

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD VIA ONLINE CONFERENCE CALL
ON MONDAY, APRIL 20, 2020, 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. Antonio Fernandez v. County of Los Angeles
United States District Court No. 2:19-CV-01077-GW-KS**

This lawsuit against the Department of Parks and Recreation alleges recreational amenities at a County Park are not accessible to wheelchair users in violation of the Americans with Disabilities Act.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$25,000.

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

[See Supporting Document](#)

- b. Roberto Mercado v. Richard Olguin, et al.
Los Angeles Superior Court Case No. BC 662 974**

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$100,000.

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

[See Supporting Document](#)

c. **Tamika Whitmore v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 18AVCV00068

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Fire Department.

Action Taken:

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

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

[See Supporting Document](#)

d. **California Department of Toxic Substances v. County of Los Angeles**

This claim against the County alleges liability for contribution to a contaminated hazardous waste facility under the Comprehensive Environmental Response Compensation and Liability Act.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$98,000.

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

[See Supporting Document](#)

e. **Christopher Clausen v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 661 851

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Sergeant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,250,000.

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

[See Supporting Documents](#)

**f. Enrique Triana v. County of Los Angeles
Los Angeles Superior Court Case No. 19STCV05804**

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to retaliation and wrongful termination.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$50,000.

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

**g. Marlene Smith v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18STCV03344**

This lawsuit concerns allegations that an employee of the Department of Public Social Services was subjected to racial discrimination and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$47,250.

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

h. Claim of Rufus Moore, Jr., M.D.

This claim involves a potential wrongful termination lawsuit by a Physician Specialist employed by the Department of Health Services.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$100,000.

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

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 6, 2020, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

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

[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	<i>Antonio Fernandez v. County of Los Angeles</i>
CASE NUMBER	2:19-cv-01077-GW-KS
COURT	United States District Court
DATE FILED	February 13, 2019
COUNTY DEPARTMENT	Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 25,000
ATTORNEY FOR PLAINTIFF	Center for Disability Access
COUNTY COUNSEL ATTORNEY	Keever Rhodes Muir
NATURE OF CASE	<p>This is a complaint filed by Plaintiff Antonio Fernandez alleging Americans with Disabilities Act violations. He alleges that the recreational amenities at Peck Road Water Conservation Park are not accessible to wheelchair users.</p> <p>A settlement of the case will avoid further litigation costs.</p>
PAID ATTORNEY FEES, TO DATE	\$ 112,480
PAID COSTS, TO DATE	\$ 29,832

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Roberto Mercado v. Richard Olguin, et al.
CASE NUMBER	BC662974
COURT	Los Angeles Superior Court
DATE FILED	June 13, 2017
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 100,000
ATTORNEY FOR PLAINTIFF	Frank Ariel Ariel Law Group
COUNTY COUNSEL ATTORNEY	David D. Lee Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a motor vehicle collision that occurred on November 3, 2016, in which Plaintiff Roberto Mercado was injured when Department of Public Works employee Richard Olguin ran a red light and collided into Plaintiff's vehicle.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$100,00 is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 37,582
PAID COSTS, TO DATE	\$ 9,538

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tamika Whitmore v. County of Los Angeles, et al.
CASE NUMBER	18AVCV00068
COURT	Los Angeles Superior Court
DATE FILED	October 15, 2018
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 70,000
ATTORNEY FOR PLAINTIFF	Stephen P. Grayson Law Offices of Stephen P. Grayson, A.P.C.
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This case involves a vehicle collision that occurred on August 12, 2017, when a Fire Department KME fire engine driven by a Los Angeles County fire fighter traveling on southbound Sierra Highway just south of Pearblossom Highway struck the side of the Dodge Stratus driven by plaintiff Tamika Whitmore. Plaintiff claims 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	\$ 11,673
PAID COSTS, TO DATE	\$ 953

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	California Department of Toxic Substances Control claim re: AAD Distribution and Dry Cleaning Site <i>California Department of Toxic Substances Control v Allen's Formal Wear, Inc., et al</i> (2:13-cv-05069-AG-JCG)
COUNTY DEPARTMENT	Chief Executive Office
PROPOSED SETTLEMENT AMOUNT	\$98,000
ATTORNEY FOR PLAINTIFF	Jamie Jefferson Deputy Attorney General
COUNTY COUNSEL ATTORNEY	Rory Allen Deputy County Counsel
NATURE OF CASE	<p>Between 1986 and 2001, AAD Distribution and Dry Cleaning Services, Inc., ("AAD") operated a hazardous waste disposal facility at 2306 East 38th Street, Vernon, California 90058 ("Site"). AAD accepted and disposed of waste produced by dry cleaning. In 2001, AAD's permits for waste disposal were revoked by the California Department of Toxic Substances Control ("DTSC").</p> <p>DTSC has subsequently determined that the Site has been contaminated with hazardous chemicals and has undertaken remediation. DTSC has filed several legal actions under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") and State law against a number of potentially responsible parties ("PRPs") to recover the costs of the Site cleanup.</p>

DTSC alleges that the County sent hazardous waste for disposal at the Site and is thus a PRP. DTSC and the County currently have a tolling agreement. DTSC has offered to settle its claims against the County for \$98,000.

