

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, NOVEMBER 16, 2015, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Patrick Wu

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. **Eugene McClelland v. Janice Eileen Munson, et al.**
Los Angeles Superior Court Case No. BC 574 066

This lawsuit arises from alleged injuries sustained in a motorcycle versus vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

- b. **Nathan Oventhal v. Los Angeles County Sheriff's Department, et al.**
Los Angeles Superior Court Case No. BC 530 176

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

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

c. **Valaura Baker v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 509 827

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

d. **David Paniagua v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 024 695

This lawsuit arises from alleged injuries sustained in a vehicle versus pedestrian accident involving a civilian employee of the Sheriff's Department

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

e. **Duncan Roy, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-09012 BRO

This lawsuit alleges that Plaintiff's civil rights were violated when he was incarcerated at the Los Angeles County jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$255,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

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 November 2, 2015, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

[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	Eugene McClelland v. Janice Eileen Munson, et al.
CASE NUMBER	BC574066
COURT	Los Angeles Superior Court
DATE FILED	March 2, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 45,000
ATTORNEY FOR PLAINTIFF	Charles E. Koro Brown, Koro & Romag, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	<p>This case arises out of a June 27, 2014, freeway collision between a 2006 Honda CBR 600 motorcycle driven by plaintiff Eugene McClelland and a 2010 Chevrolet Equinox sport utility vehicle driven by a Sergeant of the Sheriff's Department on the eastbound Interstate 105 freeway near the San Pedro Street overpass in the City of Los Angeles. Mr. McClelland claims he sustained injuries and damages as a result of the accident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 33,344
PAID COSTS, TO DATE	\$ 81

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Nathan Oventhal v. Los Angeles County Sheriff's Department, et al.
CASE NUMBER	BC530176
COURT	Los Angeles Superior Court
DATE FILED	December 11, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Paul Zuckerman and Daniel Benji Carpenter, Zuckerman & Rowley, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	<p>This case arises out of a vehicle collision that occurred on June 17, 2013, when a 2010 Ford Crown Victoria driven by a Deputy Sheriff rear-ended a 2013 Mercedes Benz C250 driven by Nathan Oventhal on Rose Avenue at the intersection of 4th Avenue in Venice. Mr. Oventhal claims he sustained injuries and a loss of earnings as a result of the accident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ \$33,372
PAID COSTS, TO DATE	\$ 3,447

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	David Paniagua v. County of Los Angeles, et al.
CASE NUMBER	MC024695
COURT	Los Angeles County Superior Court
DATE FILED	July 3, 2014
COUNTY DEPARTMENT	Sheriffs
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	S. Edmond El Dabe
COUNTY COUNSEL ATTORNEY	Harold G. Becks of Harold G. Becks & Associates
NATURE OF CASE	This lawsuit arises from a pedestrian versus vehicle accident that occurred on July 18, 2013, in front of the McDonald's Restaurant located at 8507 Pearblossom Highway in Littlerock when a vehicle driven by a non-sworn employee of the Sheriff's Department struck plaintiff David Paniagua as he was walking on the sidewalk. Mr. Paniagua claims injuries as a result of 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	\$ 47,308
PAID COSTS, TO DATE	\$ 86

Case Name: David Paniagua v. County of Los Angeles



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, July 18, 2013; approximately 8:16 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>David Paniagua v. County of Los Angeles</u> Summary Corrective Action Plan 2015-039</p> <p>On Thursday, July 18, 2013, at approximately 8:16 a.m., a Los Angeles County Court Services Specialist (CSS) was leaving a private driveway when he stopped at the sidewalk to allow pedestrians to cross his path. The Court Services Specialist acknowledged the plaintiff and his two companions and gestured for them to cross in front of his vehicle. After the two companions crossed the driveway, the Court Services Specialist began to cross the driveway. However, the plaintiff had not completely cleared the path of the vehicle as the Court Services Specialist initiated his turning movement. As a result, the front of the vehicle struck the left side of the plaintiff's body.</p> <p>The plaintiff was transported to a local hospital for treatment of his injuries.</p>

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

The *primary* root cause in this incident is the Los Angeles County Sheriff's Department's Court Services Specialist's violation of California Vehicle Code section 22106, Unsafe Start (**Exhibit A** – California Vehicle Code section 22106, Unsafe Start).

