



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, September 16, 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. Claudia Herrera, et al. v. Los Angeles Unified School District, et al.
United States District Court Case No.: CV 17-0069

This wrongful death lawsuit arises from a Department of Parks and Recreation swimming pool drowning; settlement is recommended in the amount of \$2,125,000.

[See Supporting Documents](#)

- b. Mariiluna Mostacero v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 674 521

This lawsuit arises from injuries received from a slip and fall at a County Park; settlement is recommended in the amount of \$80,000.

[See Supporting Document](#)

- c. Janell Alexander v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 677 508

This lawsuit arises from injuries allegedly sustained in a vehicle accident involving a Sheriff's Department employee; settlement is recommended in the amount of \$39,999.

[See Supporting Document](#)

- d. Adrian Barrera Villa v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 695 593

This lawsuit arises from injuries allegedly sustained in a vehicle accident involving a Sheriff's Department employee; settlement is recommended in the amount of \$40,000.

[See Supporting Document](#)

- e. Jolie Dansby, et al. v. County of Los Angeles, et al.
United States District Court Case No.: 2:18-CV-05866

This lawsuit alleges federal civil rights violations, false arrest, and the initiation of court proceedings seeking to remove Plaintiff's children from her care; settlement is recommended in the amount of \$135,000.

[See Supporting Documents](#)

- f. Alicia C. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 694 991

This lawsuit alleges negligence and civil rights violations against a Sheriff's Deputy; settlement is recommended in the amount of \$70,000.

[See Supporting Document](#)

- g. Michelle Martin v. County of Los Angeles, et al.
Orange County Superior Court Case No.: 30-2017-00949720

Joanna Vitela v. County of Los Angeles, et al.
Orange County Superior Court Case No.: 30-2017-00950546

These consolidated lawsuits involve a multiple vehicle accident involving Plaintiffs and a Sheriff's Deputy; settlement is recommended in the amount of \$23,000.

[See Supporting Document](#)

- h. Maria Nguyen v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 594 604

This lawsuit concerns allegations that an employee from the Department of Public Works was subjected to employment discrimination; settlement is recommended in the amount of \$100,000.

- i. Maydelines Romero Conde v. County of Los Angeles Public Library
Los Angeles Superior Court Case No.: BC 713 659

This lawsuit concerns allegations that an employee from the Los Angeles County Public Library was subjected to employment discrimination; settlement is recommended in the amount of \$57,500.

- 4. Report of actions taken in Closed Session.
- 5. Approval of the minutes of the August 19, 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	Claudia Herrera, et al. v. Los Angeles Unified School District, et al.
CASE NUMBER	CV 17-0069 JVS (KESx)
COURT	United States District Court
DATE FILED	December 2, 2014
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 2,125,000
ATTORNEY FOR PLAINTIFF	Daniel Rodriquez, Esq. Rodriquez & Associates Luis A.Carrillo, Esq. Carrillo Law Firm, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>On June 4, 2014, at approximately 1:30 p.m., Erick Ortiz, a 16-year-old Garfield High School special needs student, was found unresponsive in the deep end of the Atlantic Avenue Park swimming pool during a field trip event sponsored by the Los Angeles Unified School District ("LAUSD"). Despite resuscitation efforts at the pool and at Monterey Park Hospital, Erick was pronounced dead later that day. The Department of Medical Examiner-Coroner determined that Erick's cause of death was drowning. Erick's parents, Ms. Herrera and Mr. Ortiz sued LAUSD, the County, Jose Lopez (Erick's full-time, one-on-one teacher's aide), and Jose Huerta (Garfield HS principal).</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs; therefore, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 967,615
PAID COSTS, TO DATE	\$ 115,664

Case Name:	Claudia Herrera, v. County of Los Angeles, et al.
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<h2 style="text-align: center;">Summary Corrective Action Plan</h2>

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.

Incident/Event Specific Information

Date of Incident/Event:	June 4, 2014
Briefly provide a description of the incident/event:	<p>On June 4, 2014, the Los Angeles Unified School District (LAUSD) held an end-of the-year school event for High School students at the County's Atlantic Avenue Park Swimming Pool.</p> <p>At around 1:30 p.m., one of the lifeguards discovered 16-year-old, special needs student at the bottom of the deep end of the pool. Prior to the event, LAUSD did not disclose any participant with special needs nor provided a person for one-on-one supervision. The lifeguard immediately dove in, brought the student to the surface, and with the assistance of the other lifeguards, lifted him onto the pool deck. The student was unconscious, nonresponsive, and had no pulse. Two of the lifeguards began performing CPR – one performing chest compressions and the other administering breath ventilations. As CPR was being administered, another lifeguard attempted to, but was unsuccessful, in setting up the rescue equipment to administer oxygen.</p> <p>Simultaneous with the lifeguards beginning CPR, 9-1-1 was called by one of the County lifeguards. When County paramedics arrived at 1:40 p.m., they took over rescue efforts. The student was transported by ambulance to the hospital. He never regained consciousness and was pronounced dead shortly thereafter.</p>

