p><u>Administrative Investigation</u></p> <p>This incident was investigated by representatives at Lakewood Station to determine if an administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.</p> <p>An executive evaluation of this incident found the Deputy Sheriff's actions were in violation of Department policy. Appropriate administrative action was taken.</p> |
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The Deputy Sheriff involved in this incident received additional training pertaining to the circumstances surrounding this incident.

Traffic Collision Assessment and Review

Lakewood Station conducted a review and assessment of all traffic collisions for calendar year 2019 through the end of 2023. The audit revealed there were 204 total collisions for this five-year period, 133 of which were classified as preventable and 71 classified as non-preventable.

During the audit, it was discovered there was a spike in 2019, with a reduction in the following years. Personnel who were involved in more than one traffic collision were directed to attend Department training, such as the Sheriffs Traffic Accident Reduction Driving Program, Emergency Vehicle Operations, and the Alternatives to Discipline Driving Course.

| Calendar Year | Preventable Collisions | Non-Preventable Collisions |
|----------------------|-------------------------------|-----------------------------------|
| 2019 | 25 | 13 |
| 2020 | 41 | 10 |
| 2021 | 21 | 17 |
| 2022 | 26 | 18 |
| 2023 | 20 | 13 |
| TOTALS | 133 | 71 |

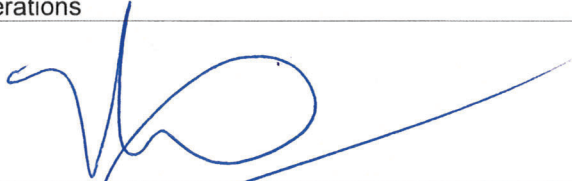
To improve employee safety and reduce the Department's liability and exposure, Lakewood supervisors continue to conduct bi-weekly briefings which focus on the importance of safe driving, as well as abiding by all the rules of the road when operating county vehicles. As a result, our preventable traffic collisions continue to decrease.


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

- Yes – The corrective actions address Department-wide system issues.
- No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

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| Name: (Risk Management Coordinator) Shawnee N. Hinchman, Captain Risk Management Bureau | |
| Signature:  | Date: 01/16/24 |

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| Name: (Department Head) Myron Jonson, Assistant Sheriff Patrol Operations | |
| Signature:  | Date: 1/18/24 |

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| Chief Executive Office Risk Management Inspector General USE ONLY | |
| Are the corrective actions applicable to other departments within the County? | |
| <ul style="list-style-type: none"><input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.<input type="checkbox"/> No, the corrective actions are applicable only to this Department. | |
| Name: Daniela Prowizor-Lacayo (Risk Management Inspector General) | |
| Signature:  Daniela Prowizor | Date: 1/19/2024 |
| <small>Digitally signed by Daniela Prowizor Date: 2024.01.19 09:18:29 -08'00'</small> | |