



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, November 4, 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. Judy Shin v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 657 090

This lawsuit arises from injuries allegedly sustained in a vehicle accident involving a Sheriff's Department employee; settlement is recommended in the amount of \$45,000.

See Supporting Document

- b. Michael Meza v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 660 381

Arthuro Mejia-Morales v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 681 694

These lawsuits arise from injuries allegedly sustained in a vehicle accident involving a Sheriff's Department employee; settlement is recommended in the amount of \$190,000.

See Supporting Documents

- c. Graciela Morquecho v. Janette Vengco-Dalan, et al.
Orange County Superior Court Case No.: 30-2018-01006935

This lawsuit arises from injuries allegedly sustained in a vehicle accident involving a Department of Children and Family Services employee; settlement is recommended in the amount of \$475,000.

See Supporting Documents

- d. Mainor Burgos v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 712 696

This lawsuit involves allegations that an employee from the Department of Public Health was subjected to workplace disparate treatment, hostile work environment, failure to accommodate, and retaliation; settlement is recommended in the amount of \$99,000.

- e. Armenui Keshishyan v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 707 338

This lawsuit involves allegations that an employee from the Department of Health Services was subjected to discrimination, harassment, failure to accommodate, and retaliation; settlement is recommended in the amount of \$95,000.

- f. Miriam Lazos v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 631 616

This lawsuit involves allegations that an employee from the Department of Health Services was subjected to sexual harassment; settlement is recommended in the amount of \$37,000.

- g. Z.H.Z., a minor, et al. v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 722 428

This lawsuit concerns allegations of medical malpractice by LAC+USC Medical Center for negligent nursing care causing and infliction of emotional distress; settlement is recommended in the amount of \$200,000.

See Supporting Document

- h. Michael Shirazi v. County of Los Angeles
Los Angeles Superior Court Case No.: BC 642 090

This lawsuit concerns allegations of medical malpractice by LAC+USC Medical Center for failure to timely diagnose Plaintiff's medical condition resulting in more extensive treatment; settlement if recommended in the amount of \$500,000.

See Supporting Document

- 4. Report of actions taken in Closed Session.
- 5. Approval of the minutes of the October 21, 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	Judy Shin v. County of Los Angeles, et al.
CASE NUMBER	BC657090
COURT	Los Angeles Superior Court
DATE FILED	April 11, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 45,000
ATTORNEY FOR PLAINTIFF	Daniel E. Hoffman, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, County Counsel George L. Mallory, George L. Mallory, Jr. & Associates
NATURE OF CASE	On April 4, 2016, Plaintiff Judy Shin was rear-ended by an employee of the Sheriff's Department in the number one lane of the Westbound I-210 Freeway. Ms. Shin allegedly sustained injuries as a result of the incident.
PAID ATTORNEY FEES, TO DATE	\$ 9,347 (in-house); \$13,882 (outside counsel)
PAID COSTS, TO DATE	\$ \$5 (in-house); \$5,716 (outside counsel)

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Miguel Meza v. County; Arturo Mejia-Morales v. County
CASE NUMBER	BC660381; BC681694
COURT	Los Angeles Superior Court
DATE FILED	May 5, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 190,000
ATTORNEY FOR PLAINTIFF	Juan Dominguez for Plaintiff Meza Armen Artinyan for Plaintiff Mejia-Morales
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, County Counsel Allen L. Thomas, Thomas Law Firm, Inc.
NATURE OF CASE	On June 21, 2016, a Deputy Sheriff rear-ended Mr. Morales' vehicle which had stalled in the number two lane of State Route 60 near the Interstate 710 Interchange in East Los Angeles. The impact set off a chain reaction of six collisions, including a broadside collision between the Deputy Sheriff's vehicle and Mr. Meza's box truck. Mr. Meza and Mr. Morales sustained injuries as a result of the incident.
PAID ATTORNEY FEES, TO DATE	\$ 25,901
PAID COSTS, TO DATE	\$ 24,509



