

**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, FEBRUARY 4, 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. **Barbara Sheldon, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 608 441**

This lawsuit arises from damages and injuries allegedly sustained in a vehicle accident involving an employee from the Department of Public Works.

Action Taken:

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

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

[See Supporting Document](#)

- b. **Jose Estrada v. Christopher Muse, et al.**  
**Los Angeles Superior Court Case No. BC 648 179**

This lawsuit arises from damages and injuries allegedly 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 \$62,000.

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

[See Supporting Document](#)

c. **Kent Oda, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 657 355**

This lawsuit arises from injuries allegedly sustained by Plaintiffs in a home invasion robbery allegedly due to a Sheriff's Deputy mishandling the 911 call.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$800,000.

Vote: Ayes: 2 – Arlene Barrera and Steven Estabrook  
Abstention: 1 - Steve Robles

[See Supporting Documents](#)

d. **Vanessa Bowers, et al. v. County of Los Angeles**  
**United States District Court Case No. CV 17-08088**

**C.M., et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 17-05135**

These consolidated wrongful death lawsuits concern allegations of negligence by a Sheriff's Deputy arising from a shooting.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$4,600,000.

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

[See Supporting Documents](#)

e. **Robert Chacon v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 634 227**

This lawsuit arises from injuries allegedly sustained in a vehicle accident involving an employee from the District Attorney's Office.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$30,000.

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

[See Supporting Document](#)

f. **Mayra Judith Romero v. Daniel Emile Rodriguez, et al.**  
**Los Angeles Superior Court Case No. BC 685 203**

This lawsuit arises from injuries allegedly sustained in a vehicle accident involving an employee from the Fire Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$256,500.

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

[See Supporting Document](#)

g. **Amber Fimbres, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. 2:18-CV-03931**

This lawsuit alleges Plaintiffs' civil rights were violated when the Department of Children and Family Services allegedly detained their two minor children without a warrant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$775,000.

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

[See Supporting Documents](#)

h. **Genevieve Barron v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 601 353**

This lawsuit concerns allegations that an employee of the Probation Department was subjected to sexual harassment, and that the Department failed to prevent the sexual harassment.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$75,000.

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

i. **Florinda Rojas Reyes, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 658 271**

This lawsuit concerns allegations of medical malpractice when Plaintiff received care and treatment at Martin Luther King, Jr. Multi-Services Ambulatory Care Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$425,000.

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

[See Supporting Documents](#)

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

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$45,000. (Continued from the Claims Board Meeting of January 7, 2019.)

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

[See Supporting Document](#)

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 January 7, 2019, 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	Barbara Sheldon, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC608441
COURT	Los Angeles Superior Court
DATE FILED	January 27, 2016
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 95,000
ATTORNEY FOR PLAINTIFF	Jeffrey Padilla, Esq. O'Mara and Padilla
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Deputy County Counsel
NATURE OF CASE	<p>On February 7, 2015, Plaintiffs Barbara and David Sheldon were allegedly injured as a result of an automobile versus automobile collision involving an on-duty employee of the Department of Public Works. Mrs. Sheldon allegedly suffered injuries to her neck and lower back, including a disc protrusion which necessitate lumbar fusion surgery. They claim \$238,762 in recoverable past medical expenses, \$9,883 in past lost earnings, 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 \$95,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 39,975
PAID COSTS, TO DATE	\$ 23,963

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jose Estrada v. Christopher Muse, et al.
CASE NUMBER	BC648179
COURT	Los Angeles Superior Court
DATE FILED	January 25, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 62,000
ATTORNEY FOR PLAINTIFF	Mary Terterov Synergy Law Group, Inc.
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	<p>This case involves a vehicle collision that occurred on August 11, 2016, when a Ford Crown Victoria radio car driven by a Deputy Sheriff traveling on northbound Hooper Avenue collided with plaintiff Jose Estrada's Toyota Camry that was stopped in the left-turn lane of southbound Hooper Avenue. The Deputy Sheriff and his partner were pursuing a vehicle they had stopped, but which sped away while the Deputies were waiting for backup. Plaintiff claims to have suffered injuries and damages from the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 105,241
PAID COSTS, TO DATE	\$ 6,542

