

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON MONDAY, SEPTEMBER 17, 2018, AT 9:30 A.M.

Present: Arlene Barrera and Steven Estabrook, with Chair Steve Robles being absent.

- 1. Call to Order.**
- 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).**

- a. Historic Equestrian Trail Association of Southern California, Inc. v. County of Los Angeles
Los Angeles Superior Court Case No. BS 166 575**

This lawsuit alleges that the Los Angeles County Flood Control District failed to comply with the California Environmental Quality Act when it approved the Equestrian Rest Area Project.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$114,900.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[See Supporting Document](#)

b. **Minako America Corporation dba Minco Construction, a California Corporation v. Los Angeles County Flood Control District**
Los Angeles Superior Court Case No. EC 066 798

This breach of contract lawsuit seeks damages against the Department of Public Works - Flood Control District.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

c. **John Sanborn, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 647 275

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Department of Public Works employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$50,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[See Supporting Document](#)

d. **Gerardo Verdugo v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 568 226

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department patrol car, and in which Plaintiff was a passenger.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$70,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[See Supporting Document](#)

e. **Sherry Ashley v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 590 330

This lawsuit concerns allegations of civil rights violations, battery, and false arrest after Plaintiff was arrested by Sheriff's Deputies while they responded to a request for backup in a burglary investigation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$35,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[See Supporting Document](#)

f. **Albert Turner v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 506 700

This lawsuit concerns allegations of battery and excessive force by Sheriff's Deputies when Plaintiff was arrested pursuant to a bench warrant, and during which his elbow was allegedly fractured.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$225,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[See Supporting Documents](#)

g. **Kalpesh Solanki, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:16-CV-03288

This lawsuit alleges civil rights violations against the Department of Public Health when inspectors conducted searches on Plaintiff's property.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$95,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[See Supporting Document](#)

**h. Charles Boyd v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 512 669**

This lawsuit concerns allegations that an employee from the Fire Department was harassed by another employee and the Department failed to prevent the harassment.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$100,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in Closed Session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the August 20, 2018, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook
Absent: Steve Robles, Chair

[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.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Historic Equestrian Trail Association of Southern California, Inc. v. County of Los Angeles
CASE NUMBER	BS166575
COURT	Los Angeles Superior Court
DATE FILED	December 6, 2016
COUNTY DEPARTMENT	Department of Public Works; Los Angeles County Flood Control District
PROPOSED SETTLEMENT AMOUNT	\$ 114,900
ATTORNEY FOR PLAINTIFF	Jamie T. Hall Julian K. Quattlebaum Channel Law Group
COUNTY COUNSEL ATTORNEY	Lauren E. Dods Principal Deputy County Counsel
NATURE OF CASE	This lawsuit was brought by Plaintiff alleging that the Los Angeles County Flood Control District failed to comply with the California Environmental Quality Act when it approved the Equestrian Rest Area Project in the City of Long Beach.
PAID ATTORNEY FEES, TO DATE	\$ 146,143
PAID COSTS, TO DATE	\$ -0-

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	John Sanborn, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC647275
COURT	Los Angeles Superior Court
DATE FILED	January 18, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Michael A. Waskul Michael A. Waskul & Associates
COUNTY COUNSEL ATTORNEY	Kelsey Nau Senior Associate County Counsel
NATURE OF CASE	<p>On March 1, 2016, Plaintiffs John Sanborn and Stevie Sanborn were involved in a motor vehicle collision with a Department of Public Works employee at the intersection of Old Rock Road and Valencia Boulevard in an unincorporated area of the County.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 24,289
PAID COSTS, TO DATE	\$ 5,913

