

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF MONTEREY PARK, MONTEREY HILL RESTAURANT,
CARMEL BALLROOM, 3700 RAMONA BOULEVARD, MONTEREY PARK,
CALIFORNIA 91754

ON

WEDNESDAY, MAY 9, 2018, AT 11:00 AM

Members Present: Curtis Morris, Mark Alexander, James Bozajian, Ernie Hernandez, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

Alternates Present: Darrell George, Steve Hofbauer, Steve Mandoki, and John Moreno

1. **Call to Order.**
2. **Opportunity for members of the public to address the Contract Cities Liability Trust Fund 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).**

- a. Travis Dahle v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 632126

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the Settlement of this matter in the amount of \$40,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ernie Hernandez, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

- b. Jessica Hernandez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 607814

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the Settlement of this matter in the amount of \$99,900.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ernie Hernandez, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

- c. Louise Olin, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 551857

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$11,750,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ernie Hernandez, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

- d. Mouner Rabadi v. Curtis Daniel Foster, et al.
Los Angeles Superior Court Case No. BC 651202

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the Settlement of this matter in the amount of \$30,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ernie Hernandez, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

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

- a. Earving Gonzalez v. Brian S. Mayfield, et al.
Los Angeles Superior Court Case No. MC 026383

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken

- b. Patricia Minero v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 632667
(consolidated with William Fong v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 630745)

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the April 11, 2018, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ernie Hernandez, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

7. 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.

8. Other Business.

None

9. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Travis Dahle v. County of Los Angeles, et al.
CASE NUMBER	BC632126
COURT	Los Angeles Superior Court
DATE FILED	September 7, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	Robert L. Lemle
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Deputy County Counsel
NATURE OF CASE	<p>On August 11, 2015, Plaintiff was involved in a motor vehicle versus motor vehicle collision with an on-duty employee of the Sheriff's Department, on Pacific Coast Highway at its intersection with Kanan Dume Road in the City of Malibu. Plaintiff allegedly sustained injuries to his head, neck and back, and underwent multiple lumbar spine injections as a result of the collision.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$40,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 19,546
PAID COSTS, TO DATE	\$ 7,767

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jessica Hernandez v. County of Los Angeles, et al.
CASE NUMBER	BC607814
COURT	Los Angeles Superior Court
DATE FILED	January 21, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 99,900
ATTORNEY FOR PLAINTIFF	Ashley A. Laiken, Esq. Alder Law
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas, Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on January 17, 2015, when a Sheriff's Deputy was attempting to make a left turn into the Carson Sheriff's Station driveway. The oncoming vehicle, in which Plaintiff was a passenger, was driving at a high rate of speed and collided into the Deputy's vehicle. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 42,851
PAID COSTS, TO DATE	\$ 13,361

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Louise Olin, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC551857
COURT	Los Angeles Superior Court
DATE FILED	July 16, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 11,750,000
ATTORNEY FOR PLAINTIFF	Bruce Broillet Greene Broillet & Wheeler, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises out of a December 8, 2013, collision between a Sheriff's Department radio car driven by a Deputy Sheriff and a bicycle ridden by Milton Olin, Jr., on Mulholland Highway just east of Daguerre Avenue, in the City of Calabasas. Mr. Olin died at the accident scene. Plaintiffs, Mr. Olin's surviving spouse, his two adult children, and his estate claim wrongful death damages. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ \$449,091
PAID COSTS, TO DATE	\$ \$125,289