Due to the strict, joint and several liability of CERCLA – and the risks and uncertainties of litigation – it is recommended that the County accept the DTSC settlement amount.

PAID ATTORNEYS' FEES, TO DATE	\$5,816
PAID COSTS, TO DATE	None

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Christopher Clausen v. County of Los Angeles, et al.
CASE NUMBER	BC661851
COURT	Los Angeles Superior Court
DATE FILED	May 19, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,250,000
ATTORNEY FOR PLAINTIFF	Gary L. Chambers, Esq. Chambers & Noronha, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This case involves a vehicle collision that occurred on May 26, 2016, near the intersection of Jellick Avenue and Santar Street in Rowland Heights when a Sheriff's Department vehicle made a left turn from a parking lot and struck Plaintiff, Mr. Clausen's vehicle.</p> <p>Plaintiff claims 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</p>
PAID ATTORNEY FEES, TO DATE	\$ 547,642
PAID COSTS, TO DATE	\$ 244,198

Case Name: Christopher Clausen, et al. v. County of Los Angeles, et al.



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:	Thursday, May 26, 2016
Briefly provide a description of the incident/event:	<p><u>Christopher Clausen, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2019-046</p> <p>On Thursday, May 26, 2016, at approximately 2:20 p.m., an on-duty Los Angeles County Sheriff's Department sergeant assigned to Community Partnerships Bureau, was driving an unmarked Los Angeles County Sheriff's Department 2008 Ford Crown Victoria westbound, through the Jellick Elementary School parking lot.</p> <p>The sergeant slowed his vehicle to approximately 2 MPH as he prepared to exit the school parking lot, attempting to make a left (southbound) turn onto Jellick Avenue. There were one or more vehicles parked along the east curb line of Jellick Avenue that obstructed the sergeant's view of oncoming northbound traffic.</p> <p>The sergeant looked to his left and did not see any approaching vehicles, so he proceeded to exit the driveway and turn left to travel southbound on Jellick Avenue. As the sergeant's vehicle exited the parking lot, at 9 MPH, he pulled out directly in front of the plaintiff's 2012 Honda Accord, traveling northbound on Jellick Avenue, at approximately 30 MPH (disputed speed range). Both drivers were unable to stop or avoid each other, resulting in a collision.</p> <p>The front end of the plaintiff's vehicle collided with the front driver's side of the sergeant's vehicle causing major damage to both vehicles.</p> <p>The plaintiff was transported to UC Irvine Medical Center where he received treatment for chest pain and other injuries (including a fractured sternum).</p> <p>The sergeant was not wearing his seatbelt at the time of the incident. The sergeant was transported to St. Jude Medical Center in Fullerton with complaints of pain to his neck and lower back.</p>

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

A **Department** root cause in this incident was the sergeant failed to yield to traffic with the right-of-way when he made a left turn left onto a roadway.

Another **Department** root cause of this incident was the sergeant failed to abide by the posted no left turn sign when he made a left hand turn out of the parking lot.

Another **Department** root cause in this incident was the sergeant was not wearing his seatbelt.

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

Traffic Collision Investigation

This incident was thoroughly investigated by the California Highway Patrol.

The collision investigation concluded that the sergeant caused the collision as he failed To yield to right of way traffic when he entered the highway, a violation of California Vehicle Code Section 21804(a), Rules of the Road: The driver of any vehicle about to enter or cross a highway from any public or private property, or from an alley, shall yield the right-of-way to all traffic, as defined in Section 620, approaching on the highway close enough to constitute an immediate hazard, and shall continue to yield the right-of-way to that traffic until he or she can proceed with reasonable safety.

Administrative Investigation

This incident was investigated by representatives of Community Partnerships Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented for Department executive adjudication.

Executive evaluation of this incident found the sergeant's actions were in violation of Department policy. Appropriate administrative action has been taken.

Traffic Collision Assessment and Review

As a result of this collision, an assessment of employee involved traffic collisions was conducted from January 1, 2015, to November 1, 2019, at Community Partnerships Bureau.

