



COUNTY OF LOS ANGELES
CLAIMS BOARD
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

Arlene Barrera
Auditor-Controller
Steve Robles
Chief Executive Office
Adrienne M. Byers
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold a regular meeting on **Monday, August 19, 2019 at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Richard Freeman, Jr., et al. v. Cons Fire Protection District, et al.
Los Angeles Superior Court Case No. BC 690 534

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department employee; settlement is recommended in the amount of \$130,000.

[See Supporting Documents](#)

- b. Maria Veronica Solis Munoz, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 723 658

This lawsuit arises from a multiple-fatality vehicle accident involving an on-duty Sheriff's Deputy; the substance of the above settlement will be disclosed upon inquiry by any person as soon as settlement between all parties becomes final.

- c. Pauline Smith v. County of Los Angeles, et al.
United States District Court Case No. 2:18-CV-04214

This lawsuit concerns allegations of federal civil rights violations and alleged sexual assault by a Sheriff's Deputy; settlement is recommended in the amount of \$325,000.

[See Supporting Document](#)

- d. William Cordero v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 488 483

This lawsuit concerns allegations of retaliation by a Deputy of the Sheriff's Department; settlement is recommended in the amount of \$750,000.

- e. City of Los Angeles, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 604 407

This lawsuit arises from injuries sustained in a vehicle accident involving a Department of Social Services employee; settlement is recommended in the amount of \$629,000.

[See Supporting Documents](#)

- f. Jenny Dennin v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 640 523

This lawsuit alleges that an employee from the Department of Social Services was subjected to sexual harassment; settlement is recommended in the amount of \$225,000.

- g. Portland Holmes v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 677 789

This lawsuit alleges that an employee from the Probation Department was subjected to discrimination; settlement is recommended in the amount of \$345,000.

- h. David Grkinich v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 696 374

This lawsuit alleges that an employee from the Probation Department was subjected to discrimination and retaliation; settlement is recommended in the amount of \$225,000.

4. Report of actions taken in Closed Session.

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

[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.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Richard Freeman, et al. v. Cons Fire Protection District, et al.
CASE NUMBER	BC690534
COURT	Los Angeles Superior Court
DATE FILED	January 18, 2018
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 130,000
ATTORNEY FOR PLAINTIFF	Paul R. Markley Law Office of Paul R. Markley
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	This case involves a vehicle collision that occurred on August 21, 2017 when a Fire Department employee, driving a County-owned Toyota Prius, exited the Lomita Post Office by turning right onto Narbonne Avenue and proceeded south. Shortly thereafter, his vehicle sideswiped Mr. Freeman's 2010 Nissan Altima in which Mr. Woodard was a passenger. Plaintiffs claim 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
PAID ATTORNEY FEES, TO DATE	\$ 46,795
PAID COSTS, TO DATE	\$ 17,421



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:	August 21, 2017
Briefly provide a description of the incident/event:	On August 21, 2017, at approximately 12:05 p.m. Defendant Eric Gonzalez, an employee of the Los Angeles County Fire Department, exited the Lomita Post Office driving in the #2 lane southbound on Narbonne Avenue, in a County owned Toyota Prius. He attempted to merge into the #1 southbound lane so that he could cross both northbound lanes to subsequently pull into a driveway and turn his car around to drive northbound on Narbonne Avenue. Shortly thereafter, Mr. Gonzalez's vehicle collided with Plaintiff's Richard Freeman (driver) and Kyle Woodard's (passenger) vehicle, a 2010 Nissan Altima.

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

The Department root cause in this incident is HMS II Gonzalez's failure to visually account for all traffic before changing lanes.

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

1. HMS II Gonzalez was not allowed to respond to emergencies until he completed the defensive driver training. The Department Safety Officer recommended the following training action plan:
 - Defensive Driver Training (2.5 hours)
 - Fleet Program Driver Safety Orientation (1 hour)
 - Driver Enrichment Course (4 hours)
 - Behind the Wheel Driver Training (6-8 hours)
 - Driver Simulator (2 hours)

By May 31, 2019, Eric Gonzalez completed all remedial driver safety training.

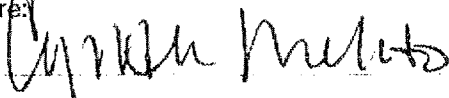
2. During the course of the lawsuit, it was discovered that HMS II Gonzalez had been involved in 10 vehicle accidents over a 12-year period. As such, Deputy Chief (DC) John Todd initiated an investigation on May 17, 2019 into the last 4 vehicle accidents as those accidents were determined to be preventable and close in time to one another. A supplemental CAP will be provided once the investigation is completed.

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.

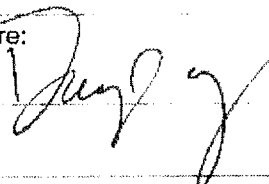
Name: (Risk Management Coordinator)

Signature: CYNTHIA MALITO


Date:

8/7/19

Name: (Department Head)

Signature: 

Date:

08/08/19

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)

Signature:

Date:

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Pauline Smith v. County of Los Angeles, et al.
CASE NUMBER	2:18-CV-04214
COURT	United States District Court
DATE FILED	May 18, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 325,000
ATTORNEY FOR PLAINTIFF	George Mgdesyan, Esq. Mgdesyan Law Firm
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon, Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$325,000, inclusive of attorneys' fees and costs, a lawsuit filed by Pauline Smith alleging that she was sexually assaulted by a Sheriff's Deputy while she was incarcerated at the Century Regional Detention Facility.</p> <p>Given the high risks and 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 \$325,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 59,694
PAID COSTS, TO DATE	\$ 10,679