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Gerardo Verdugo v. County of Los Angeles, et al.
CASE NUMBER	BC 568226
COURT	Los Angeles Superior Court
DATE FILED	December 31, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 70,000
ATTORNEY FOR PLAINTIFF	Nicholas Rowley Carpenter, Zuckerman & Rowley, LLP
COUNTY COUNSEL ATTORNEY	Kelsey C. Nau Senior Associate County Counsel
NATURE OF CASE	<p>This lawsuit arises from a collision that occurred on November 23, 2013, involving a vehicle driven by a Sheriff's Deputy, and in which Mr. Verdugo was a passenger. Mr. Verdugo claims to have suffered injuries as a result of the collision.</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	\$ 77,484
PAID COSTS, TO DATE	\$ 38,295

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sherry Ashley v. County of Los Angeles, et al.
CASE NUMBER	BC 590330
COURT	Los Angeles Superior Court
DATE FILED	August 05, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 35,000
ATTORNEY FOR PLAINTIFF	Lawrence Greenbaum, Esq.
COUNTY COUNSEL ATTORNEY	Alexandra B. Zuiderweg Deputy County Counsel
NATURE OF CASE	<p>This is a lawsuit filed by Sherry Ashley against the County, the Sheriff's Department, and two Sheriff's Deputies, alleging State-law civil rights violations, battery, assault, false arrest, false imprisonment, intentional infliction of emotional distress, and negligent infliction of emotional distress.</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	\$ 39,295
PAID COSTS, TO DATE	\$ 6,025

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Albert Turner v. County of Los Angeles, et al.
CASE NUMBER	BC 506700
COURT	Los Angeles Superior Court
DATE FILED	May 8, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 225,000
ATTORNEY FOR PLAINTIFF	Edmond Salem, Esq.
COUNTY COUNSEL ATTORNEY	Lana Choi Deputy County Counsel
NATURE OF CASE	<p>On May 15, 2012, Plaintiff was arrested by Sheriff's Deputies pursuant to a bench warrant, during which the Deputies allegedly fractured his elbow.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$225,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ \$153,578
PAID COSTS, TO DATE	\$ 5,000

Case Name: Turner, Albert 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:	May 15, 2012
	<p><u>Turner, Albert v. County of Los Angeles</u> <u>Summary Corrective Action Plan 2018-013</u></p> <p>On May 20, 2008, at approximately 6:30 P.M., the plaintiff was a witness to an incident where an African American teenager was shot and killed in the city of Paramount. Los Angeles County Sheriff's Homicide detectives were the lead investigators for the murder investigation. The homicide detectives identified and arrested a suspect for the murder.</p> <p>On May 8, 2012, while involved in a trial against the murder suspect, the plaintiff became an uncooperative witness and failed to appear in court. The plaintiff refused to respond to a lawful subpoena, resulting in the presiding judge to issue a bench warrant for the plaintiff's arrest.</p> <p>Note: The plaintiff was a pivotal witness and had previously appeared in court for this case on two prior dates and was being requested for a third appearance when he refused to comply.</p> <p>Once the bench warrant was issued, homicide detectives contacted Major Crimes Bureau and requested assistance in locating, arresting, and bringing the plaintiff to court. Personnel from Major Crimes Bureau's Surveillance and Apprehension Team (SAT), under the direction of their team sergeant, were assigned to assist homicide detectives in arresting the plaintiff.</p> <p>On May 15, 2012, SAT personnel initiated a surveillance of the plaintiff's residence in the city of Long Beach. The surveillance team observed the plaintiff exit his residence with a child, enter a Ford Explorer, and drive away. The surveillance team followed and observed the plaintiff drop the child off at a nearby elementary school and continue driving. Shortly thereafter, the surveillance team stopped the plaintiff by boxing him in with multiple surveillance vehicles. Major Crimes Bureau personnel approached the plaintiff's vehicle on foot, identified themselves as peace officers, and ordered him out of his vehicle. Initially, the plaintiff refused, but ultimately he complied and was handcuffed without further incident.</p> <p>Following the arrest, the SAT sergeant contacted Compton Sheriff Station and requested a radio car to transport the plaintiff. Compton Station deputies responded. The SAT sergeant personally placed the plaintiff into the patrol vehicle without incident. The plaintiff was transported directly to the Compton Courthouse by the Compton Sheriff's Station unit and the SAT sergeant followed.</p> <p>Upon arrival at Compton Court, the plaintiff was moved to a court lockup cell, where he remained for a short period of time, and was subsequently</p>