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kent Oda, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 657355
COURT	Los Angeles Superior Court
DATE FILED	April 17, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 800,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$800,000, inclusive of attorneys' fees and costs, a lawsuit filed by Kent and Domciely Oda alleging federal civil rights violations and State-law negligence claims.</p> <p>Given the uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$800,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 2,312
PAID COSTS, TO DATE	\$ 0



Case Name: Kent Oda 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:	March 4, 2016
Briefly provide a description of the incident/event:	<p><b><u>Kent Oda v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan 2018-035</p> <p>On Friday, March 4, 2016, between approximately 1247 hours and 1257 hours, an on-duty Los Angeles County deputy sheriff, assigned to the dispatch area at Temple Station, answered three related calls for service.</p> <p><b><u>First Call</u></b> At 1247 hours, the on-duty Los Angeles County deputy sheriff received a call from a male resident on the Temple Station business line. The caller reported a male Black knocked on the door of his residence and when he answered, the man asked if the house belonged to someone else (by name). The caller informed the male there was no one at his house by that name. The male walked away and entered a Range Rover and drove away. The caller found the man's demeanor and actions to be suspicious. The caller also found it strange that the man's vehicle (a Range Rover with paper plates) was backed into his driveway. When the Range Rover left, it headed northbound into a "no outlet" residential neighborhood of Bradbury.</p> <p>The caller recognized the male's behavior as a typical modus operandi (M.O.) for "knock-knock" burglars, and believed the suspect was possibly casing his house and the neighborhood for a potential opportunity to commit nefarious activity.</p> <p>The caller advised the deputy sheriff if he sent a patrol unit up Mount Olive Drive (the only way in and out of the area), they would likely find and be able to catch the suspicious male.</p> <p>The deputy sheriff advised the caller, "Okay, but catch for what? Cause he knocked on the door and asked who lived there?" The caller expressed his concerns regarding the suspicious activity and that in the past they have had similar incidents resulting in criminal activity. The deputy sheriff stated, "That's not a crime sir. I don't think no one would be breaking in your house, knocking on your door, in a Range Rover."</p> <p>The caller became infuriated and told the deputy sheriff, "You know what? Go to hell buddy. Go to hell! You're an asshole." The deputy sheriff responded, "I'm far from hell. You go there." The phone line suddenly became disconnected. It is unknown if the call was abruptly disconnected by the caller or the deputy sheriff.</p> <p>The deputy sheriff continued answering calls for service and did not type in a call for service for the suspicious activity reported by the caller.</p>

### **Second Call**

At 1256 hours, the same deputy sheriff received a second call on the 9-1-1 line from a female resident. The caller reported her neighbor, "just got jumped" and advised her husband was helping the injured man because he was bleeding. The caller advised the injured man was located at 2207 Rim Road near the corner of Rim Road and Spinks Canyon Road, in Bradbury (approximately 0.5 miles from the residence of the first caller). The deputy sheriff transferred the caller to the fire department. A few seconds later, the deputy sheriff ended the call without inquiring how the injuries occurred, nor did he type in a call for service to send deputies to the location.

**Note:** It was later discovered that the suspect who had knocked on the first caller's door, was one of three suspects who, a short time later, committed an assault with a deadly weapon and home invasion robbery against a husband and wife (the plaintiffs) at their house on Spinks Canyon Road.

The on-duty watch deputy overheard the second caller and knew something was going on, based on the tone of the woman's voice. Because the deputy sheriff never inquired why the person was bleeding while he was on the phone with her, the watch deputy ordered the deputy sheriff to re-contact the second caller to ascertain the reason for the person's injury. The deputy sheriff was unable to re-contact the second caller because he received a third call related to this incident.