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:	December 8, 2013
Briefly provide a description of the incident/event:	<p><u>Louise Olin, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2017-043</p> <p>On December 8, 2013, at about 1:05 p.m., a Los Angeles County deputy sheriff drove his patrol vehicle eastbound on Mulholland Highway after resolving a "smoke investigation"¹ call for service at Calabasas High School. Simultaneously, the decedent was exercising by riding his bicycle eastbound on Mulholland Highway, in the designated bicycle lane.</p> <p>While driving, the deputy sheriff diverted his attention to an administrative message one of his co-workers sent him on his patrol unit's Mobile Digital Computer (MDC). The message asked the deputy sheriff if he was "Code-4"² at the smoke investigation call. The deputy sheriff was in the middle of typing a response to his co-worker as the road curved slightly to the left and his patrol vehicle continued straight. The patrol vehicle crossed over a solid white line on the right side of the road, into the bicycle lane, and struck the decedent from behind.</p> <p>The deputy sheriff's vehicle was going about 45 MPH at the time of the collision. The collision caused the decedent to be ejected from his bicycle, thrown into the windshield and front roof line of the patrol vehicle, and then fall to the roadway. After striking the decedent, the deputy sheriff quickly stopped his patrol vehicle.</p> <p>An off-duty EMT was driving behind the deputy sheriff and witnessed the collision. The EMT immediately attempted to provide emergency medical aid to the decedent, who was lying on the street. The decedent had significant trauma to his body and head. It was quickly determined that the decedent had no signs of life. The decedent was pronounced dead at the scene by responding paramedics.</p> <p>The deputy sheriff stated he did not see the decedent before the collision. The deputy sheriff's MDC was found to have a partially written message stating, "Yes I," immediately followed by what appears to be unintelligible; "[\nokko."</p> <p>Note: The MDC was directly in line with the caved-in windshield. It was determined the decedent's body came partially through the windshield and impacted the MDC during the collision. The partial message of, "Yes I" was determined to be written</p>

¹ The smoke investigation call for service was later found to have been a small brush fire on the Calabasas High School baseball field. It was extinguished by the Los Angeles County Fire Department.

² Code-4 is radio code that is commonly used to advise if any further assistance is needed or if someone is OK.

	immediately before the impact of the collision. The "[\nokko" was determined to have occurred during and/or immediately after the impact of the collision. The message did not appear finished and was never sent.
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the deputy sheriff making an unsafe turning movement on the roadway (a violation of section 22107 of the California Vehicle Code)

Another **Department** root cause in this incident was the deputy sheriff was driving while distracted and typing on his MDC.

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

Criminal Investigation

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's, Traffic Services Detail.

The results of the traffic investigation were presented to representatives from the Los Angeles County District Attorney's Office to determine if the deputy sheriff's actions constituted criminal misconduct.

On August 27, 2014, the Los Angeles County District Attorney's Office declined to file criminal charges against the deputy sheriff stating, "Although the MDC inquiry and response were not of an emergent nature, the law does not limit officers from using an electronic wireless communication device in the performance of their duties to situations involving emergencies."

The District Attorney's Office wrote in their written conclusion, "We find insufficient evidence to prove the deputy committed the crime of vehicular manslaughter. As such, we decline to initiate criminal proceedings against him. We are closing our file and will take no further action in this matter."

Administrative Investigation

This incident was investigated by representatives of the Sheriff's Department's Internal Affairs Bureau 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 in violation of Department policy. Appropriate administrative action has been taken.

Department executives found this incident exemplified the need for better training and policy, as it relates to vehicle operations and the use of the vehicle's MDC while driving. An ad-hoc committee was created to address the distracted driving issue.

Station Traffic Collision Assessment and Review

After this collision, a review of preventable traffic collisions was conducted at Malibu/Lost Hills Station.

A review of collision data covering preventable traffic collisions from 2012-2016 revealed Malibu/Lost Hills Station averaged 14 on-duty preventable traffic collisions each year. The lowest number of collisions was 12, from August 2016 to July 2017. The highest was 19, from August 2013 to July 2014.

Since the date of this traffic collision, on December 8, 2013, Malibu/Lost Hills Station's rate of preventable traffic collisions declined by 26.32% in 2014-15 and declined 14.29% in 2016-17. The rate of traffic collisions per 100,000 miles driven since December 8, 2013, declined by 26.77% in 2014-15 and declined 22.54% in 2015-16.

