

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, JANUARY 7, 2019, AT 9:30 A.M.

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

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. Hanson Aggregates, LLC, a Delaware Limited Liability Company v. County of Los Angeles, et al.
Court of Appeals Second Appellate District Case No. B287576

This matter concerns the recovery of money from Hanson Aggregates, LLC for its failure to pay the County's Solid Waste Management Fee.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$453,887.15.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[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 Number EC 066 798

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$440,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[See Supporting Document](#)

c. **Richard Welch v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 644 044

This lawsuit concerns allegations of negligence by Sheriff's Department personnel for injuries Plaintiff received while being transported to Men's Central Jail.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$40,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[See Supporting Document](#)

d. **Tamara Panosian v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 677 705

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$45,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[See Supporting Document](#)

e. **Marcelina Tapia-Mondragon, et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. 16K15409

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$24,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[See Supporting Document](#)

f. **Rachel Roberts v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 628 672

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Department employee.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[See Supporting Document](#)

g. **Krystyna Helena Kubran v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 621 027

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee from the Department of Animal Care and Control.

Action Taken:

The Claims Board continued this item to a future the meeting date.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

h. **David Broadwell v. Fire Department**
Department of Human Resources Mediation

This matter concerns allegations that an employee from the Fire Department was subjected to harassment and retaliation based on race.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

i. **Fernando Villegas v. County of Los Angeles**
Equal Employment Opportunity Commission Charge
No. 480-2016-02666

This lawsuit concerns allegations that the Department of Mental Health wrongfully rescinded an offer of employment.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

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 December 3, 2018, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

[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	Hanson Aggregates, LLC, a Delaware limited liability company v. County of Los Angeles, a Division of the State of California
CASE NUMBER	B287576
COURT	Court of Appeal, Second Appellate District
DATE FILED	July 1, 2016
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 453,887.15 (Payment to the County)
ATTORNEY FOR PLAINTIFF	Bradley B. Johnson Harrison, Temblador, Hungerford
COUNTY COUNSEL ATTORNEY	Julia C. Weissman Senior Deputy County Counsel
NATURE OF CASE	This is a declaratory judgment action concerning whether the plaintiff is required to pay the County Solid Waste Management Fee ("SWMF") on material received at the landfill that it claims is "clean fill." Under the County's ordinance, "clean fill," as defined by the ordinance, is exempt from the SWMF when it is deposited in a landfill that uses only "clean fill." In this case, plaintiff contends that based upon State law, clean fill is exempt from the SWMF even when it is used in a landfill that accepts other types of waste material in addition to clean fill. The trial court ruled in the County's favor on statute of limitations grounds, because the action constitutes a facial challenge to the ordinance, and was not brought within 120 days of its effective date, as required by Government Code section 66022. Hanson appealed.
PAID ATTORNEY FEES, TO DATE	\$ 177,310 (Trial Court and Appeal)
PAID COSTS, TO DATE	\$ 44,502

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Minako America Corporation dba Minco Construction, a California corporation v. Los Angeles County Flood Control District
CASE NUMBER	EC066798
COURT	Los Angeles Superior Court
DATE FILED	June 5, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 440,000
ATTORNEY FOR PLAINTIFF	Christopher M. Pisano Best Best & Krieger LLP
COUNTY COUNSEL ATTORNEY	Warren R. Wellen Principal Deputy County Counsel
NATURE OF CASE	Plaintiff Minako America corporation dba Minco Construction alleges breach of contract and breach of implied warranty pertaining to the Dominguez Gap Barrier Project Telemetry System.
PAID ATTORNEY FEES, TO DATE	\$ 78,906
PAID COSTS, TO DATE	\$ 25,787

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Richard Welch v. County of Los Angeles
CASE NUMBER	BC644044
COURT	Los Angeles Superior Court
DATE FILED	December 16, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	Gary Casselman, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Deputy County Counsel
NATURE OF CASE	<p>On January 4, 2016, Plaintiff Richard Welch was a passenger in a Sheriff's Department van that was transporting four wheelchair-bound inmates, including Plaintiff, from court back to Men's Central Jail. While in transit to Men's Central Jail, Plaintiff's wheelchair tipped over causing him to strike his head on the van's wheelchair lift and floor and allegedly sustain injuries to his neck, shoulder, back, abdomen, and head, including a traumatic brain injury. Plaintiff claims damages for future medical care and future lost earning capacity in unspecified amounts, and general damages including 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 \$40,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 47,120
PAID COSTS, TO DATE	\$ 3,413

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tamara Panosian v. County of Los Angeles, et. al.
CASE NUMBER	BC 677705
COURT	Los Angeles Superior Court
DATE FILED	September 28, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 45,000
ATTORNEY FOR PLAINTIFF	Aroutin Hartounian, Esq.
COUNTY COUNSEL ATTORNEY	Kevin J. Engelen Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle versus vehicle collision that occurred on January 17, 2017, when a Security Officer of the Los Angeles County Sheriff's Department made a left turn traveling southbound into the northbound lane of a driveway to a parking lot at the Olive View Medical Center. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 12,446
PAID COSTS, TO DATE	\$ 1,456

