

75 MAY 7, 2024

County of Los Angeles

May 7, 2024

Dawyn R. Harrison
County Counsel



JEFF LEVINSON
INTERIM EXECUTIVE OFFICER

Board of Supervisors

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Supervisor, First District

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Supervisor, Second District

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Supervisor, Fifth District

TO: JEFF LEVINSON
Interim Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager 

RE: **Item for the Board of Supervisors' Agenda
County Claims Board Recommendation
Juan Reyes Lopez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20AVCV00732**



Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

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

AMB:lzs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Juan Reyes Lopez v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 20AVCV00732, in the amount of \$150,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Fire Department's budget.

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Fire Department vehicle which overturned while transporting inmate fire crew members.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan Reyes Lopez vs. County of Los Angeles, et al.
CASE NUMBER	20AVCV00732
COURT	Los Angeles Superior Court
DATE FILED	October 13, 2020
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 150,000
ATTORNEY FOR PLAINTIFF	John Rofael, Esq. DTLA Law Group
COUNTY COUNSEL ATTORNEY	Kevin Engelién Senior Deputy County Counsel
NATURE OF CASE	This lawsuit arises from an accident involving a Los Angeles County Fire Department truck which overturned while transporting inmate fire crew truck members on January 24, 2019. Plaintiff was a passenger in the overturned truck and alleges he was injured and filed suit. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 4,865
PAID COSTS, TO DATE	\$ 3,943



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:	01/24/2019
Briefly provide a description of the incident/event:	<p>On January 24, 2019, a Fire Fighter Specialist was driving camp crew vehicle (CCV) 14 carrying (10) inmate crew passengers aboard. CCV-14 left Camp 14 on San Francisquito Canyon Road in Santa Clarita and was enroute to Cow Springs Motorway in Neenach to conduct brush clearance. CCV-14 was not responding to an emergency call and was not traveling with lights or sirens. Plaintiff was one of the 10 inmate crew passengers aboard CCV-14.</p> <p>At approximately 11:45 am, while enroute to a brush clearance assignment, the FFS indicated that after coming out of a left-hand curve, traveling approximately 45-50 miles per hour (MPH), they felt the right rear of the vehicle dip and lose traction. They attempted to regain control of the vehicle after losing traction by letting off the gas pedal and slowly applying the brake and correcting the steering wheel to the left for the vehicle was heading towards the right shoulder which was a descending embankment. It was at this time that the vehicle rolled onto the passenger side and came to a skidding stop.</p> <p>This collision occurred on Pine Canyon Road in the City of Lake Hughes, an incorporated part of Los Angeles County. Pine Canyon Road consist of one lane in the westbound direction and one lane in the eastbound direction and 55 MPH is the posted maximum speed limit at this location. There were no visual obstructions noted or claimed. At the time of the collision, the roadway was dry and the weather was cool and clear.</p>

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

Although CCV-14 was traveling within the speed limit, the Department's root cause in this incident was insufficient traction for the speed that CCV-14 was traveling, causing the vehicle to fishtail and roll-on side.

The seatbelt for the seat that the Plaintiff was sitting in was inoperable.

2. Briefly describe recommended corrective actions:

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

Responsible Person: Deputy Fire Chief Dennis Breshears
Leadership and Professional Standards Bureau

An Internal investigation into this collision was initiated. The investigation determined the FFS would receive four hours of Education Based Discipline (EBD), through the Department's Driver Enrichment Program (DRIVE).

The FFS completed four (4) hours of in person Driver Enrichment Training on November 7, 2019.

Responsible person: Acting Deputy Fire Chief Brian Martin
North Regional Operations Bureau

Local Policy 12 was implemented on May 25, 2020, so that all camps were following a standardized policy as opposed to individual camp protocols. All new inmates must attend orientation and training on Local Policy #12 and sign documentation referencing the camps rules and regulations which includes information pertaining to the seatbelt regulations.

The policy states in part "...Inmates are required to have their seatbelts fastened all the times while the CCV is in motion or being operated. If it is determined that an inmate is not using his or her seatbelt, they will receive disciplinary action. Any broken or malfunctioning seatbelt shall be reported to the Fire Department staff immediately..."

Local Policy 13 was implemented on June 8, 2022 and defines CCV Operations Specific to California Department of Corrections and Rehabilitation (CDCR) Camps and Crews. "...The front cab and crew carrier areas of the CCV shall, at minimum, visually inspected for equipment or unauthorized item"... Vehicle operator conducts a daily Department of Motor Vehicle (DMV) inspection to ensure the seatbelt is operable and securely mounted. During the weekly gear and Personal Protective Equipment (PPE) inspection, the crew carrier area is inspected to include, but not limited to: "...Seatbelts, Gear nets, and Emergency exits Fasten Seat Belt signs and Seating chart posted in highly visible areas.

Inmate crew passengers are now issued assigned seating in the CCV carrier and are instructed every time they enter the CCV vehicle that they are to take their assigned seating and buckle their seatbelt.

If a vehicle does not have enough working seatbelts, the vehicle is taken out of service until repaired.

Apparatus Operations 1A Training was implemented on January 25, 2023, as a result of changes the Department made regarding the requirements for the operation of firefighting equipment. The requirement allows for the fire series employees to legally operate firefighting equipment with a Class C license with Firefighter endorsement. This training includes DMV trip inspections which contains information pertaining to seatbelts.

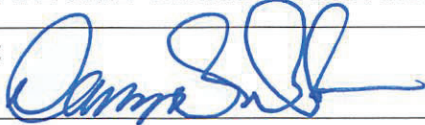
All new Foreman and Fire Suppression Aids (FSA) must take a three (3) day Apparatus Operation 1A training that consist of two (2) days in the classroom and one (1) day of practical operations. During this training, they are shown how to conduct Department of Motor Vehicle (DMV) pre-trip inspections (which contains information pertaining to seatbelts). Only Personnel with an endorsement through DMV do not have to go through this program.

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.

Name: (Risk Management Coordinator)
DEPUTY FIRE CHIEF DENNIS BRESHEARS

Signature:

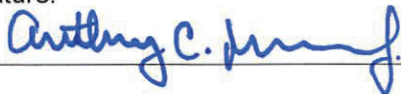


Date:

1-31-24

Name: (Department Head)
FIRE CHIEF ANTHONY C. MARRONE

Signature:



Date:

2.1.24

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Daniela Prowizor

Signature:



Daniela
Prowizor

Digitally signed by Daniela
Prowizor
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2/21/2024