

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD VIA ONLINE CONFERENCE CALL
ON MONDAY, APRIL 4, 2022, 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 were on the public teleconference line to address the Claims Board or to listen to the reportable actions of the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).**

- a. **Non-Litigated Claims of Alberto and Anna Acosta**

Claimants seek compensation from the Department of Public Works for property damage allegedly caused by a backflow of sewage due to a mainline blockage.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of this matter in the amount of \$116,363.74.

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

[See Supporting Document](#)

- b. **Los Angeles County+USC Medical Center – Notice of Violation**

This is a Notice of Violation from the South Coast Air Quality Management District against the County involving the Los Angeles County+USC Medical Center.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$20,500.

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

[See Supporting Document](#)

c. **Colette Hagggar v. County of Los Angeles**
Los Angeles Superior Court Case No. 20STCV15262

This dangerous condition lawsuit arises from injuries allegedly sustained in a trip and fall accident on a sidewalk maintained by the Department of Public Works.

Action Taken:

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

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

[See Supporting Document](#)

d. **Denise Irwin v. Onyemaechi Chima, et al.**
Los Angeles Superior Court Case No. 20STCV38345

This lawsuit arises from injuries plaintiff allegedly sustained in an automobile accident involving an employee of the Department of Workforce Development, Aging and Community Services.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$85,000.

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

[See Supporting Document](#)

e. **Sergio Rosales Heredia, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 19AVCV00079

This lawsuit arises from alleged injuries plaintiff sustained in automobile accident involving a Fire Department employee.

Action Taken:

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

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

[See Supporting Document](#)

f. **Mkrtich Mike Oktanyan v. County of Los Angeles, et al.**
Los Angeles County Superior Court Case No. 19STCV39596

This lawsuit arises from injuries plaintiff allegedly sustained in an automobile accident involving a Department of Health Services employee.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$40,000.

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

[See Supporting Document](#)

**g. Darryell Frazier v. Mark Ridley-Thomas, et al.
United States District Court Case No. CV20-111676 CAS**

This civil rights lawsuit against the Office of the Public Defender alleges that plaintiff's constitutional rights were violated as a result of his approximate 18-year pre-trial detention as a civil detainee.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of this matter in the amount of \$3,000,000.

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

[See Supporting Documents](#)

**h. Helen Medina v. County of Los Angeles
United States District Court Case No. 2:19-CV-03808**

This wrongful death lawsuit against the Sheriff's Department involves an inmate who died while at Twin Towers Correctional Facility.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and 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 March 21, 2022, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and 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 an 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	Non-Litigated Claims of Alberto & Anna Acosta
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 116,363.74
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Kelsey Nau Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$116,363.74, claims brought by Alberto and Anna Acosta for damages sustained to their property on November 27, 2020. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 5,002.04

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	LAC+USC Air Quality Management District Advisory
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Health Services - LAC+USC Medical Center
PROPOSED SETTLEMENT AMOUNT	\$ 20,500
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Rosa Linda Cruz Senior Deputy Counsel Tracy J. Egoscue Egoscue Law Group, Inc.
NATURE OF CASE	After LAC+USC Medical Center reported two of its boilers failed ammonia slip tests, the Southern California Air Quality Management District issued Notices of Violation for violations of numerous air quality rules and permit conditions, including the emission of more than five parts per million of ammonia on the annual source test for ammonia slip for each of the two boilers that could result in significant monetary penalties of up to \$10,000 per day for each of the 730 days the violations existed.
PAID ATTORNEY FEES, TO DATE	\$ 14,911
PAID COSTS, TO DATE	\$ 0.00

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Haggar, Colette vs. County of Los Angeles
CASE NUMBER	20STCV15262
COURT	Los Angeles Superior Court
DATE FILED	April 21, 2020
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 75,000
ATTORNEY FOR PLAINTIFF	Jack Barzekanian., Esq. C&B LAW GROUP, LLP
COUNTY COUNSEL ATTORNEY	LaTasha N. Corry Deputy County Counsel
NATURE OF CASE	This incident occurred on October 7, 2019, when Plaintiff tripped and fell on an uneven sidewalk caused by a tree root near 19708 Colima Road in Rowland Heights. Plaintiff claims to have suffered severe injuries and damages from this incident. Due to the risk and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 24,882
PAID COSTS, TO DATE	\$ 13,123

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Denise Irwin v. County of Los Angeles, et al.
CASE NUMBER	20STCV38345
COURT	Los Angeles Superior Court
DATE FILED	October 6, 2020
COUNTY DEPARTMENT	Department of Workforce Development Aging & Community Services
PROPOSED SETTLEMENT AMOUNT	\$ 85,000
ATTORNEY FOR PLAINTIFF	Tomas A. Guterres; Robert L. Rosavall Collins + Collins, LLP
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas
NATURE OF CASE	This lawsuit arises from an automobile collision that occurred on November 14, 2019, when Plaintiff's car was struck by a vehicle operated by an employee of the Department of Workforce Development Aging & Community Services. 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	\$ 12,419
PAID COSTS, TO DATE	\$ 2,510

