

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, JANUARY 6, 2020, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, with Adrienne Byers being absent.

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. **Marina Smith v. County of Los Angeles, et al.
Los Angeles Superior Court Case No.: BC 675797**

This dangerous condition lawsuit arises from alleged injuries received in a trip and fall accident on a lifted sidewalk on County property.

Action Taken:

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

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

[See Supporting Document](#)

- b. **Carlos Zapata v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 635348**

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$195,000.

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

[See Supporting Documents](#)

c. **Non-Litigated Claim of Karina Vega**

This claim 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 \$33,000.

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

[See Supporting Document](#)

d. **Edwin Mendoza v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 654977

This lawsuit arises from alleged injuries sustained by Plaintiff while he received care at LAC+USC Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

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

[See Supporting Documents](#)

e. **Claim of Stacey Duncan**

This claims alleges that an employee from the Department of Health Services was wrongfully terminated.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$70,000.

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

f. **Rafael Pena v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. VC 066618

This claim alleges that an employee from the Los Angeles County Public Library was wrongfully terminated based on his disability.

Action Taken:

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

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

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 December 16, 2019, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Chair Steve Robles and Arlene Barrera
Absent: 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	Marina Smith v. County of Los Angeles
CASE NUMBER	BC675797
COURT	Los Angeles Superior Court
DATE FILED	September 14, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 60,000
ATTORNEY FOR PLAINTIFF	Pius Joseph, Esq. PIUS JOSEPH, A PROFESSIONAL LAW CORP.
COUNTY COUNSEL ATTORNEY	Yuan Chang Deputy County Counsel
NATURE OF CASE	Plaintiff Marina Smith alleges she suffered injuries when she tripped and fell on the sidewalk on Woodbury Road, Altadena, California. Ms. Smith contends the sidewalk constituted a dangerous condition of public property. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$ 60,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 28,975
PAID COSTS, TO DATE	\$ 5,593

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Carlos Zapata v. County of Los Angeles, et al.
CASE NUMBER	BC635348
COURT	Los Angeles Superior Court
DATE FILED	September 26, 2016
COUNTY DEPARTMENT	Department of Public Health
PROPOSED SETTLEMENT AMOUNT	\$ 195,000
ATTORNEY FOR PLAINTIFF	Jerald Sullivan, Esq.
COUNTY COUNSEL ATTORNEY	Yuan Chang, Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a motor vehicle versus bicycle accident which occurred on December 4, 2015, on Vermont Avenue, in the City of Los Angeles. Due to the risks and uncertainties of litigation, a full and final settlement of the case is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 39,239
PAID COSTS, TO DATE	\$ 11,724



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:	On December 4, 2015, at approximately 12:45 p.m., an Environmental Health Specialist III (employee), parked his 2013 Nissan Altima in a designated parking space facing south on Vermont Ave. As he opened his driver door to exit his vehicle, a bicyclist struck the interior of his door and fell to the ground.
Briefly provide a description of the incident/event:	<p>The employee contends that he looked in his left rear-view mirror before opening his door and did not see a bicyclist. He does not know where the bicyclist came from as the area is primarily residential and there were no driveways nearby where the bicyclist may have suddenly appeared.</p> <p>The bicyclist suffered an abrasion to his right hand and complained of pain in that hand, following the injury. He was treated at the scene by Los Angeles County paramedics and was not transported to a hospital.</p> <p>A police report taken by the Los Angeles Police Department (LAPD), identifies the Environmental Health Specialist to be at fault for violating Vehicle Code Section 22517, which states: "No person shall open the door of a vehicle on the side available to moving traffic unless it is reasonably safe to do so and can be done without interfering with the movement of such traffic..."</p>

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

A police report taken by the Los Angeles Police Department (LAPD) determined that the employee was the primary cause of the collision for violating Vehicle Code Section 22517.