### **Third Call**

At 1257 hours, the deputy sheriff received a third call on the 9-1-1 line from a different female resident. The caller advised that while she was driving home, she saw an incident occurring in front of the house at 255 Spinks Canyon Road, which was just a few houses away from her home. She saw an older man who had been knocked over, on the street and he was bleeding from his lip. There was also a man, wearing all black, running back and forth from the house. As she drove by, she slowed down and rolled down her window to check on the injured man. She heard a woman inside the house screaming for help. The caller told the deputy sheriff, "I don't know what he's doing. It sounds like he's killing her."

The caller stated the man wearing all black ran to her car, reached into the open window, and tried to open her car door from the inside. Fearing the man in all black was about to hurt her and/or steal her car, the caller rolled up her window and drove away from the location.

**Note:** The events reported by the second and third callers were determined to be the same home invasion robbery and assault with a deadly weapon incident, against a husband and wife (the plaintiffs) at their house on Spinks Canyon Road. The violent incident was still in progress during both the second and third calls.

The deputy sheriff focused on the caller's report of the suspect attempting to take her car. After talking with the caller for approximately five minutes, the deputy sheriff was able to determine the male wearing all black clothing had assaulted the people on Spinks Canyon Road. The deputy sheriff entered a routine (not priority or emergent) call for service as "suspicious circumstances."

	<p>At 1301 hours, as the deputy sheriff was on the phone with the third caller, a different deputy sheriff working the Temple Station desk received a call from the Fire Department requesting deputies to respond to the location of the second caller's reported assault and injured person incident. Other desk personnel realized that something serious was occurring at the location on Spinks Canyon Road. They changed the call to a disturbance, upgraded it to a priority, and quickly advised field personnel to respond to the location. The three suspects fled the scene in the Range Rover, prior to the field deputies' arrival.</p> <p>The victims (plaintiffs) of the home invasion robbery and assault with a deadly weapon sustained significant injuries requiring hospitalization.</p> <p><b><u>Home Invasion Incident</u></b></p> <p>The first plaintiff was working in his front yard when he saw the suspects drive by several times, in the Range Rover. The suspects then pulled their vehicle into the plaintiff's driveway and stopped. After about five seconds, all of the vehicle's doors opened at the same time and three males came out running toward him. Fearing he was about to be attacked, the first plaintiff turned and ran down his driveway toward the street while yelling for a neighbor's help. The suspects caught and beat the plaintiff in the street in front of his house. The attack on the first plaintiff happened so quickly and violently he could not remember any other details about the incident. Hearing the plaintiff's yelling, a neighbor came out and gave aid to the first plaintiff in the street.</p> <p>The second plaintiff heard the doorbell ring and went to answer the front door. As she opened the door, one of the suspects pushed her to the ground and punched her in the face five times with both fists. The second plaintiff fought her way to her feet and ran out of the house toward the driveway. As she was running, she encountered another suspect who confronted her and told her to get back in the house. The second plaintiff ignored the demand and continued to run down her driveway, away from her house. The second plaintiff saw her husband injured and lying in the street. A short time later, she saw the suspects enter a Range Rover that was parked in their driveway and leave the location.</p> <p><b><u>Criminal Investigation</u></b></p> <p>A subsequent investigation identified the vehicle and suspects involved in this incident. The suspects were known "PJ Watts" CRIPS gang members that were conducting daytime residential burglaries all over southern California. All three suspects had subsequently been arrested and convicted in other similar burglaries. One of the suspects had been on active parole and was wearing his GPS ankle bracelet at the time of the incident. The ankle bracelet recorded that he was at the location during the attack. Within a few weeks of the incident, the three suspects were charged and subsequently convicted for the crimes committed during this incident.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was during a 10 minute span, an on-duty Los Angeles County deputy sheriff failed to properly identify and handle a series of three priority and emergent phone calls related to a group of suspects on a crime spree, and actively committing a home invasion robbery, an assault with a deadly weapon, and an attempted carjacking.

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

This incident was thoroughly investigated by Temple Station operations staff and supervisors.

Executive adjudication of this incident found the deputy sheriff's actions were in violation of Department policy. Appropriate administrative action was taken.