	<p>escorted to the courtroom by the SAT sergeant. During the court proceedings, the trial judge remanded the plaintiff into custody. After he was taken into custody, Major Crimes Bureau personnel had no further contact with the plaintiff.</p> <p>Los Angeles County Sheriff's Department personnel assigned to Compton Court booked, livescanned, and housed the plaintiff in their lockup, pending his transport to the Inmate Reception Center.</p> <p>Note: The plaintiff advised the booking deputy he had prior injuries including knee surgery and a fracture to his left elbow. The booking deputy noted the indicated prior injuries on the Arrestee Medical Screening Form.</p> <p>The plaintiff was transported to the Inmate Reception Center and Men's Central Jail, where he remained in custody pending the court proceedings.</p> <p>On May 16, 2012, at approximately 1:27 a.m., while housed at the Inmate Reception Center, the plaintiff advised medical staff he had pain in his left elbow.</p> <p>On May 17, 2012, jail medical staff performed an x-ray on the plaintiff's left elbow and determined he had a fractured elbow.</p> <p>On May 18, 2012, the plaintiff was released from custody, as he was no longer needed for the murder trial.</p> <p>On August 29, 2012, the Department received a certified mail proof of service for the plaintiff's lawsuit against the Department.</p> <p>In the lawsuit, the plaintiff alleges when he was arrested he was forcefully pushed into a patrol vehicle and he, "heard a crack" in his left elbow. He claims he repeatedly advised the involved deputies about the injury but they refused to provide him with medical treatment. The plaintiff admits he waited two days in custody before seeking medical treatment.</p>
--	--

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

We have settled this case due to a prudent business decision. Therefore, this is an economic settlement.

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

Sheriff's Department - Allegation of Force Policy

At the time of this incident, the Los Angeles County Sheriff's Department had policy/procedures related to an allegation of a Use of Force:

- Use Of Force Reporting And Review Procedures, Manual of Policy and Procedures 3-10/100.00
- Use of Force Reporting Procedures, Custody Division Manual, 7-06/000.00

Correctional Health Services (CHS) - Allegation of Force Policy

At the time of the incident, CHS had policy/procedures related to inmates that allege force had been used against them by Department members:

- Injury/Illness Report – Inmate, CHS Policy # M206.09

Allegation of Force Investigation – Sheriff's Department

The Sheriff's Department became aware of the force allegation when the civil claim was filed in August of 2012 (the plaintiff had been released from custody on May 18, 2012).

If an allegation of force investigation had been conducted closer to the time of the incident it would have been more helpful in refuting or confirming the allegations made by the plaintiff. The investigation would have included a recording of the plaintiff's allegation at the time, an immediate medical evaluation, and pictures of his injury(s).

After the allegation was discovered in the lawsuit, an investigation was conducted. The investigation consisted of interviewing the personnel involved in the arrest, transport, and housing of the plaintiff.

Based on the investigations into the alleged use of force, there was no indication that any force had been used against the plaintiff or any misconduct had been committed by any Sheriff's Department personnel.

Allegation of Force Investigation – Correctional Health Services

On May 16, 2012 at approximately 0120 hours, a CHS Registered Nurse (Nurse) was working in the Inmate Reception Center. The nurse evaluated the plaintiff and documented her evaluation using the database form of the electronic medical record. The nurse charted that the patient stated: "THE POLICE WAS ROUGH THEY DON'T EVEN CARE."

In July of 2018, CHS conducted a supervisory inquiry into this incident.