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

- Root Cause 1: The policies and procedures related to pool aquatics, including the swim test used to track swimmers' proficiency was not properly executed.
- Root Cause 2: AED equipment was not available for use and staff was insufficiently trained on the use of Other available emergency rescue equipment.
- Root Cause 3: The park permits between LAUSD and County DPR including insurance and indemnification was unenforceable.
- Root Cause 4: At the time of the incident, the Department of Parks and Recreation pool aquatics structure Was decentralized into separate agencies with respect to leadership, lifeguard training, Policies and practices.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Root cause 1: Before being allowed access to the deep end of the pool or diving boards, all patrons swimmers must pass a standard swim test conducted by a lifeguard assigned exclusively to the test without other distracting duties. Swimmers who successfully pass the swim test are issued a wrist band that signals they have taken and passed the test. Anyone not wearing a bracelet is restricted to the shallow end of the pool. Additionally, all groups that enter the pool are required to follow the Department's new "Water Watchers" program to ensure responsible parties within the group are actively watching their dependant minors.

Root cause 2: Since the date of this incident, defibrillators were purchased, distributed and installed in all aquatics facilities. Moreover, full-time auditors have been hired in each agency to inspect the devices for functionality, readiness and performance.

Standardized rescue equipment such as trauma, vac suction units and oxygen delivery masks and big valve kits were acquired to ensure all major medical and rescue equipment is uniform and deployed across all aquatic facilities. Moreover, all lifesaving staff are required to have personal protective equipment on their person while in a lifesaving role. All lifesaving staff have been trained on these equipment.

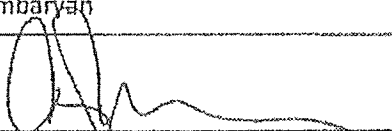
Root cause 3: Due to the increased exposure which arose from this lawsuit, DPR has suspended LAUSD's use of any and all Department facilities until a legally enforceable Indemnification Agreement between the Department, and the LAUSD Governing Board can be drafted and ratified. Furthermore, the Department and the LAUSD are engaged in a deliberative process regarding their responsibility to reimburse the Department for the legal expenses and monetary settlement incurred by the Department due to LAUSD's refusal to honor the original indemnification agreement.

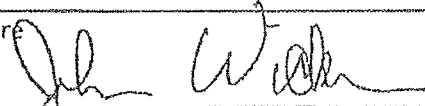
Root cause 4: The Department of Parks and Recreation contracted a private risk management firm, POMS and Associates Risk Services, to produce a comprehensive pool aquatics risk management program; including unified leadership and organizational structure that addresses principal causes of exposure to risk of drowning and injury, lifeguard skills and training, guarding patrons with disabilities and managing visiting groups.

In response to the POMS Audit, the Department transitioned from a decentralized pool aquatics organizational structure--by agency, to a unified Aquatics Division headed by a Chief of Pool Aquatics-- a new, Regional Recreation Director of Pool Aquatics was hired. This new position brings much needed leadership to pool aquatics life-saving and also is a significant step toward a centralized Department-wide division for all aquatics, lakes and pools. All aquatic staff are required to participate in and attend daily in-service training sessions. The Department continues to develop and implement critical life rescue training programs and simulation drills for aquatic staff. The Department developed policy for field trips and rental groups and implemented a "Water Watchers" program to ensure responsible parties within the group are actively watching their dependent minors. In addition, a staffing model was developed to strengthen the standards for lifesaving and preventive maintenance at all aquatic facilities.


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)	
Anush Gambaryan	
Signature 	Date: 8/8/19

Name: (Department Head)	
John Wicker	
Signature 	Date: 8/8/19

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions addressing department-wide system issues?	
<input checked="" type="checkbox"/> Yes -- The corrective actions address department-wide system issues. <input type="checkbox"/> No -- The corrective actions are only applicable to the affected parties.	

Name: (Risk Management Inspector General)	
Destiny Lester	
Signature 	Date: 8/8/2019

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mariluna Mostacero v. County of Los Angeles, et al.
CASE NUMBER	BC674521
COURT	Los Angeles Superior Court
DATE FILED	September 1, 2017
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 80,000
ATTORNEY FOR PLAINTIFF	Sergio Benedetto, Esq., Law Offices of Sergio Benedetto Chris Gaddini, Esq., Downtown L.A. Law Group
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	This lawsuit arises from injuries suffered by Plaintiff Mariluna Mostacero, who alleges she fell through a gap in bleachers adjacent of the baseball diamond at Allen J. Martin Park, located at 18430 East Giordano Street in La Puente, California. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 18,987
PAID COSTS, TO DATE	\$ 9,529

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Janell Alexander v. County of Los Angeles, et al.
CASE NUMBER	BC677508
COURT	Los Angeles Superior Court
DATE FILED	September 27, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 39,999
ATTORNEY FOR PLAINTIFF	Mindy Bish, Bish Law
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a motor vehicle collision that occurred on September 15, 2016, in which Plaintiff Janell Alexander was injured when LASD volunteer on patrol, Benito Licon made a left turn in front of her vehicle. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 16,084
PAID COSTS, TO DATE	\$ 977