Temple Station will have in-service training with all personnel who are temporarily assigned to the desk. The purpose of the training will be to provide temporarily assigned personnel with an understanding of the station's desk operations. The training is designed to enhance the effectiveness of the day-to-day desk operations, and re-emphasize the primary responsibilities of dispatch personnel to improve: officer safety, public safety, dispatching Department resources, processing calls for service, and processing inquiries.

To establish clear guidelines for what is expected of desk personnel when handling critical calls for service, a new Field Operations Directive (FOD) titled "Critical Calls For Service" was developed. This new Department policy and operational guideline was distributed to all Department personnel on October 24, 2018.

The FOD identifies desk personnel's critical role in providing critical, vital, and accurate information during dangerous and rapidly evolving incidents.

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:



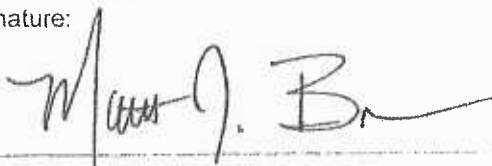
Date:

12-14-18

Name: (Department Head)

Matthew J. Burson, A/Chief  
Professional Standards and Training Division

Signature:



Date:

12/20/18

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:

1/8/2019

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Vanessa Bowers, et al. v. County of Los Angeles, et al.
	C.M., et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 17-08088 CV 17-05135
COURT	United States District Court
DATE FILED	July 18, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 4,600,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq., The Law offices of Dale Galipo John Taylor, Esq., Taylor and Ring, LLP
COUNTY COUNSEL ATTORNEY	Richard Hsueh Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$4,600,000 inclusive of attorneys' fees and costs, the two lawsuits filed by the decedent's mother and his four children alleging wrongful death and civil rights violations against the Sheriff's Department.</p> <p>Given the risks and uncertainties of litigation, a full and final settlement of these two cases is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 190,534
PAID COSTS, TO DATE	\$ 94,457



Case Name: Bowers / C.M. v. County of Los Angeles



## 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:	
Briefly provide a description of the incident/event:	<p><b><u>Bowers / C.M. v. County of Los Angeles</u></b> <b>Summary Corrective Action Plan 2018-028</b></p> <p>On August 2, 2016, shortly before 9:00 p.m., two uniformed deputy sheriffs on patrol in the Castaic area were responding to a stolen vehicle report call at an address they thought was the "Rodeway Inn Motel." After entering the parking lot of the Rodeway Inn, the deputy sheriffs observed the decedent riding his bicycle in the parking lot near the southwest corner of one of the buildings. The decedent was known from several prior contacts as a local transient, who sold drugs, and was on active probation for theft and narcotics.</p> <p>As the decedent rode his bicycle slowly eastbound through the parking lot, the deputy sheriffs drove up next to him (in the same direction) and illuminated him with the patrol car's spotlight. The first deputy sheriff (driver) said through the open window, "Hey Bill, can we talk to you?" When the decedent looked over his shoulder at the deputy sheriffs he yelled, "Fuck you!" and immediately started pedaling fast as he rode away from them. The decedent sped through the parking lot on his bicycle as the deputies followed in their patrol car. Two different times as he fled, the decedent threw a small object from his right hand onto the ground.</p> <p><b>Note:</b> Both deputy sheriffs believed the decedent was discarding narcotics, and they needed to detain him for a narcotics investigation.</p> <p>The decedent rode into a walkway between the motel buildings and out of the deputy sheriff's sight. The deputy sheriffs drove through the parking lot and around the buildings, in an attempt to find the decedent. When they were on the north side of the motel, the deputy sheriffs saw the decedent riding his bicycle westbound on the north driveway, towards Castaic Road. The first deputy sheriff turned on the patrol vehicle's overhead lights and used the siren and air horn as they drove towards the decedent. The decedent continued to ride his bicycle away and made a left turn onto a dirt sidewalk area between a chain link fence and a parked tractor trailer, along Castaic Road. As the decedent continued to flee, he used one hand to reach into his pocket and appeared to make an additional hand toss of an object over a chain link fence. Both deputy sheriffs shouted at the decedent to stop his bicycle.</p> <p><b>Note:</b> During several prior contacts, the decedent was very cooperative and the deputy sheriffs did not have any issues. The current actions by the decedent seemed out of character and</p>