2. Briefly describe recommended corrective actions:

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

- On February 24, 2016, the Vehicle Accident Review Committee (VARC) reviewed the collision and determined that it was preventable, due to the employee's failure to observe the bicyclist; however, no further action was deemed necessary other than reminding the employee to abide by DMV and defensive driving rules;
- On March 1, 2016, the employee was notified of VARC's decision;
- Upon further assessment of auto liability cases, DPH VARC Policy was revised on March 1, 2017 to strengthen enforcement of actions necessary for preventable cases;
- On June 14, 2017, Risk Management announced the implementation of training requirements for mileage permittees and drivers of County vehicles, to improve employees' safety and reduce the Department's automobile liability exposure;
- On November 21, 2017, the collision was referred to DPH Human Resources for their assessment of appropriate disciplinary action. Due to employee's good performance record

and one prior accident, they did not recommend disciplinary action;

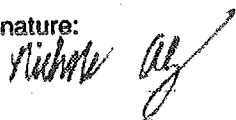
- On March 14, 2018, employee completed the on-line Defensive Driver training; and
On February 12, 2019, Risk Management posted the Mileage Permittee and County Driver Safety Manual on the DPH Intranet to provide a comprehensive resource for all safety and compliance requirements applicable to DPH drivers. The manual was provided to the Department's Mileage Coordinator, for dissemination to Mileage Permittees, and Vehicle Coordinator, for placement in County vehicles.

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)
Nichole Alcaraz

Signature:

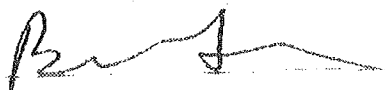


Date:

9/16/19

Name: (Department Head)
Dr. Barbara Ferrer

Signature:



Date:

9.25.19

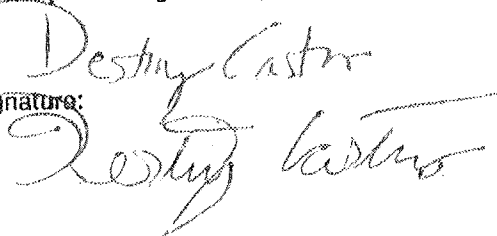
Chief Executive Office Risk Management Inspector General USE ONLY

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:

10/15/2019

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Karina Vega, et al. v. Austin Richard Embelton
CASE NUMBER	N/A (claim)
COURT	
DATE FILED	June 12, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 33,000
ATTORNEY FOR PLAINTIFF	Jason L. Ribakoff, Esq.
COUNTY COUNSEL ATTORNEY	Ann M. Aguilar Principal Deputy County Counsel
NATURE OF CASE	On August 5, 2017, Plaintiffs were injured in an automobile versus automobile collision with an on-duty Sheriff's deputy on Compton Boulevard at Poinsettia Avenue in the City of Compton. Plaintiffs allege that the County is vicariously liable for the negligence of its employee who they allege caused the accident by making an unsafe right turn.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Edwin Mendoza v. County of Los Angeles, et al.
CASE NUMBER	BC654977
COURT	Los Angeles Superior Court
DATE FILED	March 23, 2017
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 150,000
ATTORNEY FOR PLAINTIFF	Dane Levy, Esq. Levy Law Firm
COUNTY COUNSEL ATTORNEY	Caroline Craddock Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle a fraud and dental malpractice lawsuit by Edwin Mendoza for injuries he allegedly sustained while receiving care and treatment at the dental clinic at the Los Angeles County+University of Southern California Medical Center.</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 amount of \$150,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 118,301
PAID COSTS, TO DATE	\$ 21,002



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:	July 1, 2014
Briefly provide a description of the incident/event:	<p>On February 6, 2014, Mr. Mendoza presented to LAC+USC Medical Center ("LAC+USC"). On July 1, 2014, Mr. Mendoza underwent reconstructive surgery of the jaw.</p> <p>Mr. Mendoza filed a lawsuit against the County of Los Angeles alleging medical negligence and fraud.</p>

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

Development of known potential complication of nerve damage resulting from reconstructive surgery of the jaw.

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

The corrective action listed below was completed as a result of percipient quality issues identified during review of the case.

- LAC+USC Oral and Maxillofacial Surgery providers were instructed on the importance of continued follow-up for patient complaints until resolution is achieved.