Since the traffic collision, the Lost Hills Station field sergeants have diligently briefed the station deputies regarding safe driving practices. The briefings included distracted driving, wearing seatbelts, adhering to the rules of the road under normal conditions, and abiding by Department policy in relation to safe driving during emergent situations, including Code-3 driving. The goal was to enhance public and employee safety and to reduce on-duty preventable traffic collisions.

Malibu/Lost Hills Station also has a permanent Emergency Vehicle Operations Center (EVOC) trailer assigned to the station. EVOC training is conducted for line personnel when training days can be scheduled. It has proven to be a valuable tool for the deputies assigned to Lost Hills Station.

Ad-Hoc Distracted Driving Committee and Department Training

As a direct result of this incident, on May 23, 2014, Risk Management Bureau's, Field Operations Support Services (FOSS), formed an ad-hoc committee with a panel of various units³ throughout the Department. The committee met several times with the specific purpose to address the consequences of distracted driving and Department vehicle operations.

On August 29, 2014, the committee made 34 total recommendations. They were broken down into the following categories:

- Short term (1-3 months before completion)
- Medium term (3-9 months before completion)
- Long term (9 or more months before completion)

Out of the 34 recommendations, 21 have been adopted and completed. Of the 13 remaining recommendations, five (5) are considered long-term. Each of the long-term recommendations have significant associated costs and will take a considerable amount of time for research, personnel, technology, purchasing, and implementation. The remaining recommendations continue to be evaluated and/or developed for future implementation.

Distracted Driving Risky Business Newsletter

In an attempt to reduce the risk of future collisions due to distracted driving, Risk Management Bureau created a "Distracted Driving" Risky Business Newsletter.

On August 5th, 2014, the Risky Business Newsletter was distributed via e-mail to all Sheriff's Department employees. The newsletter remains available on the Sheriff Department's intranet as a resource for Department employees.

³ The following is a list of participating units involved in the "Distracted Driving Committee"; Advanced Officer Training (AOT); Automatic License Plate Reader Supervisors (ALPR/ASAP); Civil Litigation Unit; Communication & Fleet Management Bureau (CFMB); Corrective Action Unit; Emergency Vehicle Operations Center; Master Field Training Officers; MDC Training Unit; Professional Standards Division; Sheriff Communication Center (dispatchers).

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:

12-14-17

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards and Training Division

Signature:



Date:

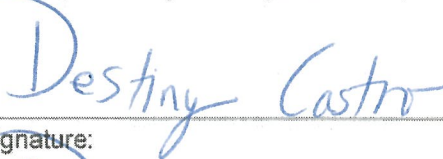
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Chief Executive Office Risk Management Inspector General USE ONLY

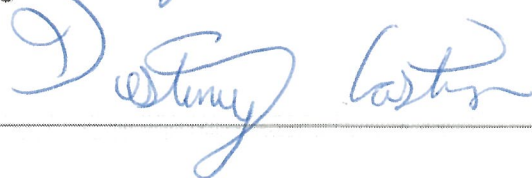
Are the corrective actions applicable to other departments within the County?

- ☒ Yes, the corrective actions potentially have County-wide applicability.
☐ No, the corrective actions are applicable only to this Department.

Name: (Risk Management Inspector General)



Signature:



Date:

12/19/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mouner Rabadi v. Curtis Daniel Foster, et al.
CASE NUMBER	BC651202
COURT	Los Angeles Superior Court
DATE FILED	February 21, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 30,000
ATTORNEY FOR PLAINTIFF	Megan Childress Bleau Fox, a P.L.C.
COUNTY COUNSEL ATTORNEY	Kelsey Nau Senior Associate County Counsel
NATURE OF CASE	The lawsuit arises from a vehicle collision that occurred on February 26, 2016, in which the Plaintiff was injured when a Sheriff's Deputy made a left turn in front of Plaintiff's vehicle on Soledad Canyon Road in the City of Santa Clarita. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ \$10,771
PAID COSTS, TO DATE	\$ \$1,059

**COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND
CLAIMS BOARD**

MINUTES OF MEETING

April 11, 2018

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris at 12:27 p.m. The meeting was held in the Monterey Hill Restaurant, Carmel Ballroom, 3700 Ramona Boulevard, Monterey Park, California 91754.