	<p>caused both deputy sheriffs to believe the decedent may have drugs and/or could be armed.</p> <p>Due to poor lighting, fences, fixed objects, a parked tractor-trailer, and a nearby taco truck with several patrons, the deputy sheriffs lost sight of the decedent again. As the deputy sheriffs drove past a parked tractor-trailer, they found the decedent's bicycle abandoned on the dirt sidewalk, but the decedent was not seen.</p> <p>The second deputy sheriff (passenger) got out of the patrol vehicle and attempted to locate the decedent. Some of the patrons at the taco truck indicated the decedent was moving north. The second deputy sheriff began moving north on foot. The first deputy sheriff began driving the patrol car next to the second deputy sheriff, paralleling him. The first deputy sheriff saw what he believed were the decedent's legs moving northbound behind the parked tractor-trailer. In an attempt to meet or get ahead of the decedent, the first deputy sheriff drove the patrol car north on Castaic Road past the parked tractor-trailer and stopped partially blocking the driveway of the Rodeway Inn.</p> <p>The first deputy sheriff exited his patrol vehicle and moved along the front of the tractor-trailer until he saw the decedent walking towards him. The first deputy sheriff saw the decedent's hands near his waistband. The first deputy sheriff contacted the decedent, pointed his firearm at him, activated the gun light, and said, "Bill stop, let me see your hands." The decedent did not comply and continued walking towards the first deputy sheriff.</p> <p>The first deputy sheriff saw the decedent raise his hands up from his waistband towards his chest. The decedent cupped his hands together and appeared to be holding an object, now at chest level. The first deputy sheriff feared the decedent was continuing to advance, had a gun in his hands, was taking a shooting stance, and was about to shoot him.</p> <p>In fear for his life, the first deputy sheriff fired one round from his pistol, which struck the decedent on the left side of his chest, from approximately 5-10 feet away. The decedent fell on the dirt sidewalk next to the passenger side of the tractor-trailer. The deputy sheriffs held the decedent at gunpoint until an additional unit arrived for backup. They then approached and made contact with the decedent. Upon first contact, they checked the decedent for signs of life, but none were found.</p> <p>Emergency medical services were summoned, but lifesaving efforts were unsuccessful and the decedent was pronounced dead at the scene.</p> <p>No weapons were found on or near the decedent's body. A subsequent search of the path the decedent had ridden his bicycle and walked yielded no weapons or narcotics. Toxicology of the decedent's blood revealed presence of amphetamine, methamphetamine, and marijuana.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A **Department** root cause in this incident was the use of deadly force against the decedent when he made a threatening gesture with his hands towards the first deputy sheriff.

A **non-Department** root cause in this incident was the decedent's failure to follow the lawful commands of a Los Angeles County Deputy Sheriff. Instead of complying with orders, the decedent fled on a bicycle, fled on foot, remained uncooperative, and moved his hands together at chest level while facing the first deputy sheriff. The decedent's threatening actions caused the first deputy sheriff to fear for his life, resulting in a deputy involved shooting.

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

This incident has been investigated by the Sheriff's Department's Homicide Bureau to determine if any criminal misconduct occurred.

The investigation has been submitted to the Los Angeles County District Attorney's Office for a determination as to whether the use of deadly force was legally justified and/or if any other criminal misconduct occurred. At the time of this report, the Los Angeles County District Attorney's Office has not advised the Department of their findings.

The Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after this incident.

The California Government Code's Peace Officer Bill of Rights sets guidelines for administrative investigation statute dates. Upon completion of the Los Angeles County District Attorney's investigation, a statute date will be set regarding the administrative investigation.

When the IAB investigator finishes the case, it will be submitted for approval. Approximately one month after the case has been approved, the case will be presented to the Los Angeles County Sheriff's Department's, Executive Force Review Committee (EFRC) for adjudication.