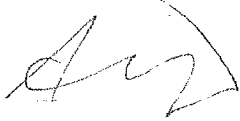
3. Are the corrective actions addressing department-wide system issues?

- 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, MD, JD

Signature:



Date:

9/10/19

Name: (Department Head)
Christina Ghaly, MD

Signature:



Date:

10/18/19

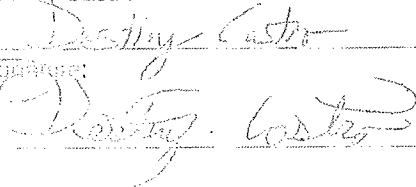
Chief Executive Office Risk Management Inspector General USE ONLY

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)
Destiny Castro

Signature:



Date:

9/12/2019

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

DECEMBER 16, 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, with Adrienne Byers being absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Jasmine Bath, Rosa Linda Cruz, Michael Gordon, Timothy Kral, Richard Hsueh, Wendy Sha, Narbeh Bagdasarian, and Donna Koch; Alternate Public Defender: Robert Meneses; Department of Public Works: Keith Lilley; Agricultural Commissioner/Weights and Measures: Richard Iizuka; Outside Counsel – Glaser, Weil: Andy Baum; Sheriff's Department: Kevin Percy, Kristine Corrales, Jack Ewell, Mark Allen, and Rick Mejia; District Attorney: James Garrison and Julie Dixon Silva; Department of Health Services: Arun Patel; Probation Department: Chereise Martin; Outside Counsel – Kessel & Megrabyan: Liz Kessel.

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 9:36 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(h).

4. Report of actions taken in Closed Session.

At 12:05 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Julie Valencia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC670908**

This lawsuit concerns allegations of an Alternate Public Defender employee who alleges sexual harassment by a co-worker.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$275,000.

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

b. **Renee Lawler, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. NC061674

This claim seeks compensation from the Los Angeles County Flood Control District for damage to real and personal property alleged to have occurred during significant rainstorms in 2017.

Action Taken:

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

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

c. **Jose Bustamante v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC681360

This lawsuit arises from injuries allegedly sustained in a motor vehicle accident involving an Agricultural Commissioner/Weights and Measures employee.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$45,000.

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

d. **Robert Lindsey, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:17-CV-03886

This lawsuit alleges federal civil rights violations in which Sheriff's Deputies claim they were selectively prosecuted for filing false police reports when other law enforcement officers similarly situated were not prosecuted.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,250,000.

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

e. **Chance Nikkol Denovo v. County of Los Angeles, et al.**
United States District Court Case No.: 2:18-CV-06589

This lawsuit seeks compensation for unlawful detainment by Sheriff's Deputies.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$49,999.99.

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

f. **Gregory Anthony Lanier v. County of Los Angeles, et al.**
United States District Court Case No. 17-CV-09019-R (AGR)

This lawsuit concerns allegations of excessive force by a Sheriff's Deputy on an incarcerated inmate.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$220,000.

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

g. **Jolene Corrales v. County of Los Angeles, et al.**
United States District Court Case No. 2:19-CV-00258

This lawsuit concerns allegations of excessive force by two Sheriff's Deputies from an arrest during a traffic stop.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$47,500.

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

h. **Medina, Jesse v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC645782

This lawsuit seeks compensation for unlawful detainment and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$96,000.

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

i. **Kanae Williams v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No.: BC 664404

This lawsuit concerns allegations of negligence, invasion of privacy, retaliation, and intentional infliction of emotional distress against the Department of Children and Family Services.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$45,000.

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

j. Claim of Yolanda Montes, et al.

This lawsuit alleges violation of a patient's privacy of medical records and infliction of emotional distress.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$225,000.

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

**k. Wanda Jimenez v. County of Los Angeles
Los Angeles Superior Court Case No.: BC589762**

This matter concerns an award of attorneys' fees and costs arising from an adverse jury verdict in a sexual harassment lawsuit filed by a Probation Department employee.

Action Taken:

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

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

5. Approval of the Minutes of the November 18, 2019, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Chair Steve Robles and Arlene Barrera
Absent: 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 12:10 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Vivian Caballero