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marcelina Tapia-Mondragon, et.al. v. County of Los Angeles
CASE NUMBER	16K15409
COURT	Los Angeles Superior Court
DATE FILED	December 16, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 24,500
ATTORNEY FOR PLAINTIFF	Kelly Casado, Esq.
COUNTY COUNSEL ATTORNEY	Yuan Chang Deputy County Counsel
NATURE OF CASE	On June 16, 2016, Plaintiffs Marcelina Tapia-Mondragon and Pedro Hernandez were involved in a motor vehicle collision with a Sheriff's Deputy, on Whittier Boulevard near Duncan Avenue. Plaintiffs claim to have suffered injuries and damages. Due to the risks and uncertainties of litigation, a full and final settlement of the case is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 16,172
PAID COSTS, TO DATE	\$ 644

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rachel Roberts v. County of Los Angeles, et. al..
CASE NUMBER	BC 628672
COURT	Los Angeles Superior Court
DATE FILED	July 28, 2016
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$225,000
ATTORNEY FOR PLAINTIFF	Mindy Bish, Esq.
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on September 1, 2015, between Sheriff's Department civilian employee Sonya Gore and Plaintiff Rachel Roberts. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 31,443
PAID COSTS, TO DATE	\$ 11,319

Case Name:

Rachel Roberts V. County of Los Angeles

County of Los Angeles
Summary Corrective Action Plan



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:	September 1, 2015
Briefly provide a description of the incident/event:	<ul style="list-style-type: none">• On Tuesday, September 1, 2015 at approximately 12:15 P.M., an employee assigned to Medical Services Bureau (MSB) was driving a Los Angeles County Sheriff's Department (LASD), 2000 Ford E-350, Cargo Van in the City of Long Beach.• While driving eastbound in the east-west alley, west of Walnut Avenue, and south of 5th street, in the City of Long Beach, the employee arrived at the intersection of the alley and Walnut Avenue. The employee planned on making a left turn on Walnut Avenue and continue to travel northbound. The employee reported she looked in both directions and did not see any cars coming in either direction on Walnut Avenue. She began to make her left turn onto Walnut Avenue and at the last minute she reported seeing a vehicle coming southbound on Walnut Avenue and simultaneously collided with that oncoming vehicle.

Case Name:

Rachel Roberts V. County of Los Angeles

County of Los Angeles
Summary Corrective Action Plan

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

The primary **Department** root cause in this incident was the failure of a Department member to yield to oncoming traffic before entering traffic.

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

Traffic Collision Investigation/Administrative Action

- As a result of this incident, Supervisors from Medical Services Bureau conducted an Investigation and presented their findings to Department executives for adjudication.

Results of Investigation

- Employee violated California Vehicle Code section 21804 (a).

Administrative Action

- Proper administrative action has been taken.

Responsible person: Assistant Sheriff Kelly Harrington

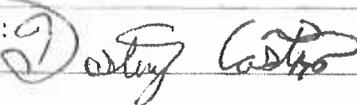
Case Name:	Rachel Roberts V. County of Los Angeles
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County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator) Commander Cheryl Newman-Tarwater	
Signature: 	Date: 11/27/18

Name: (Department Head) Chief Christy Guyovich <i>APRICE DANIEL DYER</i>	
Signature: 	Date: 11/29/18

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) CEO Destiny Castro	
Signature: 	Date: 11/27/18

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 3, 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 Steven Estabrook.

Other persons in attendance at the meeting were: Office of the County Counsel: Kevin Engeliem, Millicent Rolon, Narbeh Bagdasarian, and Eduardo Montelongo; Sheriff's Department: Jim Tatreau James Wolak, Kevin Percy, Reginald Lonne, Anthony Rivera, Mark Allen, Daniel Dyer; Department of Health Services: Arun Patel, Nick Teophilov, and Karen White; Department of Public Social Services: Simone Agee and Annetta Counts; Outside Counsel: Harold Becks.

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(f) below.

4. Report of actions taken in Closed Session.

At 10:52 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Angel Gonzalez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 612 479**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty employee from the Sheriff's Department.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$26,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

b. **Dawn Soares v. County of Los Angeles, et al.**
United States District Court Case No. 2:17-CV-00924

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies during an attempted apprehension.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,250,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

c. **Claim of Kissia Agurto**

This claim concerns allegations of sexual assault by a Sheriff's Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$950,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

d. **Janet Moyer, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 16-CV-09420

This lawsuit alleges federal civil rights violations, wrongful death, and negligence arising out of the death of a mentally ill inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$485,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

e. **Jeremiah James Macion v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 661 059;
California Court of Appeal Case No. B291032

This is a class action lawsuit alleging that the County failed to pay minimum wage to on-call and stand-by workers.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$25,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

f. **Desiree Prescod v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 635 958

This lawsuit concerns allegations that an employee from the Department of Public and Social Services was subjected to harassment based on national origin and disability.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$80,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

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

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Steven Estabrook

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.**

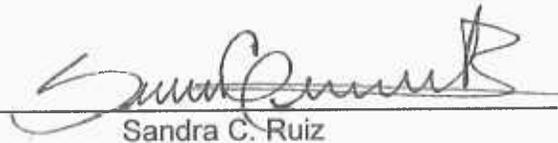
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:54 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Sandra C. Ruiz