County of Los Angeles  
Summary Corrective Action Plan

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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:



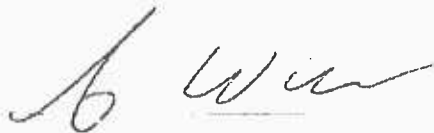
Date:

12-11-18

Name: (Department Head)

Scott W. Gage, A/Chief  
Professional Standards and Training Division

Signature:



Date:

12/12/18

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:

12/13/2018

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Robert Chacon v. County of Los Angeles, et. al..
CASE NUMBER	BC 634227
COURT	Los Angeles Superior Court
DATE FILED	January 12, 2016
COUNTY DEPARTMENT	District Attorney's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$30,000
ATTORNEY FOR PLAINTIFF	Darren Manibog, Esq.
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on January 12, 2016, between District Attorney's Office Investigator Yvette Hartwell and Plaintiff Robert Chacon. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 18,903
PAID COSTS, TO DATE	\$ 2,819

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Romero, Mayra Judith, et al. v. Rodriguez, Daniel Emile, et al.
CASE NUMBER	BC685203
COURT	Los Angeles Superior Court
DATE FILED	November 29, 2017
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 256,500 (\$210,000 for Mayra Romero; \$46,500 for Jason Engle)
ATTORNEY FOR PLAINTIFF	Jonathan Teller, Esq. (for Mayra Judith Romero) Wilshire Law Firm  Payam Y. Pursalimi, Esq. (for Jason Brian Engle) Law Offices of Payam Y. Pursalimi
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a multiple vehicle collision that occurred on December 21, 2016, when an initial collision caused Battalion Chief Dan Rodriguez to collide into multiple vehicles at the intersection of Alameda Avenue and 74th Street. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 3,574
PAID COSTS, TO DATE	\$ 13,376



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Amber Fimbres, et al. v. County of Los Angeles, et al.
CASE NUMBER	2-18-cv-03931 JFW (KSx)
COURT	United States District Court
DATE FILED	February 13, 2018
COUNTY DEPARTMENT	Department of Children & Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 775,000
ATTORNEY FOR PLAINTIFF	Shawn McMillan
COUNTY COUNSEL ATTORNEY	Katherine Bowser
NATURE OF CASE	<p>This is a recommendation to settle a lawsuit arising out of the alleged unlawful detention of Plaintiffs' two children in 2016. Defendants deny the allegations.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid future litigation costs.</p>
PAID ATTORNEY FEES, TO DATE	\$ 40,263
PAID COSTS, TO DATE	\$ 6,000

Case Name: AMBER FIMBRES, et al., vs. COLA, 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:	April 13, 2016
Briefly provide a description of the incident/event:	Plaintiffs allege that their civil rights were violated when DCFS removed their minor children A.O. and T.O. from their care and custody without a warrant, consent, or exigent circumstances. Plaintiffs further allege that on or about September 1, 2016, DCFS requested full dismissal of the juvenile proceedings due to failure to meet its burden to <u>support</u> the abuse allegations.

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

- The detaining CSW and supervising SCSW did not have a clear understanding as to what constituted exigency;
- DCFS staff persons failed to consult the Warrant Desk/County Counsel;
- DCFS staff persons did not adhere to policy in properly documenting case activities.

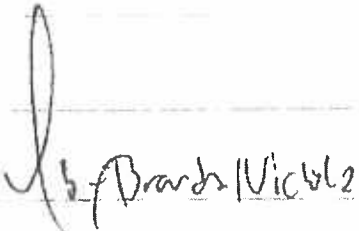
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Department had relevant policies and procedures in effect at the time of the incident and continues to ensure that its protocols assist its workforce in providing appropriate and legally-sufficient child welfare services. Relevant training has been made more accessible to social work staff and a mechanism for tracking completion of such trainings have been implemented. Additionally, the Warrant Desk is available for consultation 24 hours a day to social work staff persons prior to taking children into protective custody.