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><u>Miguel Meza, Arturo Mejia Morales v. County of Los Angeles</u> Summary Corrective Action Plan 2019-31</p> <p>On Tuesday, June 21, 2016, at approximately 0423 hours, an on duty Los Angeles County Sheriff's Department deputy sheriff assigned to Transit Services Bureau, was on his way to work driving an unmarked Los Angeles County Sheriff's Department 2010 Ford Crown Victoria westbound on the 60 Freeway, near Mednik Avenue. The sky was dark and there were street lights illuminating the roadway.</p> <p>As the deputy sheriff was driving 60 MPH in the number two lane, he observed the vehicle (not involved) directly in front of him suddenly swerve into the number one lane. It became quickly apparent to the deputy sheriff that the vehicle had swerved to avoid colliding with a disabled vehicle (the plaintiff's 2000 Honda Accord) that was stopped in the number two lane, directly in front of him.</p> <p>As soon as the deputy sheriff saw the disabled vehicle, he attempted to avoid a collision by swerving to his left (into the number one lane), but was unable to move over before colliding into the stopped vehicle. The first collision occurred when the passenger side front bumper of the deputy sheriff's vehicle struck the driver's side rear bumper of the plaintiff's vehicle, causing major damage to both vehicles. The force of the collision caused the deputy sheriff's vehicle to deflect to the left and sent the disabled vehicle to the right. The plaintiff's disabled vehicle moved across the lanes of traffic and onto the right shoulder, where it stopped.</p> <p>When the deputy sheriff's vehicle moved to the left, it was in the path of a Chevrolet Colorado travelling westbound in the number one lane at 65 MPH. The driver of the Chevrolet Colorado applied his brakes, but was unable to stop before colliding into the rear of the sheriff's vehicle. The second collision caused the deputy sheriff's vehicle to move back into the number two lane.</p> <p>The driver of a Chevrolet Express van was travelling westbound in the number two lane when the deputy sheriff's vehicle moved directly in his path of travel. A third collision occurred when the van struck the passenger side of the deputy sheriff's vehicle with its front bumper.</p> <p>The deputy sheriff's vehicle continued to travel northbound across westbound traffic lanes. The second plaintiff was driving a two-axle Freightliner commercial box truck 55 MPH in the number four lane. A fourth collision occurred when the front of the deputy sheriff's vehicle collided into the driver's side of the moving box truck. The collision</p>

	<p>caused the box truck to overturn onto its driver's side and slide across lanes.</p> <p>The deputy sheriff's vehicle continued to travel northbound across westbound traffic lanes until it collided with a Toyota Corolla that had been driving in the number five lane. All the vehicles involved in this collision came to rest and the involved parties stayed on-scene pending medical response and the California Highway Patrol (CHP).</p> <p>The first plaintiff stated his vehicle initially "shut off" due to unknown mechanical issues and he immediately activated his emergency hazard lights and stayed in his vehicle as he called 9-1-1 for assistance. He said he was unable to move his vehicle to the right shoulder due to other vehicles driving by at a high rate of speed. He stated approximately one minute after his vehicle became disabled he was struck by the deputy sheriff's vehicle.</p> <p>The first plaintiff did not complain of any injuries at the time of the incident. Twelve hours after the accident, the first plaintiff sought medical care for pain to his back, neck, and knee.</p> <p>The second plaintiff had a laceration on the top of his head and complained of pain to his face, head, neck, and back. He was transported by ambulance to the East Los Angeles Doctor's Hospital for treatment.</p> <p>The deputy sheriff was wearing his seat belt and was treated for pain to this right leg.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

The **Department** root cause of this incident was the deputy sheriff following the vehicle in front of him too closely causing him to be unable to stop or make safe evasive maneuvers prior to colliding with the first plaintiff.

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 the CHP. The investigation included measurements of the scene, the gathering of witness statements, photographs, analysis, estimation of distances, road and weather conditions, as well as factual diagrams and applicable mathematical computations.

The investigation concluded that the deputy sheriff caused the initial and subsequent collisions by following the vehicle in front of him too closely causing him to not have sufficient time to react to the plaintiff's disabled vehicle in the lane in front of him, a violation of California Vehicle Code Section 21703, Rules of the Road - A vehicle shall not follow another vehicle more closely than is reasonable and prudent.

The Los Angeles County Sheriff's Department's training curriculum addressed the circumstances which occurred in the incident.

County of Los Angeles
Summary Corrective Action Plan

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

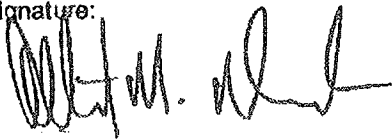
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Albert M. Maldonado, Captain
Risk Management Bureau

Signature:



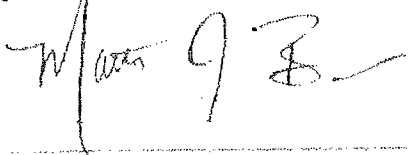
Date:

10/17/19

Name: (Department Head)

Matthew J. Burson, Chief
Professional Standards Division

Signature:



Date:

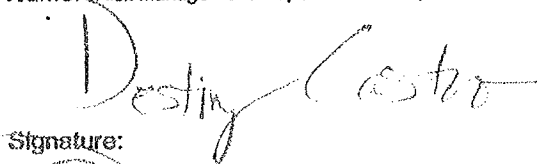
10/18/19

Chief Executive Office Risk Management Inspector General USE ONLY

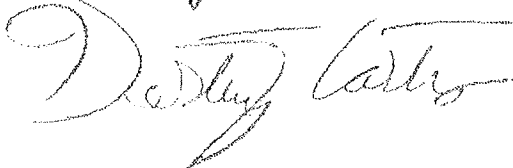
Are the corrective actions applicable to other departments within the County?