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	City of Los Angeles, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC604407
COURT	Los Angeles Superior Court
DATE FILED	December 15, 2016
COUNTY DEPARTMENT	Department of Public Social Services
PROPOSED SETTLEMENT AMOUNT	\$ 629,000
ATTORNEY FOR PLAINTIFF	Amelia Steelhead, Rose Klein and Marias Counsel for City of Los Angeles Alan B. Snitzer, Law Offices of Alan B. Snitzer Counsel for Lewis Ford and Frank Garcia
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a motor vehicle collision that occurred on August 19, 2014, in which Plaintiffs, LAPD officers Lewis Ford and Frank Garcia, were injured when DPSS employee Sera Debashian ran a red light at the intersection of Alvarado Street and Temple Street in the City of Los Angeles. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 71,184
PAID COSTS, TO DATE	\$ 50,758



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:	August 19, 2014
Briefly provide a description of the incident/event:	<p>This case involves a multi-car collision caused when a county employee failed to stop for a red light while driving on county business.</p> <p>On August 19, 2014, an employee driving her personal Vehicle 1, was involved in a disputed green light intersection accident with Vehicle 2. Vehicle 1 was struck by Vehicle 2, as she entered the intersection.</p> <p>Vehicle 2 struck the driver's side of Vehicle 3, a Los Angeles Police Department vehicle occupied by two (2) on-duty officers.</p> <p>The initial impact caused the employee's car to collide with Vehicle 4.</p>

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

- According to the accident report, the employee was in violation of 21453(a) of the Vehicle Code, failure to stop for red traffic light.
- At the time of the accident, the Department did not have a Defensive Driver Training or refresher training for employees.
- At the time of the accident, the Department had not established an active/approved Vehicle Accident Reduction Committee (VARC) program to review vehicle incidents and recommend appropriate corrective measures for preventable incidents.

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

Ensure Mandatory Defensive Driver Training is Completed

Ensure completion of the mandatory online training for all Departmental mileage permittees. The online training provides a review of applicable local, State, and federal driving rules and regulations, defensive driving techniques for avoiding accidents, hazards of distracted driving and safe practices when behind the wheel of a motor vehicle. Compliance is tracked through the Learning Net System. The employee's completed training is reflected on the system.

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

Ensure Mandatory Defensive Driver Training is Completed

Ensure completion of the mandatory online training for all Departmental mileage permittees. The online training provides a review of applicable local, State, and federal driving rules and regulations, defensive driving techniques for avoiding accidents, hazards of distracted driving and safe practices when behind the wheel of a motor vehicle. Compliance is tracked through the Learning Net System. The employee's completed training is reflected on the system.

Announcement of the Online Defensive Driver Trainer Program

Created by the Chief Executive Office Risk Management Branch (CEO-RMB) and announced to the Department June 2017, the Defensive Driver Training is mandatory for all Departmental mileage permittees. The 2.5-hour training provides a review of applicable local, State of California and Federal driving rules and regulations, defensive driving techniques for avoiding accidents, hazards of distracted driving and safe practices when behind the wheel of a motor vehicle.

Establish a Vehicle Accident Reduction Committee (VARC)

The VARC was established to review vehicle accidents, determine preventability, and to recommend appropriate corrective actions such as training and/or disciplinary assessments for preventable accidents or incidents. One of the elements of the VARC is the development a 45-minute Defensive Driver Training refresher course that is similar to the aforementioned 2.5-hour training component developed by CEO-RMB, but which highlights the most important aspects of defensive driving.

Annual Review of Mileage Permittee Certification

A comprehensive review of all employees who are designated as mileage permittees is conducted annually. The review is to determine if there is a continuous need for permittee status. If permittee certifications are no longer considered appropriate, the certification is terminated immediately.

The subject employee's job duties no longer required her to use her personal vehicle for County business, therefore her permittee status was terminated effective December 25, 2014.

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)
Simone R. Agee, Administrative Services Manager I

Signature: *SR Agee*

Date: 7-19-19

Name: (Department Head)

Signature: *Antonina Jimenez*

Date: 7/18/19

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)

Signature: *Destiny Castro*

Signature: *Destiny Castro*

Date: 7/24/2019

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

AUGUST 5, 2019

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:33 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 Adrienne Byers.

Other persons in attendance at the meeting were: Office of the County Counsel: Armita Radjabian, Jessie Lee, Katherine Bowser, Jennifer Lehman; and Mark Lomax; Animal Care and Control: Marcia Mayeda; Department of Children and Family Services: Karla Hernandez; Outside Counsel: Jill Williams.

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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c).

4. Report of actions taken in Closed Session.

At 10:39 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Benjamin Devitt, et al. v. Department of Animal Care and Control, et al. Los Angeles Superior Court Case No. BC 568 584

This lawsuit alleges the Department of Animal Care and Control breached a mandatory duty causing decedent's death.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,100,000.

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

- b. **J.C. v. Los Angeles County Department of Children and Family Services, et al.**
Los Angeles Superior Court Case No. BC 615 628

T.L.C., et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 615 628

These consolidated lawsuits concern allegations of sexual abuse of minor children while in foster care.

Action Taken:

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

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

- c. **Auston May and Ashton May v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 627 973

This lawsuit concerns allegations of abuse of minor children while in foster care.

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 Adrienne Byers

5. **Approval of the minutes of the July 15, 2019, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Arlene Barrera and Adrienne Byers
Abstaining: 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 10:40 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Derek Stane