OFFICE OF THE
COUNTY
COUNSEL

**County of Los Angeles**

Dawyn R. Harrison
County Counsel



July 23, 2024

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**
**Juan Ponce, et al. v. County of Los Angeles, et al.**
**Los Angeles Superior Court Case No. 21STCV16028**

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



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Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Juan Ponce, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 21STCV16028, in the amount of $1,400,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from alleged injuries sustained when a Sheriff's Department vehicle struck Plaintiff who was walking within a marked crosswalk.

# CASE SUMMARY

## INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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| CASE NAME | | Ponce, Juan, et al. vs. County of Los Angeles, et al. |
| CASE NUMBER | | 21STCV16028 |
| COURT | | Los Angeles Superior Court |
| DATE FILED | | April 28, 2021 |
| COUNTY DEPARTMENT | | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | $ | 1,400,000 |
| ATTORNEY FOR PLAINTIFF | | Alex Sarajian, Esq.<br>L.A. Injury Attorneys |
| COUNTY COUNSEL ATTORNEY | | MELISSA A. McCAVERTY<br>Deputy County Counsel |
| NATURE OF CASE | | On August 28, 2020, a Sergeant employed by the Los Angeles County Sheriff's Department was driving a Department Chevrolet Tahoe sport utility vehicle ("SUV") on southbound Ford Boulevard approaching Whittier Road in the unincorporated area of the County in East Los Angeles. After the Sergeant initiated a left turn onto eastbound Whittier Boulevard on a green traffic signal light, the SUV struck Plaintiff Juan Ponce who was walking within the marked crosswalk crossing Whittier Boulevard. Plaintiff claims to have suffered injuries and damages from the accident. Plaintiff Maria Ponce did not see the incident but alleges a loss of consortium.<br><br>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted. |
| PAID ATTORNEY FEES, TO DATE | $ | 131,986 |
| PAID COSTS, TO DATE | $ | 181,266 |

Case Name: Juan Ponce 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: | August 28, 2020, approximately 10:55 a.m. |
| Briefly provide a description of the incident/event: | Summary Corrective Action Plan 2023-154<br><br>**Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.**<br><br>Based on multiple investigative reports, on August 28, 2020, at approximately 10:55 a.m., an on-duty Los Angeles County Sheriff's sergeant, assigned to patrol was driving a marked black and white patrol vehicle when he collided with the Plaintiff who was walking in the crosswalk.<br><br>Sergeant One was traveling southbound when he stopped at a red traffic light. The traffic light cycled green and Sergeant One entered the intersection to make a left turn. As the sergeant's vehicle made a left turn, his vehicle collided with the Plaintiff who was walking northbound in the east crosswalk.<br><br>Sergeant One utilized his patrol vehicle to block traffic. After blocking traffic, Sergeant One exited his patrol vehicle and immediately checked on the welfare of the Plaintiff.<br><br>A Los Angeles County Fire Department Engine responded to the traffic collision. The Plaintiff was treated at the scene for his injuries sustained in the traffic collision. The Plaintiff was transported by ambulance to the hospital for further medical treatment.<br><br>Sergeant One was wearing his seatbelt and was not injured in the traffic collision.<br><br>A Los Angeles County Sheriff's Department sergeant was notified of the traffic collision and responded to the location.<br><br>Sergeant Two authored a Supervisor's Report of Incident or Damage to County Vehicle.<br><br>Sergeant Two responded to the hospital and interviewed the Plaintiff. The Plaintiff stated he was standing on the sidewalk when he observed a police vehicle waiting for the same traffic light to turn green.<br><br>Once the traffic light cycled green, he entered the crosswalk, took three steps, and was hit by the police vehicle. Sergeant Two observed abrasions on the Plaintiff's right elbow and a cut to the back of his head. |

| | |
|---|---|
| | Sergeant Two contacted Witness One who stated he was traveling southbound stopped behind Sergeant One. When the traffic light cycled green, he observed the patrol vehicle make a wide left turn striking the Plaintiff. Witness One immediately stopped and called 9-1-1 for the Plaintiff.<br><br>Video surveillance was obtained from a local business, which captured the incident. The video depicted the Plaintiff in the crosswalk. Additionally, the video corroborated Sergeant One's account of the incident.<br><br>Sergeant One's statement is based on the Supervisor's Report of Incident or Damage to County Vehicle:<br><br>Sergeant One stated his attention was drawn to a grey sedan driving at an elevated speed without the turn signal activated. With his attention drawn to the vehicle, he entered the intersection to make a left-hand turn. As he entered the crosswalk driving 12-15 m.p.h., he saw the Plaintiff in the crosswalk. Sergeant One stated he attempted to stop his vehicle, but he was unsuccessful and collided with the Plaintiff.<br><br>Sergeant One believes with his attention drawn to the vehicle, it caused him not to see the Plaintiff in the crosswalk. Additionally, he stated his view was obstructed by the vehicle door's "A pillar" and/or the driver's side mirror.<br><br>Sergeant One immediately checked the welfare of the Plaintiff. He contacted both Los Angeles County Fire Department and the local Sheriff's Station to respond to the location. Sergeant One indicated he was wearing his seatbelt.<br><br>A California Highway Patrol Officer responded to the location and conducted a traffic collision investigation. His investigation concluded Sergeant One was the primary cause of the traffic collision by failing to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, in violation of California Vehicle Code Section – 21950(a). |

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

The **Department** root cause of this incident is Sergeant One's failure to stop before colliding with the Plaintiff.

The **Department** root cause in this incident was Sergeant's One vision was obstructed by his vehicle's left side mirror and/or A-pillar.

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

**Traffic Collision Investigation**

This incident was investigated by representatives from the California Highway Patrol.

The collision investigation concluded Sergeant One was the primary cause of the collision by failing to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, in violation of California Vehicle Code section 21950(a).

**Administrative Investigation**

This incident was investigated by representatives at the unit to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.

An executive evaluation found the collision was preventable. Appropriate administrative actions were taken.

The sergeant involved in this incident received additional training pertaining to the circumstances surrounding this incident.

**Traffic Collision Assessment and Review**

The unit conducted a review and assessment of all traffic collisions for the calendar year 2019 through the end of 2023. The audit revealed the following:

- 22 preventable collisions occurred during the past five years.
- The most common casual factor was inattentive driving.

Based on the results of the audit, a comprehensive traffic collision reduction plan was developed and implemented at the unit in early 2022. Since the implementation of the plan, which included additional training, there has been a significant reduction of on-duty preventable traffic collisions at the unit.

**Sheriff Department Announcement - Department Wide Re-brief**

The purpose of this re-brief is to remind Department personnel that the safety of Department members and the public is paramount when engaged in routine driving and code 3 responses.

It is essential to maintain heightened officer safety, common sense, and sound tactics to reduce collision-related injuries, deaths, and financial liability to the Department.

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

Name: (Risk Management Coordinator)
Thomas Ufen
~~Julia Valdez~~ Captain
Risk Management Bureau

Signature: Date: 5-13-24

Name: (Department Head)

Holly Francisco, Assistant Sheriff
Countywide Operations

Signature: Date: 5/16/24

**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: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Signature: Daniela Prowizor Date: 5/20/2024