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, At-Large; Mark Alexander, East Division; James Bozajian, North Division; Ernie Hernandez, South Division; Margaret Finlay, East Division; Patrick Kearney, Central Division; Doug Prichard, At-Large; Jose Pulido, Central Division; Ken Striplin, North Division; Mark Waronek, South Division; Marcel Rodarte, California Contract Cities Association; **Alternate:** Gustavo Camacho, South Division; Steve Hofbauer, North Division; Lindsey Horvath, At-Large; Steve Mandoki, Central Division; **County of Los Angeles Staff:** Ruben Baeza, Assistant County Counsel; Elizabeth D. Miller, Principal Deputy County Counsel; Bobby Denham, Los Angeles Sheriff's Department; Eric Parra, Los Angeles Sheriff's Department; Maxine Kallenberger, Los Angeles Sheriff's Department; Andrew Rosso, Los Angeles Sheriff's Department; Matthew Squire, Los Angeles Sheriff's Department; Glen Joe, Los Angeles Sheriff's Department; John Wolak, Los Angeles Sheriff's Department; Stan Morgan, Los Angeles Sheriff's Department; Steve Robles, County of Los Angeles; Jackie Guevarra, Auditor-Controller; Jung Son, Auditor-Controller; **Attendees:** Linda Hurley, Macias, Gini & O'Connell LLP.; Amy Chiang, Macias, Gini & O'Connell LLP.; **Third Party Administrator for the County of Los Angeles:** John La Salle, Sales Executive, Wells Fargo Insurance Services; Sylvia Hernandez, Claims Manager, Carl Warren & Company; **California JPIA:** Jonathan Shull, Chief Executive Office; Lyndsie Buskirk, Office Assistant; Jim Thyden, Insurance Programs Manager; Lam Le, Financial Analyst; Denise Covell, Administrative Assistant.

2. Public Comment

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 12:29 p.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

**3. Closed Session - Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- a. Teresita Garcia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 553204

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,000,000.

Vote: Ayes: 8 - Curtis Morris, Ernie Hernandez, Margaret Finlay, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

Noe: 3 - Mark Alexander, James Bozajian, and Patrick Kearny

**4. Closed Session - Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- a. Rosa Linda Belman v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 545771

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's.

Action Taken:

No reportable action taken

- b. Estate of Leroy Browning v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 026632

This lawsuit involves excessive force shooting and wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken

- c. Estate of Armando Garcia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 687480

This lawsuit concerns allegations of assault and battery and wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 1:12 p.m. No action was taken in Closed Session which required a public report pursuant to Government Code section 54957.1.

6. Approval of the Minutes for March 14, 2018, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 11 - Curtis Morris, Ernie Hernandez, Mark Alexander, James Bozajian, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

7. Items Not on the Posted Agenda, to be Referred to Staff or Placed on the Agenda for Action at a Further Meeting of the Contract Cities Liability Trust Fund Claims 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

None

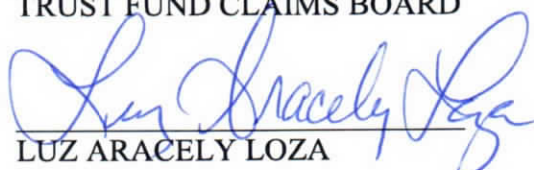
8. Other Business

None

9. Adjournment

There being no further business, the meeting was adjourned at 1:13 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD


LUZ ARACELY LOZA