



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Arlene Barrera
Auditor-Controller
Steve Robles
Chief Executive Office
Roger H. Granbo
Office of the County Counsel

NOTICE OF REGULAR MEETING

The County of Los Angeles Claims Board will hold a regular meeting on **Monday, April 16, 2018 at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. South Coast Air Quality Management District v. Los Angeles County Probation Department
South Coast Air Quality Management Board Case No. 6025-2

This is an assessment of penalties against the Probation Department for failure to comply with deadlines regarding alleged violations of the California air quality emission standard regulations; settlement is recommended in the amount of \$25,000.

[See Supporting Document](#)
 - b. Tappan Zee v. James McDonnell, et al.
United States District Court Case No. CV 16-03166

This lawsuit alleges that a former Reserve Deputy was subjected to harassment, discrimination, and retaliation by the Sheriff's Department; settlement is recommended in the amount of \$95,000.

- c. Megan Delaney, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 570 697

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Deputy; settlement is recommended in the amount of \$200,000.

[See Supporting Documents](#)

- d. George P. Takis v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 637 187

This lawsuit arises from alleged injuries sustained in a vehicle versus pedestrian accident involving an employee from the Department of Beaches and Harbors; settlement is recommended in the amount of \$25,000.

[See Supporting Document](#)

- e. Non-Litigated Claim of Thu Thuy Le

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage; settlement is recommended in the amount of \$26,415.12.

[See Supporting Document](#)

- f. Garrett O'Haver v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 613 740

This lawsuit alleges that an employee of the Department of Public Works was subjected to harassment, discrimination, and retaliation based on age; settlement is recommended in the amount of \$25,000 (plus waiver of \$32,290 in costs).

- g. Sherrie Sheppard, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 652 345

This dangerous condition and wrongful death lawsuit against the Department of Public Works arises from an automobile accident at an intersection in Marina Del Rey; settlement is recommended in the amount of \$60,000.

[See Supporting Document](#)

- h. Lesly Adriana Colindres v. Rancho Simi Recreation and Park District, et al.
Los Angeles Superior Court Case No. BC 603 434

This negligence lawsuit against the Fire Department arises from Plaintiff's fall into a concrete wash after an automobile accident; settlement is recommended in the amount of \$100,000.

[See Supporting Document](#)

- i. Elena Goldenberg v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 630 622

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee from the Fire Department; settlement is recommended in the amount of \$27,500.

[See Supporting Document](#)

- j. Daniel Gordon, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:17-CV-3044

This lawsuit concerns allegations that the Fire Department violated the Fair Labor and Standards Act by not compensating for overtime; settlement is recommended in the amount of \$450,000.

- k. Emily Tellez v. County of Los Angeles
Los Angeles Superior Court Case No. VC 065 892

This medical malpractice lawsuit filed by Plaintiff for alleged injuries she suffered at birth after being treated by a physicians under contract with the County; settlement is recommended in the amount of \$2,000,000.

[See Supporting Document](#)

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the April 2, 2018, regular meeting of the Claims Board.

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	South Coast Air Quality Management District v. Los Angeles County Probation Department
CASE NUMBER	6025-2
COURT	Board of the South Coast Air Quality Management District
DATE FILED	July 12, 2016
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 25,000
ATTORNEY FOR PLAINTIFF	Nancy Feldman Office of the General Counsel South Coast Air Quality Management District
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$25,000 the assessment of penalties by the South Coast Air Quality Management District ("SCAQMD") for alleged violations of the California air quality emission standard regulations following the failure of the Probation Department to comply with deadlines from a July 2016 SCAQMD Order for Abatement.
PAID ATTORNEY FEES, TO DATE	\$ 8,006
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Megan Delaney, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC570697
COURT	Los Angeles Superior Court
DATE FILED	January 28, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Eugenia Steele & Anthony Ellis
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, Deputy County Counsel
NATURE OF CASE	<p>On February 1, 2013, a Sheriff's employee was involved in a vehicle collision with Plaintiff Megan Delaney, who claims she sustained injuries to her neck, shoulder, back, arm, and foot. She claims \$51,504 in recoverable past medical expenses, \$141,500 to \$249,500 for future medical expenses, \$83,700 in past lost earnings, and general damages for pain and suffering. Plaintiff Michael Bigelow claims loss of consortium damages.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$200,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 84,498
PAID COSTS, TO DATE	\$ 20,582

Case Name: Delaney 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.