The audit revealed the following:

Calendar Year	Preventable Collisions	Non-Preventable Collisions
2015	13	11
2016	16	15
2017	22	13
2018	3	12
2019	13	5

- 67 preventable collisions occurred during the past five years.
- 21% of preventable collisions involved fixed objects or parked vehicles during low speed parking or starting maneuvers.

Based on the results of the audit, a comprehensive Traffic Collision Reduction Plan was developed and implemented at Community Partnerships Bureau in early 2017. Since the implementation of the Traffic Collision Reduction Plan, there has been a noticeable reduction of on-duty preventable traffic collisions each year. In an attempt to improve safety and reduce the Department's liability exposure, Community Partnerships Bureau continually schedules personnel to attend the Department's Sheriff Traffic Accident Reduction (S.T.A.R.) driving program. This program focuses on low speed parking and starting maneuvers, hosted at the Los Angeles County Sheriff's Department's Emergency Vehicle Operation Center.

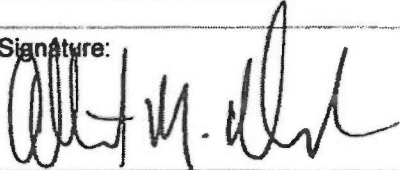
Since the incident, fifteen (15) bureau employees have successfully completed the S.T.A.R. driving program.

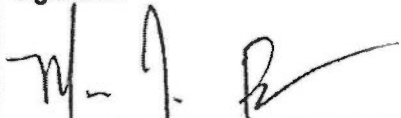
County of Los Angeles
Summary Corrective Action Plan

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

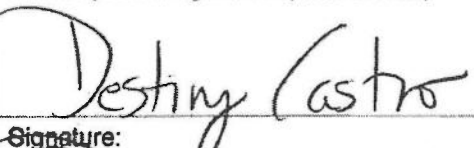
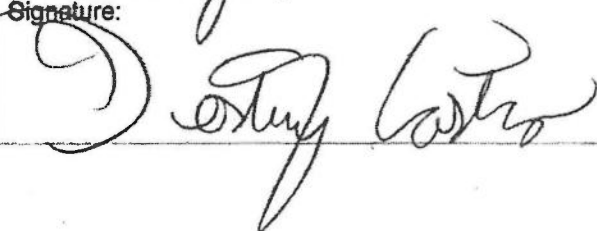
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Albert M. Maldonado, Captain Risk Management Bureau	
Signature: 	Date: 1/29/2020

Name: (Department Head) Matthew J. Burson, Chief Professional Standards Division	
Signature: 	Date: 02/07/20

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this Department.	

Name: (Risk Management Inspector General) 	
Signature: 	Date: 2/10/2020

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

APRIL 6, 2020

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 7th Floor Executive Conference Room, 739 Kenneth Hahn Hall of Administration, Los Angeles, California.

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

All other persons appeared telephonically. Those attending the meeting were: Office of the County Counsel: Joseph Langton, Lindsay Yoshiyama, Richard Hsueh, Millicent Rolon, and Eduardo Montelongo; Department of Public Works: Bill Winter; Sheriff's Department: Mark Allen, Christopher Johnson, April Tardy, Kevin Percy; Department of the Assessor: Brian Zepeda; and Outside Counsel: Scott Caron, and Antonio Kizzie.

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 convened the meeting into Closed Session to discuss the items listed as 4(a) through 4(i).

4. Report of actions taken in Closed Session.

At 11:12 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Non-litigated Claim of Martha and Alexander Rague Claim No. 19-1150819*003

This inverse condemnation claim seeks compensation from the Department of Public Works for property damage caused by a sewage backflow.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$33,709.80.

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

b. Non-litigated Claim of Ramon and Gloria Rodriguez

This inverse condemnation claim seeks compensation from the Department of Public Works for property damage caused by a sewage backflow.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$62,506.49.

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

**c. Mario Garcia, et al. v. County of Los Angeles, et al.
United States District Court Case No. 13-CV-00616**

This lawsuit alleges federal and State-law civil rights violations by the Sheriff's Department.

Action Taken:

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

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

**d. Dennis Todd Rodgers, Jr., et al. v. County of Los Angeles, et al.
United States District Court Case. No. 17-CV-05236**

This lawsuit alleges federal civil rights violations and wrongful death arising out of the fatal Deputy-involved shooting of Plaintiff's father.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,300,000.

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

**e. Anguonette Barlow v. County of Los Angeles
Los Angeles Superior Court Case No. BC 676 556**

This lawsuit concerns allegations that an employee of the Office of the Assessor was subjected to retaliation, harassment, and discrimination based on race and gender.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$380,000.

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

5. Approval of the Minutes of the March 2, 2020, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Chair 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 11:13 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Derek Stane