

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, APRIL 15, 2019, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, and Adrienne Byers.

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. **Mi Sun Kim v. James Patrick Gray, et al.**
Los Angeles Superior Court Case No. BC 672 868

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

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$325,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

- b. **Haizel Adelyn Alvarez Hernandez, et al. v. State of California, et al.**
Los Angeles Superior Court Case No. BC 603 259

This dangerous condition and wrongful death lawsuit against the Department of Public Works arises from the death of two passengers in a vehicle accident allegedly caused by the County's failure to timely repair a damaged guardrail.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$300,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

c. **Bankers Standard Insurance Company v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 672 075

This lawsuit seeks compensation from the Department of Public Works for property damage allegedly caused by flooding due to a vehicle crashing into a fire hydrant.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$184,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[See Supporting Documents](#)

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 April 1, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Adrienne Byers

[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	Mi Sun Kim v. James Patrick Gray, et. al.
CASE NUMBER	BC672868
COURT	Los Angeles Superior Court
DATE FILED	August 18, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 325,000
ATTORNEY FOR PLAINTIFF	Daniel E. Hoffman, Law Offices of Lee & Associates
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a March 23, 2016, accident wherein a vehicle driven by a County Department of Public Works employee struck Plaintiff Mi Sun Kim as she was walking in a crosswalk. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 26,425
PAID COSTS, TO DATE	\$ 13,203

Kim, Mi Sun



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 23, 2016
Briefly provide a description of the incident/event:	On March 23, 2016, a PW Employee was driving a County-owned Ford F350 maintenance vehicle and was stopped at a red light on northbound Paso Real Avenue at its intersection with Colima Road. When the light turned green, the PW Employee proceeded to make a left turn onto westbound Colima Road when the left driver's side mirror struck Ms. Kim who was walking southbound in the crosswalk.

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

The collision occurred due to the PW Employee's negligence in the operation of his vehicle by failing to yield to Ms. Kim.

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

The PW Employee underwent the Public Works Automotive Safety Committee review process on May 12, 2016. The incident was found preventable, and the PW Employee was given appropriate discipline and required to take a mandatory 8-hour, in-vehicle driver training, which was completed on April 5, 2017.

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.

Name: (Risk Management Coordinator)
Michael J. Hays

Signature:

A handwritten signature of Michael J. Hays in black ink.

Date:

3/14/2019

Name: (Department Head)
Mark Pestrella

Signature:

A handwritten signature of Mark Pestrella in black ink.

Date:

4/2/19

County of Los Angeles
Summary Corrective Action Plan

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:

MH:psr
P4/KIM MISON SCAP

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Haizel Adelyn Alvarez Hernandez, et al. v. State of California, et al.
CASE NUMBER	BC603259
COURT	Los Angeles Superior Court
DATE FILED	December 7, 2015
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 300,000
ATTORNEY FOR PLAINTIFF	Brian Panish Panish Shea & Boyle, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	<p>This case involves a solo vehicle collision that occurred on February 27, 2015, when defendant William Navarro fell asleep at the wheel, veered off Sierra Highway just south of Pearblossom Highway near the City of Palmdale, and collided head-on into the end of a guardrail that had been damaged a few hours earlier by another vehicle. The collision killed Rony Alexander Alvarez ("Decedent"), who was seated in the front passenger seat, and Michael Angel Zavala, who was seated in the right rear passenger seat. Mr. Navarro and Stephanie Estrada, who was seated in the left rear passenger seat, survived the collision. Decedent's two minor children Haizel Adelyn Alvarez Hernandez, then one year old, and Joseph Alexander Alvarez Hernandez, then one month old, filed suit through their mother and guardian ad litem Yecenia Yaquelin Hernandez. Plaintiffs sued the County for wrongful death and allege that the damaged guardrail represented a dangerous condition of public property. Plaintiffs claim to have suffered 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	\$ 184,566
PAID COSTS, TO DATE	\$ 27,157



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	February 27, 2015
Briefly provide a description of the incident/event:	<p>On February 27, 2015, at approximately 4:59 a.m., William Navarro was travelling northbound on Sierra Highway, just south of Pearblossom Highway, when he fell asleep at the wheel of his vehicle, veered off the roadway and collided into a guardrail that had been damaged in a previous solo-auto collision. As a result, passengers Rony Alexander Alvarez and passenger Michael Zavala sustained fatal injuries; and passenger Stephanie Estrada sustained minor injuries. The County has been sued by the minor children of decedent Rony Alexander Alvarez.</p> <p>On February 27, 2015, prior to the subject accident, at approximately 1:30 a.m., a vehicle collided with the subject guardrail, which collapsed as designed. At approximately 2:07 a.m., County was notified of the incident and PW arrived to the location at approximately 3:00 a.m. PW placed cones and temporary traffic barricades around the damaged guardrail and secured the location.</p>

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

The collision occurred due to Mr. Navarro's negligence in the operation of his vehicle by falling asleep at the wheel of the vehicle, veering off the roadway and colliding into a guardrail.