Date of incident/event:	February 1, 2013
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Megan Delaney v. County of Los Angeles</u> Summary Corrective Action Plan 2017-55</p> <p>On February 1, 2013, at approximately 12:45 PM, an on-duty deputy sheriff was driving a marked black and white patrol vehicle¹ southbound on Interstate 5 at Triggs Street, in the city of Commerce.</p> <p>While driving at about 40 MPH, the deputy sheriff looked down at the dashboard of his patrol vehicle to adjust the air conditioner. While the deputy sheriff was distracted, the vehicles in front of him stopped for traffic congestion. When the deputy sheriff looked back up and saw the slowing and stopped traffic, he immediately implemented emergency braking. The deputy sheriff was unable to stop before colliding into the rear of the plaintiff's vehicle.</p> <p>The collision caused the plaintiff's vehicle to move forward and collide into the rear bumper of a third vehicle, that was also stopped in traffic.</p> <p>The patrol vehicle had minor damage. The plaintiff's vehicle had moderate damage to both the front and back. The third vehicle sustained minor damage to the rear bumper.</p> <p>The plaintiff complained of injury, however, refused treatment at the scene. The plaintiff sought medical attention at a later date. The occupants of the third vehicle also complained of pain but refused to be medically treated at the scene. The deputy sheriff was not injured.</p>

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

A **Department** root cause in this incident was the deputy sheriff caused the collision due to driving while distracted.

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

Traffic Collision Investigation

The traffic collision was investigated by officers from the California Highway Patrol.

Their investigation included measurements of the scene, the gathering of driver and passenger statements, analysis and estimation of speeds, distances, road and weather conditions, as well as a factual diagram.

¹ A 2010 Ford, Crown Victoria sedan.

The collision investigation concluded that the deputy sheriff was at fault for failing to stop prior to colliding with the plaintiff's vehicle and driving at an unsafe speed for the conditions, a violation of California Vehicle Code section 22350, Basic Speed Law.

Administrative Investigation

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

Executive evaluation of this incident found the deputy sheriff's actions were not in violation of Department policy.

Court Services Division, East Bureau, conducted a review and assessment of all traffic collisions from the time of this incident, February 2013 through 2017. Based on this audit, it was determined there were seventeen (17) traffic collisions for this approximately four year period. Eleven (11) of the traffic collisions were found to be preventable.

During the audit, it was discovered there was a downward trend in the total number of traffic collisions from February 2013 to 2017. The following numbers represent the totals of preventable traffic collisions per year for Court Services East Bureau personnel:

- 2013 – Four (4),
- 2014 – Three (3),
- 2015 – Three (3),
- 2016 – One (1),
- 2017 – Zero (0).

The most frequently cited causes of traffic collisions within Court Services East Bureau were "property damage only" traffic collisions involving unsafe backing and unsafe turning.

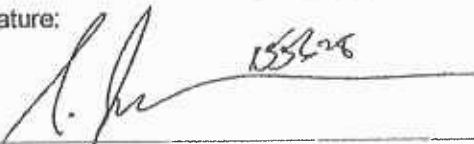
Court Services Division sends personnel that have been involved in more than one traffic collision to related Department training, such as the Sheriff Traffic Accident Reduction (S.T.A.R.) driving program, Emergency Vehicle Operations training, and/or the Alternatives to Discipline Driving. Course.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing Department-wide system issues?


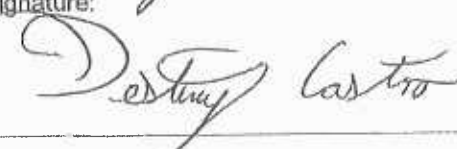
- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 3-7-18

Name: (Department Head) Karyn Mannis, Chief Professional Standards and Training Division	
Signature: Karyn Mannis	Date: 03-08-18

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) 	
Signature: 	Date: 3/9/2018

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	George P. Takis v. County of Los Angeles, et al.
CASE NUMBER	BC637187
COURT	Los Angeles Superior Court
DATE FILED	October 18, 2016
COUNTY DEPARTMENT	Department of Beaches and Harbors
PROPOSED SETTLEMENT AMOUNT	\$ 25,000
ATTORNEY FOR PLAINTIFF	Nina P. Brahman
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Deputy County Counsel
NATURE OF CASE	<p>On January 20, 2016, a veteran-intern of the Department of Beaches and Harbors, driving a County vehicle, was turning right from Manhattan Beach Boulevard onto North Valley Drive, Manhattan Beach. As he began his turn, the traffic light for his direction of travel turned from red to green. At the same time, Plaintiff stepped into the crosswalk and was struck by the County vehicle. Plaintiff claims he sustained injuries and general damages for pain and suffering.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$25,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 52,422
PAID COSTS, TO DATE	\$ 6,445

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-litigated Claim of Thu Thuy Le
CASE NUMBER	N/A
COURT	N/A
DATE FILED	January 24, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 26,415.12
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Deputy County Counsel
NATURE OF CASE	This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimant's back house and damaged her real and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sherrie Sheppard, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC652345
COURT	Los Angeles Superior Court
DATE FILED	March 2, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 60,000
ATTORNEY FOR PLAINTIFF	Stella Park and Yalan Zheng
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	Plaintiffs Sherrie Sheppard, Anthony Sage, Sr., Lavell Boyston, Georgitte Freeman, and Shadonna Thomas claim wrongful death damages arising from the December 28, 2015, single vehicle, roll-over accident involving the Honda Accord driven by Latasha Bellfair that resulted in the fatalities of Dimnike Clemmons, Anthony Sage, Jr., and Lavell Boyston. The plaintiffs are the parents of Ms. Clemmons, Mr. Sage, and Mr. Boyston. The accident occurred at the southern end of Via Marina in Marina del Rey. Plaintiffs claim that as a result of deaths of their respective children, they suffered damages. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 21,885
PAID COSTS, TO DATE	\$ 27