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Sergio Rosales Heredia, et al. v. County of Los Angeles, et al.
CASE NUMBER	19AVCV00079
COURT	Los Angeles Superior Court
DATE FILED	January 31, 2019
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 45,000
ATTORNEY FOR PLAINTIFF	Robert Ryan, Esq. KUZYSK LAW, LLP
COUNTY COUNSEL ATTORNEY	David D. Lee, Esq. Deputy County Counsel
NATURE OF CASE	This is a motor vehicle accident lawsuit that occurred on June 29, 2018, when a Fire Department truck rear-ended another truck on eastbound Avenue M at the intersection of 10 th Street in Lancaster. Plaintiffs Sergio Rosales Heredia, Yolanda Rosales, and Alicia Jasso de Avila claim to have suffered injuries as a result. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 5,157
PAID COSTS, TO DATE	\$ 70

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Mkrtich Mike Oktanyan v. County of Los Angeles
CASE NUMBER	19STCV39596
COURT	Los Angeles Superior Court
DATE FILED	November 4, 2019
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 40,000
ATTORNEY FOR PLAINTIFF	Edouard Haig Grigorian, Esq. Grigorian Law Group, P.C.
COUNTY COUNSEL ATTORNEY	David D. Lee, Esq. Deputy County Counsel
NATURE OF CASE	This is a motor vehicle accident lawsuit that occurred on November 15, 2017, when a Health Services car rear-ended another car on the southbound 101 Freeway near the Broadway exit. Plaintiff Mkrtich Mike Oktanyan claims to have suffered injuries as a result. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 49,860
PAID COSTS, TO DATE	\$ 1,350

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darryell Frazier vs. Mark Ridley-Thomas, et al.
CASE NUMBER	CV 20-11676 CAS
COURT	United States District Court
DATE FILED	December 28, 2020
COUNTY DEPARTMENT	Office of the Public Defender
PROPOSED SETTLEMENT AMOUNT	\$ 3,000,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas, Esq. Casillas & Associates
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$3,000,000, an Office of the Public Defender ("PD") civil rights lawsuit filed by former PD client, Plaintiff Daryell Frazier, who claims his constitutional rights were violated arising out of his approximately 18-year pre-trial detention as a civil detainee pursuant to the Sexually Violent Predators Act.</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	\$ 46,022
PAID COSTS, TO DATE	\$ 5,614



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:	2014 to 2018
Briefly provide a description of the incident/event:	<p>This matter arises out of a federal civil rights complaint raising two 1983 claims: (1) a claim of deliberate indifference to constitutional violations against Board of Supervisor Defendants Mark Ridley-Thomas, Hilda Solis, and Sheila Kuehl, and current and former employees of the Los Angeles County Public Defender's Office, former Public Defender Ronald Brown, former Chief Deputy Kelly Emling, former Assistant Laura Green, Division Chief Michael Suzuki, former Chief Deputy Jenny Brown, former DIC Daniel Kuperberg, and Assistant Ruben Marquez; and (2) a claim of municipal liability for constitutional violations against the County of Los Angeles and the Los Angeles County Public Defender's Office.</p> <p>These claims are based on the December 16, 2020 Superior Court ruling on Plaintiff's Motion to Dismiss where the court found that Plaintiff's pretrial detention was presumptively prejudicial in violation his due process rights. In April 2017, the Department was compelled to declare a conflict of interest when the Plaintiff filed a Motion for Appointment of Conflict Free Counsel with demands for the testimony of a former SVP Unit Attorney to testify on her allegations of 2014 staffing cuts preventing her from moving forward toward trial in Plaintiff's case. Thereafter, a panel attorney was appointed by the court and filed the Motion to Dismiss in November 2018.</p> <p>Introduced at the hearings on the motion held from May 2019 to September 2020 were multiple letters regarding concerns expressed by members of the SVP Unit about the staff reductions in 2014. These include memoranda authored by the Deputy in Charge of the SVP Unit in April and August 2014, and letters from SVP Unit attorneys to the Public Defender Ronald Brown, CEO, State Bar, and members of the Board of Supervisors from 2014 through 2015. Also introduced were the motions to continue filed by the former counsel during the time she represented Plaintiff from 2015 to 2016 blaming staff reductions and staff transfers preventing her from preparing the</p>

	<p>case for trial, disrupting client representation and for casefile materials getting lost. She reiterated these claims in her testimony as a witness for Plaintiff at the extensive hearing on the motion to dismiss.</p> <p>The trial court found that the majority of the delay in Plaintiff's case was attributable to Plaintiff—finding that up until late 2013, Plaintiff's delays were attributable to him being pro per, being on a treatment track, or obtaining treatment for prostate cancer. The court ultimately concluded that Plaintiff's trial had been unconstitutionally delayed and dismissed his case finding that the 17 month delay from November 9, 2015 to April 3, 2017—were presumptively prejudicial and attributable to staffing cuts and a systemic breakdown in the Public Defender's Office.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

Staffing reductions in the special unit resulted in continuances by attorneys who believed they had insufficient resources to take the cases to trial; failure to obtain clear time waivers from clients who preferred to remain at the state hospital during court appearances.