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Adrian Barrera Villa v. County of Los Angeles and Branden Williams
CASE NUMBER	BC 695593
COURT	Los Angeles Superior Court
DATE FILED	February 26, 2018
COUNTY DEPARTMENT	Los Angeles Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	William Acosta, Esq.
COUNTY COUNSEL ATTORNEY	LaTasha N. Corry, Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a January 26, 2017, auto accident where Plaintiff sustained property damage and personal injuries. The accident was caused by a Deputy Sheriff.</p> <p>Due to the risks and uncertainties of trial a full settlement of all claims is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 8,226.00
PAID COSTS, TO DATE	\$ 85.00

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jolie Dansby, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:18-CV-05866
COURT	United States District Court
DATE FILED	July 25, 2018
COUNTY DEPARTMENT	Sheriff's and Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 135,000
ATTORNEY FOR PLAINTIFF	Donald W. Cook, Esq.
COUNTY COUNSEL ATTORNEY	Alexandra B. Zuiderweg
NATURE OF CASE	<p>Plaintiff Jolie Dansby alleges that from 09/15/2017 to 11/03/2017, her civil rights were violated by Sheriff's Deputies when her home was searched without probable cause, she was detained, arrested, and imprisoned based on her relationship with a convicted felon. She also alleges personnel from Department of Children and Family Services were involved in wrongfully removing her two minor daughters from their custodial parent.</p> <p>Given the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$135,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 43,261
PAID COSTS, TO DATE	\$ 600

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alicia C. v. County of Los Angeles, et al.
CASE NUMBER	BC 694991
COURT	Los Angeles Superior Court
DATE FILED	February 26, 2018
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 70,000
ATTORNEY FOR PLAINTIFF	Harout Messrelian, Esq. Messrelian Law, Inc.
COUNTY COUNSEL ATTORNEY	Richard Hsueh, Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from the claim of Alicia C. that LASD Deputy Josh Clark used the color of law to force and coerce her to submit to sexual advances in exchange for his assistance when she sought help from the LASD to enforce a restraining order against her husband.</p> <p>Given the 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 \$70,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 121,152
PAID COSTS, TO DATE	\$ 41,837

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michelle Martin v. County of Los Angeles, et al. Joanna Vitela v. County of Los Angeles, et al.
CASE NUMBER	30-2017-00949720-CU-PA-CJC (Martin) 30-2017-00950546-CU-PA-CJC (Vitela)
COURT	Orange County Superior Court
DATE FILED	October 16, 2018 (Martin) October 19, 2019 (Vitela)
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 7,000 (Martin) \$16,000 (Vitela)
ATTORNEY FOR PLAINTIFF	Joseph S. Farzam (Martin) Christopher Mesaros (Vitela)
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	These consolidated lawsuits arise from a four vehicle, rear end collision that occurred on June 30, 2016, on the Interstate 405 freeway, approximately 650 feet south of the West McFadden Avenue overpass, in the City of Huntington Beach, when a Ford Flex vehicle driven by an on duty Deputy Sheriff struck the rear end of plaintiff Joanna Vitela's Mitsubishi Lancer, which struck the rear end of plaintiff Michelle Martin's Honda CRV, which in turn struck the rear end of a fourth vehicle. The settlement solely involves Ms. Vitela and Ms. Martin. The plaintiffs each claim to have suffered injuries as a result of the accident. Due to the risks and uncertainties of litigation, full and final settlements of both cases are warranted.
PAID ATTORNEY FEES, TO DATE	\$ 95,105
PAID COSTS, TO DATE	\$ 8,696

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

AUGUST 19, 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: Chair Steve Robles, Arlene Barrera and Adrienne Byers.

Other persons in attendance at the meeting were: Office of the County Counsel: Chris Keosian, Richard Kudo, Millicent Rolon, Jonathan McCaverty, Kelsey Nau, Wendy Sha, Diana Cheng, Craig Hoetger, Rosanne Wong, and Ruben Baeza; Sheriff's Department: John Hocking, Mike Thatcher, Kevin Percy, Reginald Louie, Rick Mejia, Mark Allen, and Elier Morejon; Fire Department: Anthony Marrone, and Teresa Quiaoit; Department of Public Social Services: Simone Agee and Bety DeAlba; Probation Department: Chereise Martin and Vicky Santana; Outside Counsel: David Moore and George Peterson.

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 9:33 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 11:31 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$130,000.

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

- 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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter. The substance of the above settlement will be disclosed upon inquiry by any person as soon as settlement between all parties becomes final.

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

- 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.

Action Taken:

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

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

- 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.

Action Taken:

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

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

- 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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$629,000.

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

- 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.

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 Adrienne Byers

- 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.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$345,000.

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

- 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.

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 Adrienne Byers

5. Approval of the minutes of the August 5, 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

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 11:33 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Derek Stane