



County of Los Angeles

June 25, 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

Janice Hahn
Supervisor, Fourth District

Kathryn Barger
Supervisor, Fifth District

TO: EDWARD YEN
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
Jairo Diaz v. Jaime Le Clercq, et al.
Los Angeles Superior Court Case No. 21STCV10920**



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 Jairo Diaz v. Jaime Le Clercq, et al., Los Angeles Superior Court Case No. 21STCV10920, in the amount of \$225,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Fire Department's budget.

This lawsuit arises from alleged injuries sustained by a pedestrian struck by a fire truck while crossing an intersection.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jairo Diaz v. Jaime Le Clercq, et al.
CASE NUMBER	21STCV10920
COURT	Los Angeles Superior Court
DATE FILED	March 22, 2021
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 225,000
ATTORNEY FOR PLAINTIFF	JUDE A. AKUBUILO, ESQ. Law Offices of Jude A. Akubuilu, Ph.D.
COUNTY COUNSEL ATTORNEY	RICHARD K. KUDO Principal Deputy County Counsel
NATURE OF CASE	This case involves a collision that occurred on March 5, 2020, when a Fire Department Dodge Ram fire truck was turning left from westbound Imperial Highway to southbound Stockwell Drive and struck Jairo Diaz ("Plaintiff") who was crossing Stockwell Drive. Plaintiff claims to have suffered injuries and damages from the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 40,202
PAID COSTS, TO DATE	\$ 6,798



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:	March 5, 2020
Briefly provide a description of the incident/event:	<p>On March 5, 2020 at approximately 1:15 a.m., Los Angeles County Fire Department (Department) squad operated by a Fire Fighter (FF) was headed to the hospital on a hospital follow-up behind the ambulance with emergency lights activated (no siren) traveling westbound on Imperial Highway and turning left onto Stockwell Drive when he came into contact with Plaintiff.</p> <p>Plaintiff, a pedestrian, was crossing Stockwell Drive from west to east and was in the middle of the crosswalk. FF applied brakes to decelerate and contact was made with Plaintiff's left shoulder before Plaintiff fell over onto his right side. FF exited the squad and made contact with Plaintiff, and conducted a verbal assessment. FF did not immediately notify Dispatch or his chain of command Although Plaintiff initially refused to go to the hospital, FF was able to convince Plaintiff to get into the squad so that FF could drive Plaintiff 0.2 miles to the hospital. Upon arrival to the hospital, FF notified his captain. Plaintiff was taken to the hospital and subsequently discharged himself from the hospital. Plaintiff now alleges that he injured his shoulder, hip, ankles, and knees.</p>

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

The Department employee did not drive with due regard for public safety when he made a left-turn.

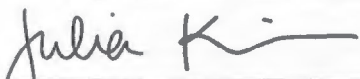
A non-associated root cause which did not contribute to the incident nor was it a factor in settlement was that the Department employee failed to make immediate notifications to the chain of command and/or Dispatch.

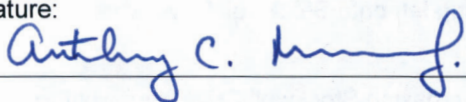
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


1. The involved FF received a 4 hour in-person drivers enrichment training.
2. The Department initiated an internal investigation into collision. As a result, the Department issued the involved FF a 3-day suspension effective March 16, 2023.

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)	
Julia Kim	
Signature: 	Date: March 6, 2024

Name: (Department Head)	
ANTHONY C. MARRONE	
Signature: 	Date: MARCH 6, 2024

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" 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: (Risk Management Inspector General)	
Daniela Prowizor	
Signature:  Daniela Prowizor	Date: 3/7/2024
<small>Digitally signed by Daniela Prowizor Date: 2024.03.07 10:07:40 -08'00'</small>	