- ☒ 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:



Date:

10/21/2019

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Graciela Morquecho v. Janette Vengco-Dalan, et al.
CASE NUMBER	30-2018-01006935-CU-PA-CJC
COURT	Orange County Superior Court
DATE FILED	July 20, 2018
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 475,000
ATTORNEY FOR PLAINTIFF	Jonathan D. Lee, Guldjian Fasel
COUNTY COUNSEL ATTORNEY	Kelsey Nau, Deputy County Counsel
NATURE OF CASE	The lawsuit arises from a motor vehicle collision that occurred on November 16, 2017, in which Plaintiff Graciela Morquecho was injured when DCFS employee Janette Vengco-Dalan 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	\$ 22,725
PAID COSTS, TO DATE	\$ 9,321

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:	November 16, 2017
Briefly provide a description of the incident/event:	A DCFS employee was driving a personal vehicle in scope of the County business in the City of Anaheim. The employee attempted to make a left turn in a designated left turn lane and cleared lane #1 and lane #2. While attempting to clear lane #3, cars stopped in lane #1 and lane #2 did not give clear view of vehicles oncoming from lane #3, collided with the vehicle driven by the plaintiff. Plaintiff claims bodily injuries as a result of vehicular accident caused by a DCFS employee.

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

- A. It was determined that the accident that occurred on November 16, 2017 was primarily caused by a DCFS employee while making an unsafe left turn in violation of California Vehicular Code 21801(a).

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

- A. The Department referred the matter to the Vehicle Accident Review Committee (VARC) which conducted a comprehensive review of the circumstances surrounding the vehicle accident involving the DCFS mileage permittee and determined the accident was "preventable."
- B. The Department will strive to ensure that the recommendation(s) issued by the VARC are carried out.
- C. The Department will ensure that the involved employee will complete the online defensive driver training courses.

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.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator)

DIANE IGLESIAS, SENIOR DEPUTY DIRECTOR

Signature:

Diane Iglesias

Date:

10/9/19

Name: (Department Head)

BRANDON NICHOLS, CHIEF DEPUTY DIRECTOR

Signature:

[Signature]

Date:

10/9/19

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:

10/15/2019

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Z.H.Z., a minor, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC722428
COURT	Los Angeles Superior Court
DATE FILED	September 19, 2018
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Steven D. Fondiler Esq. Law Offices of Steven D. Fondiler
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Principal Deputy County Counsel
NATURE OF CASE	<p>On November 27, 2017, Z.H.Z., a minor 10-month old female, presented to LAC+USC Medical Center. Her left arm developed a problem with blood flow that required surgery.</p> <p>Z.H.Z. and her mother, Adriana Zavala, filed a lawsuit against the County of Los Angeles alleging that the nursing management was negligent and negligent infliction of emotional distress.</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 in the amount of \$200,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 12,310
PAID COSTS, TO DATE	\$ 715

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Michael Shirazi v. County of Los Angeles, et al.
CASE NUMBER	BC642090
COURT	Los Angeles County Superior Court
DATE FILED	November 29, 2016
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ \$500,000
ATTORNEY FOR PLAINTIFF	Bruce Bunch Law Offices of Bruce Bunch
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Principal Deputy County Counsel
NATURE OF CASE	<p>On November 21, 2014, Michael Shirazi presented to LAC+USC Medical Center ("LAC+USC") complaining of a mass in his neck. The mass was examined and later identified as cancerous. Several months later, Mr. Shirazi was treated with chemotherapy. He has been in remission.</p> <p>Mr. Shirazi filed a medical malpractice action against the County of Los Angeles alleging that LAC+USC staff's delay in diagnosing his condition made his treatment more complicated, and as a result, he has suffered damages.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Thus, a full and final settlement of the case for \$500,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 70,212
PAID COSTS, TO DATE	\$ 113,134

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

OCTOBER 21, 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: Joseph Langton, Michael Gordon, Amie Park, Kent Sommer, and Rosanne Wong; Sheriff's Department: Chris Cahhal, Kristine Corrales, and Kevin Pearcy; Department of Public Works: David Gonzalez; Department of Children and Family Services: Armand Montiel.

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(e).

4. Report of actions taken in Closed Session.

At 10:36 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Non-Litigated Claim of David and Arlene Calvillo

This claim seeks compensation from the Department of Public Works for property damage allegedly caused by a backflow of sewage due to a sewer mainline blockage.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$75,414.93.

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

- b. **Maria Gutierrez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No.: BC 679 326

This lawsuit arises from injuries allegedly 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 \$75,000.

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

- c. **Labor/Community Strategy Center v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No.: BS 171 816

Plaintiff seeks attorneys' fees as a result of filing a writ stemming from its request for documents pursuant to the California Public Records Act.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$43,000.

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

- d. **Maureen Donohue v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No.: BC 698 083

This lawsuit involves allegations that an employee from the Department of Children and Family Services was subjected to discrimination, failure to accommodate, and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$99,999.

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

- e. **Karen Compton-Moore v. County of Los Angeles**
Los Angeles Superior Court Case No.: BC 630 631

This lawsuit involves allegations that an employee from the Department of Children and Family Services was subjected to discrimination, retaliation, and wrongful demotion.

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 Adrienne Byers

5. Approval of the Minutes of the October 7, 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 10:38 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By  _____
Derek Stane