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lesly Adriana Colindres v. Rancho Simi Recreation and Park District, et al.
CASE NUMBER	BC 603434
COURT	Los Angeles Superior Court
DATE FILED	December 4, 2015
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 100,000
ATTORNEY FOR PLAINTIFF	Adam K. Shea Panish Shea & Boyle LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	<p>The case arises out of a December 13, 2014, accident where the intoxicated driver of a car in which Lesly Adriana Colindres was a passenger, fell asleep and crashed into a guardrail on the I-5 freeway. County Fire rescue personnel arrived at the scene. While there, Ms. Colindres slipped through a narrow opening between the guardrail of a bridge overpass and the dirt shoulder on I-5, fell 15 feet to the floor of Palomas Wash. Ms. Colindres alleges the County firefighters were grossly negligent by failing to make sure the area around her was safe. Ms. Colindres claims she sustained injuries and damages as a result of the fall. The County denies her allegations.</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	\$ 108,900
PAID COSTS, TO DATE	\$ 10,148

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Elena Goldenberg v. County of Los Angeles, et al.
CASE NUMBER	BC630622
COURT	Los Angeles Superior Court
DATE FILED	August 15, 2016
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 27,500
ATTORNEY FOR PLAINTIFF	Vadim Liberman Liberman Law Group
COUNTY COUNSEL ATTORNEY	David Lee Senior Associate County Counsel
NATURE OF CASE	<p>This lawsuit arises from a vehicle accident that occurred on May 19, 2015, when an engine driven by a Fire Department employee collided with a parked vehicle occupied by Plaintiff Elena Goldenberg. Plaintiff seeks compensation for her alleged injuries from the accident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$27,500 is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 34,925
PAID COSTS, TO DATE	\$ 20,641

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Emily Tellez v. County of Los Angeles, et al.
CASE NUMBER	MC025529
COURT	Los Angeles Superior Court
DATE FILED	June 11, 2015
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 2,000,000
ATTORNEY FOR PLAINTIFF	Thomas Donahue, Esq. Donahue & Horrow, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Principal Deputy County Counsel
NATURE OF CASE	<p>On June 14, 2011, Emily Tellez's mother, who was pregnant, presented to Antelope Valley Hospital, a non-County facility, and was admitted. Los Angeles County physicians were managing her labor and delivery. On June 29, 2011, Emily Tellez was delivered via emergency cesarean section. Emily Tellez was later diagnosed with cerebral palsy.</p> <p>Emily Tellez, through her Guardian ad Litem, filed a medical malpractice action against the County of Los Angeles physicians and Antelope Valley Hospital.</p> <p>Antelope Valley Hospital settled the case with Emily Tellez for \$3,000,000.</p>
PAID ATTORNEY FEES, TO DATE	\$ 154,227
PAID COSTS, TO DATE	\$ 24,605

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

April 2, 2018

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: Chair Steve Robles, Arlene Barrera, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Timothy Kral, Wendy Sha, and Narbeh Bagdasarian; Fire Department: Julia Bennet, William McCloud, and Alvin Brewer; Sheriff's Department: Chris Marks, John Roberts, Holly Perez, Joseph Stephen, Mark Allen, Daniel Dyer, Kevin Percy, and Dominic Dannan; Department of Health Services: Brad Spellberg and Nick Teophilov; Department of Mental Health: Margo Morales and Doris Benosa; and Outside Counsel: Armineh Megrabyan.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9)

At 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 10:50 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Ara Sarkisyan, et al. v. County of Los Angeles, et al
Los Angeles Superior Court Case No. BC 624 315**

This lawsuit arises from injuries sustained by Plaintiffs during a physical confrontation with a County Lifeguard.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$97,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

b. **Eric Preven v. County of Los Angeles**
Los Angeles Superior Court Case No. BS 169 834

This lawsuit alleges wrongful actions by the County by not providing access to information and records pursuant to the California Public Records Act.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$24,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

c. **Evangelina Gonzalez, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 16-07018

This wrongful death lawsuit arises out of the fatal Deputy-involved shooting of Plaintiffs' son.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$650,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

d. **Erica L. Brooks v. Los Angeles County Sheriff's Department**
Los Angeles Superior Court Case No. BC 562 732

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to sexual discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$650,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

e. **Dawn DaLuise v. County of Los Angeles, et al.**
United States District Court Case No. CV 15-02701

This lawsuit concerns allegations of deliberate indifference to the medical needs of an inmate while in the custody of the Sheriff's Department and also while she was a patient at one of the facilities operated by the Department of Health Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$270,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

f. **Elias Morejon, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 609 654

This wrongful death lawsuit alleges that Anthony Morejon died while in the custody of the Sheriff's Department and while receiving care provided by Sheriff's Department medical providers and the Department of Mental Health.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$690,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

5. **Approval of the minutes of the March 19, 2018, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:51 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Sandra C. Ruiz