



County of Los Angeles

November 26, 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
Virginia Olivera Diaz, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV24227**



Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is 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 Virginia Olivera Diaz, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 20STCV24227, in the amount of \$495,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from injuries Plaintiffs allegedly sustained in a traffic collision involving a Sheriff's Department deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Virginia Olivera Diaz, et al. vs. County of Los Angeles, et al.
CASE NUMBER	20STCV24227
COURT	Los Angeles Superior Court
DATE FILED	June 26, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 495,000
ATTORNEY FOR PLAINTIFF	MAURO FIORE, JR., ESQ. LAW OFFICES OF MAURO FIORE, JR., APC
COUNTY COUNSEL ATTORNEY	MELISSA A. MCCAVERTY Deputy County Counsel PATRICK E. STOCKALPER, ESQ. Kjar, McKenna & Stockalper, LLP
NATURE OF CASE	This case involves a vehicle collision between a Sheriff's Department Explorer and a Nissan Juke, driven by the Plaintiff that occurred on March 18, 2019, at the intersection of Live Oak Avenue and Longden Avenue in the City of Irwindale. Plaintiffs claim to have suffered injuries and damages from the collision. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 38,238
PAID COSTS, TO DATE	\$ 20,538



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 18, 2019
Briefly provide a description of the incident/event:	<p style="text-align: center;">Summary Corrective Action Plan 2023-136</p> <p>Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>Based on multiple investigative reports, on Saturday, March 18, 2019, at approximately 6:50 a.m., an on-duty Los Angeles County Sheriff's Department Deputy Sheriff was involved in a traffic collision.</p> <p>The Deputy Sheriff was in a marked black and white patrol vehicle, traveling east when entered the center triangular center island at the intersection. The Deputy Sheriff stopped at the stop limit line and checked for oncoming traffic prior to entering the intersection.</p> <p>The Deputy Sheriff proceeded to merge into westbound traffic, traveling 5 mph, when he collided with the Plaintiff's driver's side door. The impact from the traffic collision caused the Plaintiff (driver) to lose control and strike a light pole with the front passenger's side (Plaintiff Two) bumper of her vehicle.</p> <p>Los Angeles County Fire Department Engine and Squad responded to the traffic collision. Upon their arrival, LACo Fire Department treated the Plaintiff at the collision site for pain in her left hand, left arm, and head; however, she refused to be transported to the hospital for further treatment.</p> <p>Additionally, Plaintiff Two refused to be transported to the hospital. Plaintiffs One and Two later sought treatment for their injuries.</p> <p>A Los Angeles County Sheriff's Department Sergeant was notified of the traffic collision and responded to the location.</p> <p>The Sergeant authored a Supervisor's Report of Incident or Damage to County Vehicle investigation.</p> <p>The involved Deputy Sheriff's statement was based on the Supervisor's Report of Incident or Damage to County Vehicle:</p> <p>The involved Deputy Sheriff stated, he looked to his right towards oncoming traffic, and he did not observe any vehicle approaching. The Deputy Sheriff proceeded to enter the intersection (in the number one lane) and the traffic collision occurred.</p>

	A Police officer from Irwindale Police Department responded to the location and conducted a traffic collision investigation. His investigation concluded the Deputy Sheriff was the primary cause of the traffic collision by failing to yield to oncoming traffic while approaching an intersection, in violation of California Vehicle Code Section – 21803 (a).
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

<p>A Department root cause in this incident was the Deputy Sheriff made an unsafe left turn and collided into the plaintiff's vehicle.</p> <p>A Department root cause in this incident was the Deputy Sheriff did not properly clear the intersection prior to proceeding into on-coming traffic.</p> <p>A Department root cause in this incident was the failure of the Deputy Sheriff to utilize his vehicle's seatbelt.</p>

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

<p>Traffic Collision Investigation</p> <p>The traffic collision was investigated by representatives from the Irwindale Police Department.</p> <p>The collision investigation concluded the Deputy Sheriff was the primary cause of the collision by failing to yield to oncoming traffic while approaching an intersection, in violation of California Vehicle Code Section - 21803 (a).</p> <p>Supervisor's Report of Incident of Damage to County Vehicle</p> <p>The incident was investigated by a representative from the Temple Sheriff's Station to determine if any administrative misconduct occurred stemming from the traffic collision. The results of the investigation were presented for Department executive adjudication.</p> <p>Executive evaluation found the collision was preventable and appropriate administrative action was taken.</p> <p>The Deputy Sheriff involved in this incident received training surrounding the circumstances pertaining to this incident.</p> <p>Traffic Collision Assessment and Review</p> <p>Temple Sheriff's Station conducted a review and assessment of all their traffic collisions for the calendar year 2019 through the end of 2023.</p> <p>The audit revealed the following:</p> <ul style="list-style-type: none">• 115 preventable collisions occurred during the past five years.• The most common casual factor was unsafe backing and/or inattentiveness.

Based on the results of the audit, a comprehensive traffic collision reduction plan was developed and implemented at Temple Station in early 2022. This includes recurrent briefings with all personnel on a shift-by-shift basis as well as routine briefings by Temple Station training staff.

Vehicles involved in traffic collisions have also been staged at Temple Station to provide personnel with a visual reminder of the importance of adhering to safe driving techniques. Personnel also attend STAR drivers training classes, and The Los Angeles Sheriff's Station conducts quarterly traffic collision audits to identify potential problematic trends.

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?

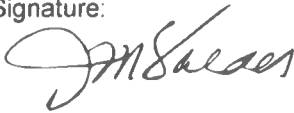
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Julia M. Valdés, A/Captain
Risk Management Bureau

Signature:



Date:

09/04/2024

Name: (Department Head)

Myron Johnson, Assistant Sheriff
Patrol Operations

Signature:



Date:

9/23/24

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: Betty Karmirlian (A/Risk Management Inspector General)

Signature:



Date:

9/24/2024