OFFICE OF THE
COUNTY
COUNSEL

December 17, 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
Trinity Kennard v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 22STCV18944

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 Trinity Kennard v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 22STCV18944, in the amount of $600,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical malpractice lawsuit alleges that Olive View Medical Center staff negligently caused injury to Plaintiff in connection with a Cesarean section.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Trinity Kennard vs. County of Los Angeles
CASE NUMBER		22STCV18944
COURT		Los Angeles Superior Court
DATE FILED		June 9, 2022
COUNTY DEPARTMENT		Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$	600,000
ATTORNEY FOR PLAINTIFF		Barry Novack Law Offices of Barry Novack
COUNTY COUNSEL ATTORNEY		Narbeh Bagdasarian Principal Deputy County Counsel
NATURE OF CASE		On September 8, 2021, Trinity Kennard, a 30-year-old female, underwent a Cesarean section at Olive View Medical Center ("OVMC"). Due to a communication error, during the procedure, the staff erroneously transected Ms. Kennard's right fallopian tube. OVMC staff informed Ms. Kennard about the error and offered an apology. Ms. Kennard filed a civil action against the County alleging OVMC staff removed one of her fallopian tubes without her consent. The County agreed to settle the case for the proposed amount.
PAID ATTORNEY FEES, TO DATE	$	100,367
PAID COSTS, TO DATE	$	35,067

Case Name: Kennard, Trinity #6474

Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary fo 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:	September 8, 2021
Briefly provide a description of the incident/event:	This case involves the care and treatment of a patient at Olive View Medical Center. The patient alleges that during a procedure on September 8, 2021, the staff improperly transected her right fallopian tube. Due to the uncertainties of litigation, a settlement was reached.

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

Accidental transection of the right fallopian tube.

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

- All appropriate personnel corrective actions were taken.
- Staff were trained regarding the State requirements related to consent for sterilization.
- DHS created a guidance document for staff related to counseling patients about sterilization.
- The DHS policy related to 'time-outs' before surgery was updated.
- The standardized discharge instructions for tubal ligation were reviewed.

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) Arun Patel, MD, JD	
Signature:	Date: 10/09/2024

Name: (Department Head) Christina Ghaly, MD	
Signature:	Date: 10/16/24

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: (Risk Management Inspector General) Betty Karmirlian, Acting Risk Management Inspector General	
Signature: Betty Karmirlian	Date: 10/17/2024