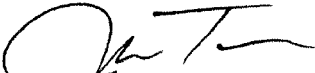
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


Ensure that the weighted caseloads of attorneys assigned to the Civil Commitment Units are manageable and that adequate support resources are provided. After the Vasquez decision in February 2018, the Supervising Judge of the Superior Court ordered all pending SVP trials to be heard before one court. The Public Defender's Office conducted an audit of all pending cases as to their status and level of preparation with monthly updates reported to the Assistant, Division Chief and DIC. The database is scheduled to migrate to the new centralized Client Case Management System. It has been determined that the high number of SVP cases reported to the BOS and State Bar, were in fact misrepresentations. SVP filings had been continually falling since 2009, at the time of the staff reductions in 2014 and continue to this date where caseloads have remained at or below pre-2014 levels.

Require a verbal waiver taken by the court on the record via video appearance. With the development of video conferencing and assignment of all pending trial cases to one court for all pretrial cases after the Vasquez decision, all waivers are now made on the record in open court with all parties present. Per the above process, written waivers are no longer utilized and non-appearances by the client are not permitted.


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) Jon Trochez	
Signature: 	Date: 6-4-21

Name: (Department Head) Ricardo Garcia	
Signature: 	Date: 6-7-21

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

Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 06/09/2021

LOS ANGELES COUNTY CLAIMS BOARD

MINUTES OF REGULAR MEETING

MARCH 21, 2022

1. Call to Order.

The meeting of the Los Angeles County Claims Board was called to order at 9:39 a.m. The meeting was held via teleconference with all Claims Board Members participating telephonically. Claims Board Members online for the teleconference meeting were: Chair Steve Robles, Arlene Barrera, and Adrienne M. Byers.

All other persons also appeared telephonically. Those attending the meeting were: Office of the County Counsel: Jessie Lee, Jennifer Lehman, Kevin Engelein, Rosanne Wong, Richard Kudo, Richard Hsueh, LaTasha Corry, and Narbeh Bagdasarian; Department of Public Works: Michael Hays, Ronald Castaneda, Steve Berger, Emiko Thompson, and Bill Winter; Department of Children and Family Services: Armand Montiel; Sheriff's Department: Melynie Rivers, Irma Chavez, Tenaya Brown, Shawnee Hinchman, and Michael Abbott; Department of Health Services: Arun Patel; Outside Counsel: Avi Burkwitz, Tom Hurrell, Raymond Sakai, and Allen Thomas.

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 were on the public teleconference phone line to address the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision [a] of Government Code section 54956.9).

At 9:40 a.m., the Chair convened the meeting into closed session to discuss the items listed as 4(a) through 4(f).

4. Report of actions taken in Closed Session.

No members of the public were on the public teleconference phone line to hear the reportable actions of the Claims Board.

At 12:44 p.m., the Claims Board reconvened in open session via the public teleconference phone line and reported the actions taken in closed session as follows:

**a. Bridgette Dupree, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV23910**

This wrongful death lawsuit alleges the Department of Children and Family Services failed to adequately investigate abuse allegations.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$80,000.

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

**b. Marcus Matamoros v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV46198**

This dangerous condition lawsuit alleges the Department of Public Works failed to install an adequate guardrail or barrier that could have prevented an automobile accident causing permanent injuries to plaintiff.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of this matter in the amount of \$19,750,000.

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

**c. Vista Paint Corporation v. Los Angeles Department of Water and Power
Los Angeles Superior Court Case No. 20STCV40646**

**Nationwide Mutual Insurance Company v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 20STCV48924**

Claimants seek compensation from the Department of Public Works for commercial property damage allegedly caused by a backflow of sewage due to a mainline blockage.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of this matter in the amount of \$548,500.

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

**d. Eric White v. County of Los Angeles, et al.
United States District Court Case No. 2:13-CV-03401**

This federal civil rights lawsuit alleges plaintiff was subjected to excessive force by the Sheriff's Department while he was detained at Men's Central Jail.

Action Taken:

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

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

**e. Lateef Noordeen v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC706578**

This lawsuit arises from injuries plaintiff allegedly sustained in an automobile accident involving a Sheriff's Department sergeant.

Action Taken:

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

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

f. **Brenda Jimenez, et al. v. County of Los Angeles**
Los Angeles County Superior Court Case No. 21STCV19160

This medical malpractice lawsuit alleges that plaintiff suffered injuries and the wrongful death of her newborn baby due to inadequate care and treatment at Los Angeles County + University of Southern California Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of this matter in the amount of \$450,000.

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

5. **Approval of the Minutes of the March 7, 2022, 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 an 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 11:10 a.m.

LOS ANGELES COUNTY CLAIMS BOARD

By  _____
Derek Stane