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

- ✓ The corrective actions address department-wide system issues  
The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Diane Iglesias, Senior Deputy Director	
Signature: 	Date: 12/11/18

Name: (Department Head)	
BOBBY D. CAGLE, DIRECTOR	
Signature: 	Date: 12/11/18

**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:

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Florinda Rojas Reyes, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC658271
COURT	Los Angeles Superior Court
DATE FILED	May 2, 2017
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 425,000, including Medi-Cal lien in the estimated amount of \$144,686
ATTORNEY FOR PLAINTIFF	Neil Howard Law Offices of Neil M. Howard
COUNTY COUNSEL ATTORNEY	Caroline Craddock Deputy County Counsel
NATURE OF CASE	<p>On October 5, 2016, Maria Rojas Reyes ("Ms. Reyes") underwent a cholecystectomy. On February 3, 2017, Ms. Reyes underwent a hepaticojejunostomy with Roux-En-Y reconstruction.</p> <p>On May 2, 2018, Ms. Reyes filed a medical malpractice lawsuit against the County alleging that medical staff negligently performed the cholecystectomy and failed to properly monitor her post-operative course.</p>
PAID ATTORNEY FEES, TO DATE	\$ 26,707
PAID COSTS, TO DATE	\$ 19,570

Case Name: Rojas-Reyes, Florinda #5671



## 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:	October 5, 2016
Briefly provide a description of the incident/event:	<p>On October 5, 2016, Maria Rojas Reyes ("Ms. Reyes") underwent a cholecystectomy. On February 3, 2017, Ms. Reyes underwent a hepaticojejunostomy with Roux-En-Y reconstruction.</p> <p>On May 2, 2018, Ms. Reyes filed a medical malpractice lawsuit against the County alleging that medical staff negligently performed the cholecystectomy and failed to properly monitor her post-operative course.</p>

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

Bile duct injury during cholecystectomy.

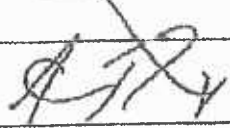
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

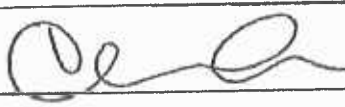
- All appropriate personnel corrective actions were taken.

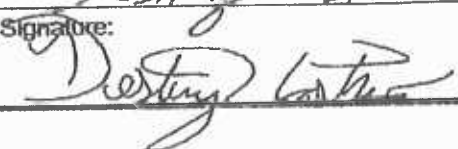
3. Are the corrective actions addressing department-wide system issues?

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

County of Los Angeles  
Summary Corrective Action Plan

Name: (Risk Management Coordinator) Arun Patel	
Signature: 	Date: 1/14/19

Name: (Department Head) Christina Ghaly	
Signature: 	Date: 1/22/19

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 1/15/2019



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Krystyna Helena Kubran v. County of Los Angeles
CASE NUMBER	BC621027
COURT	Los Angeles Superior Court
DATE FILED	May 26, 2016
COUNTY DEPARTMENT	Department of Animal Care and Control
PROPOSED SETTLEMENT AMOUNT	\$ 45,000
ATTORNEY FOR PLAINTIFF	Alex Assanti, Esq.
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas, Principal Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a vehicle collision that occurred on February 26, 2016, when an Animal Care and Control vehicle collided into Plaintiff at eastbound Victoria Avenue in the City of Carson.</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	\$ 32,155
PAID COSTS, TO DATE	\$ 22,865

# COUNTY OF LOS ANGELES CLAIMS BOARD

## MINUTES OF REGULAR MEETING

January 7, 2019

### 1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:35 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: Julia Weissman, Warren Wallen, Michael Gordon, Kevin Engelen, Yuan Chang, Adrian Gragas, Rick Brower, and Kent Sommer; Department of Public Works: Martins Aiyetiwa and Mark Caddick; Sheriff's Department: Lajuana Haselrig, Gregory Nelson, Kevin Percy, Reginald Louie, Joseph Stephen, Cheryl Newman-Tarwater, Mark Allen, and Matthew Ohnemus; Department of Animal Care and Control: Harold Holmes; Fire Department: Anthony Marrone; Department of Mental Health: David Cochran; Outside Counsel: Christian Pisano.

### 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 9:37 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(i) below.

### 4. Report of actions taken in Closed Session.

At 11:09 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- 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

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

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

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

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

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

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 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

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

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 11:11 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By   
Sandra C. Ruiz