



County of Los Angeles

June 17, 2025

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

A handwritten signature in blue ink, appearing to read 'AMB', is placed over the name 'ADRIENNE M. BYERS'.

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Stephen Hernandez, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV18272



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 Plans to be made available to the public.

It is requested that this recommendation, Case Summary, and Summary Corrective Action Plans 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 Stephen Hernandez, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 20STCV18272, in the amount of \$1,250,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Parks and Recreation and Department of Public Works' budgets.

This dangerous condition of public property lawsuit alleges that County property caused the bicycle accident that led to Decedent's death.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|-----------------------------|--|
| CASE NAME | Stephen Hernandez, et al. v. County of Los Angeles, et al. |
| CASE NUMBER | 20STCV18272 |
| COURT | Los Angeles Superior Court |
| DATE FILED | May 13, 2020 |
| COUNTY DEPARTMENTS | Departments of Parks and Recreation, and Public Works |
| PROPOSED SETTLEMENT AMOUNT | \$ 1,250,000 |
| ATTORNEY FOR PLAINTIFF | Mark S. Algorri, Esq. DeWitt Algorri & Algorri |
| COUNTY COUNSEL ATTORNEY | Michael J. Gordon Principal Deputy County Counsel |
| NATURE OF CASE | <p>On April 27, 2019, Don Hernandez (the "Decedent") was bicycling with friends northbound on the San Gabriel River Bike Path in the City of Irwindale. After Decedent rode into the Santa Fe Dam Nature Center parking lot, just before he should have turned left to the connector trail leading to the northern section of the San Gabriel River Bike Path, for some inexplicable reason, he continued straight, then veered right into a tire stop, and flipped over it. Decedent was transported from the incident scene to the Los Angeles County-USC Medical Center. He never regained consciousness and passed away five days later. Plaintiffs are Decedent's two adult children, Stephen Hernandez and Kristen Hernandez, who claim their father died because of a dangerous condition of public property and seek wrongful death damages for his loss.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 92,068 |
| PAID COSTS, TO DATE | \$ 14,684 |



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: | April 27, 2019 |
| Briefly provide a description of the incident/event: | Plaintiffs filed a lawsuit alleging that a dangerous condition existed at the Santa Fe Dam Recreation Area at the Nature Center parking lot (wheel stop) that Decedent (male, age 58) struck as he was riding his bicycle on or near the San Gabriel River Bike Path causing his death. On the morning of April 27, 2019, Decedent was cycling with his bike club through Santa Fe Dam while heading to Duarte from the Rose Bowl when he suddenly veered to the right of the bicycle path near the Nature Center and hit a parking curb. He reportedly flew off his bike and landed on his head and face. Park staff were contacted and found Decedent non-responsive. Paramedics arrived and transported Decedent to LAC+USC where he later died. |

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

- 1) The parking wheel stop near the bike path was painted a standard grey and was not contrasting enough to be clearly visible to cyclists riding at high speeds.
- 2) The design of the bike path through the subject parking lot created a dangerous condition.
- 3) The Department could not find records to support they had DPW's approval on the designs of the parking lot from 2011.
- 4) A non-departmental root cause is the decedent operating his bicycle at an unsafe speed and veering off the bikeway into a parking area where he collided with a parking lot wheel stop.

County of Los Angeles
Summary Corrective Action Plan

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

- 1) The parking lot wheel stops were painted white to create more visibility for cyclists riding at high speeds.
- 2) The Department will be installing a Mobility Hub within the areas of the parking lot to provide opportunities for patrons to rent e-bikes to increase usage of bike routes and alternate modes of transportation. The parking lot will be reconstructed to add additional parking spaces, signage and planters; thereby increasing the visibility of the parking lot (in general) to motorists and cyclists visting the area.
- 3) DPR installed new signage along the subject bike route.
- 4) DPR submitted a request to DPW to update the County's Master Bike Plan.
- 5) DPR established new procedures to obtain and maintain design records.

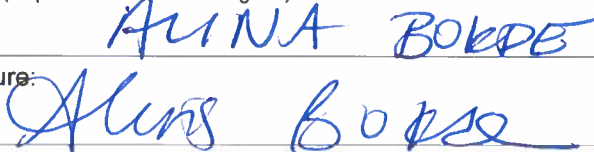
3. Are the corrective actions addressing department-wide system issues?
- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Vicky Santana

Signature: 

Date:
4/1/2025

Name: (Department Head or designee)

Signature: 

Date:
4/8/2025

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: 

Date:
4/11/25



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: | April 27, 2019 |
| Briefly provide a description of the incident/event: | On April 27, 2019, decedent was traveling on his bicycle through the Nature Center area in the Santa Fe Dam Recreation Area, when he veered to the right of the bikeway and hit a parking concrete wheel-stop block and went over his handlebars landing on his face/head resulting in his death. |

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

The bikeway through the Nature Center area is along an access road that passes through area in which concrete wheel-stop blocks were installed, and the wheel-stops may not have been visible to the decedent, who was riding his bicycle on this route.

The bikeway was incorrectly classified as a "bike path."

The collision occurred due to decedent operating his bicycle at an unsafe speed, not exercising due care and being distracted while riding on the bikeway, where he veered off the bikeway into a parking area where he collided with a parking lot wheel stop.

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


Proposed realignment of the bikeway in the Bicycle Master Plan Update.

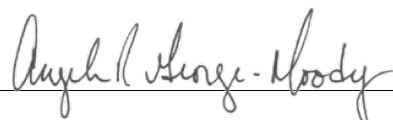
Reclassified the "bike path" as a "bike route."

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.

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|---|-------------------------|
| Name: (Risk Manager) Jacklin E. Injijian | |
| Signature:  | Date: March 11, 2025 |


| | |
|---|------------------------|
| Name: (Deputy Director) Steve Burger | |
| Signature:  | Date: April 7, 2025 |

| | |
|---|-------------------------|
| Name: (Department Head) Mark Pestrella Angela George-Moody for | |
| Signature:  | Date: April 11, 2025 |

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.

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|---|--------------------|
| Name: (Risk Management Inspector General) Betty Karmirlian, Acting Risk Management Inspector General | |
| Signature:  | Date: 4/14/2025 |