The nurse did not suspect the plaintiff had sustained an injury when she evaluated him on May 16, 2012. CHS policy for reporting an injury requires the health care employee to either observe visible signs of injury, or suspect that an injury had occurred. Neither of these conditions were present when the nurse evaluated the plaintiff. The nurse provided appropriate health care to the plaintiff and had no reason to report an injury. The nurse was found to have complied with CHS policy regarding reporting an injury.

County of Los Angeles
Summary Corrective Action Plan

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

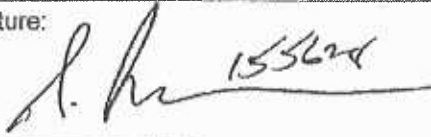
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



Date:

8-20-18

Name: (Department Head)

Alicia E. Ault, Chief
Professional Standards and Training Division

Signature:



Date:

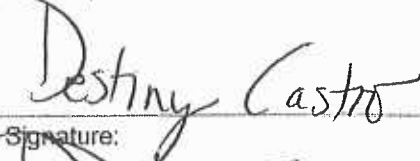
8/20/18

Chief Executive Office Risk Management Inspector General USE ONLY

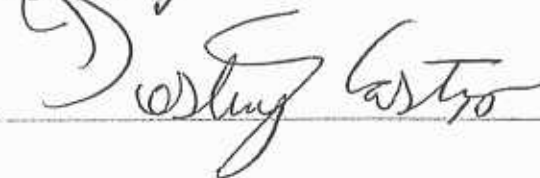
Are the corrective actions applicable to other departments within the County?

- ☐ 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:

8/21/2018

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kalpesh Solanki, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:16-CV-03288-DMG(GJSx)
COURT	United States District Court
DATE FILED	May 16, 2015
COUNTY DEPARTMENT	Department of Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 95,000
ATTORNEY FOR PLAINTIFF	Frank A. Weiser Law Offices of Frank A. Weiser
COUNTY COUNSEL ATTORNEY	Robert E. Ragland Principal Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for a total of \$95,000, inclusive of attorneys' fees and costs, this Department of Public Health ("DPH") civil rights lawsuit filed by Kalpesh Solanki, an owner operator of a residential hotel, the Executive Inn, against the County and three DPH inspectors alleging that they conducted illegal searches on the property without consent, and threatened criminal prosecution if he appealed disputed code enforcement violations, causing Mr. Solanki to sell his property at a significant loss.
PAID ATTORNEY FEES, TO DATE	\$ \$53,843
PAID COSTS, TO DATE	\$ \$4,415

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 20, 2018

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 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: Millicent Rolon, Wendy Sha, Kelsey Nau, and Kent Sommer; Sheriff's Department: John Hocking, Scott Gage, John Roberts, Dominic Dannan, and Kevin Percy; Internal Services Department: Christina Carlos and Devyne Dawson; and Department of Children and Family Services: Karla Hernandez.

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 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. Report of actions taken in Closed Session.

At 10:36 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Michael Cones v. County of Los Angeles, et al. United States District Court Case No. CV 14-08281

This lawsuit alleges the Sheriff's Department violated Plaintiff's federal civil rights and falsely arrested him.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

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

b. **Anthony Serena v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 542 772

This lawsuit concerns allegations that an employee from the Sheriff's Department was subjected to retaliation and termination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

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

c. **Sonia Cruz, et al. v. County of Los Angeles, et al**
Los Angeles Superior Court Case No. BC 640 496

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an Internal Services Department employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$85,000.

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

d. **Claim of Brian Park**
County of Equity Investigations Unit Complaint No. CEIU_2017_10307

This County of Equity Investigations Unit Complaint concerns allegations that an employee of the Internal Services Department was subjected to discrimination and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$34,000.

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

- e. **Marsha Herring v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 642 451; BS 166 093

This is a Writ of Mandate and a lawsuit filed by a former employee of the Department of Children and Family Services alleging discrimination, retaliation, failure to accommodate and engage in the interactive process.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

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

5. **Approval of the minutes of the August 6, 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 10:38 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Sandra C. Ruiz