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

No corrective action plan proposed. Relevant policies and procedures were followed.

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.

Name: (Risk Management Coordinator)
Michael J. Hays

Signature:

Michael J. Hays

Date:

2/14/2019

County of Los Angeles
Summary Corrective Action Plan

Name: (Department Head)

Mark Pastrella

Signature:

Michael George-Moody for MP

Date:

4/2/19

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)

Destiny Castro

Signature:

Destiny Castro


Date:

2/14/2019

P4.HERNANDEZ HAZEL SCAP3

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Bankers Standard Insurance Company v. County of Los Angeles, et al.
CASE NUMBER	BC672075
COURT	Los Angeles Superior Court
DATE FILED	August 14, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 184,000
ATTORNEY FOR PLAINTIFF	Media Benjamin Denenberg Tuffley PLLC
COUNTY COUNSEL ATTORNEY	Warren R. Wellen Principal Deputy County Counsel 
NATURE OF CASE	Bankers Standard Insurance Company seeks reimbursement for damages paid to its insured when a vehicle struck a fire hydrant on PCH near the intersection with Broad Beach Road causing a significant amount of water to flow onto their insured's property. Bankers Standard alleges damages were increased when County failed to timely shut off the water, failed to insure that water lines were protected from collisions and failed to ensure that hydrant contained an automatic shut off valve if struck.
PAID ATTORNEY FEES, TO DATE	\$ \$61,591
PAID COSTS, TO DATE	\$ \$7,175

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

April 1, 2019

1. Call to Order.

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

Claims Board Members present at the meeting were: Arlene Barrera and Adrienne Byers, with Chair Steve Robles being absent..

Other persons in attendance at the meeting were: Office of the County Counsel: Kelsey Nau, Richard Kudo, Michael Gordon, Millicent Rolon, Shawn Luna, Sonia Chan, and Keever Rhodes Muir; Department of Public Works: Dominic Osmena; Sheriff's Department: Coronne Jacob, Alex Canchola, Kevin Percy, Reginald Louie, Todd Deeds, Michael Thatcher, April Tardy, Dan Holguin, John Gaw, and Samuel Paul; Department of Children and Family Services: Karla Hernandez; Department of Parks and Recreation: Sandra Salazar; Department of Health Services: Karen Nunn; Outside Counsel: Antonio Kizzie, Tomas Guterres, and Janine Jeffery.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(j) below.

4. Report of actions taken in Closed Session.

At 11:59 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **Raquel Salcedo v. City of Whittier, et al.**
Los Angeles Superior Court Case No. BC 672 120

This dangerous condition lawsuit against the Department of Public Works arises from alleged injuries Plaintiff sustained when she tripped and fell over metal bolts protruding from the sidewalk.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$90,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

b. **Barbara Benjamin, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 661 884

This lawsuit against the Sheriff's Department arises from damages and injuries Plaintiff 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 \$50,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

c. **Pablo Limon v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 18STLC05574

This lawsuit against the Sheriff's Department arises from damages and injuries Plaintiff allegedly sustained in a vehicle accident involving an on-duty Sheriff's Sergeant.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$25,075.40.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

d. **Osvaldo Ureta v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 501 051

This lawsuit against the Sheriff's Department involves allegations of civil rights violations and excessive force when Plaintiff was shot while trying to flee from Sheriff's Deputies.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$700,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

e. **V.W., et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:18-CV-03684

This wrongful death lawsuit against the Sheriff's Department involves allegations of excessive force when Plaintiff was shot while he fled from Sheriff's Deputies.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$3,750,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

f. **Jermaine Toomer v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 570 633

This lawsuit against the Sheriff's Department concerns allegations of excessive force during a pursuit when Plaintiff was shot while he fled from Sheriff's Deputies.

Action Taken:

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

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

g. **ACLU, et al. v. County of Los Angeles.**
Los Angeles Superior Court Case Nos. BS 143 004

This is a writ of mandate against the County and the City of Los Angeles seeking to compel production of Automated License Plate Reader data gathered by the Sheriff's Department and the Los Angeles Police Department.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$337,500.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

h. **Jessica Hodges, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:17-CV-00067

This lawsuit alleges Plaintiffs' civil rights were violated when the Department of Children and Family Services detained their minor children by causing issuance of a false warrant.

Action Taken:

The Claims Board recommended the settlement of this matter in the amount of \$350,000.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

i. **Linda Fitton v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 668 146

This lawsuit alleges a breach of contract resulting in damages involving the operation of the Whittier Narrows Equestrian Center.

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 Adrienne Byers
Absent: Steve Robles, Chair

j. Bernard Williams v. County of Los Angeles
United States District Court Case No 2:18-CV-04758

This lawsuit claims violations of civil rights by the Department of Health Services pursuant to the Americans with Disabilities Act, alleging that restroom facilities were not accessible to disabled individuals at LAC+USC Medical Center.

Action Taken:

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

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

5. Approval of the minutes of the March 18, 2019, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Absent: Steve Robles, Chair

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 12:00 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Derek Stane