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

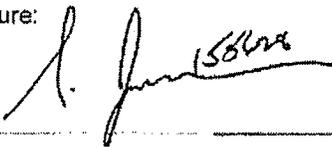
This incident was investigated by representatives of the California Highway Patrol and the Los Angeles County Sheriff's Department's Civil Management Unit. Following their investigations and subsequent reviews of the incident, employee misconduct was determined to be the primary causal factor. Pursuant to Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/070.45, Corrective Action, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department (**Exhibit B** – Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-09/070.45, Corrective Action).

On August 14, 2013, the employee attended and successfully completed an 8-hour defensive driving course entitled, "EVOC Civilian Defensive Driving/Volunteers."

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) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 9-18-15

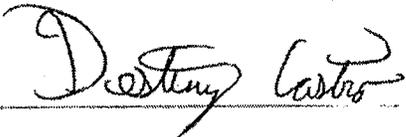
Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: Earl Shields km	Date: 09-22-15



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: 9/23/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Duncan Roy, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 12-9012
COURT	United States District Court
DATE FILED	October 19, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 255,000
ATTORNEY FOR PLAINTIFF	Barrett Litt, Esq. Kaye, McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$255,000, the individual claim filed by Plaintiff Duncan Roy against the County alleging federal civil rights violations for a violation of Mr. Roy's procedural due process rights when he was incarcerated at the Los Angeles County jails.</p> <p>The County denies the allegations; however, due to 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 \$255,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 227,528
PAID COSTS, TO DATE	\$ 4,385

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

NOVEMBER 2, 2015

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 John Naimo and Patrick Wu, with Steve Robles being absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Wendy Sha, Joyce Aiello, Alex Espinoza, Stacey Lee, and Narbeh Bagdasarian; Sheriff's Department: Lt. Patrick Hunter and Sgt. Pauline Panis; Department of Health Services: Dr. Arun Patel, Kim McKenzie, Kim Wright, and Timothy Van Natta; Fire Department: William McCloud and Steve Moseley; and Outside Counsel: Jin S. Choi.

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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 11:35 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Michael Haggerty v. County of Los Angeles Los Angeles Superior Court Case No. BC 530 146

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to racial discrimination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$165,000.

Vote: Ayes: 2 – Chair John Naimo and Patrick Wu
Absent: Steve Robles

- b. Mohammad Taadolmaneshi v. County of Los Angeles
Los Angeles Superior Court Case No. BC 533 694

This medical malpractice lawsuit concerns allegations that Olive View Medical Center staff negligently caused injury to a patient during a medical procedure.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$195,000, plus assumption of the Medi-Cal lien in the approximate amount of \$4,000.

Vote: Ayes: 2 – Chair John Naimo and Patrick Wu
Absent: Steve Robles

- c. Jesus Ruiz and Maria Ruiz v. County of Los Angeles
Los Angeles Superior Court Case No. BC 506 092

This medical malpractice lawsuit concerns allegations that Harbor-UCLA Medical Center staff were negligent in managing a patient's medication levels thereby causing respiratory arrest, which led to a brain injury.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$5,800,000, plus assumption of the medical liens in the approximate amount of \$480,000.

Vote: Ayes: 2 – Chair John Naimo and Patrick Wu
Absent: Steve Robles

- d. Elizabeth Robbins v. County of Los Angeles
Los Angeles Superior Court Case No. BC 478 353

This lawsuit concerns allegations that an employee of the Fire Department was subjected to sexual harassment and retaliation.

Action Taken:

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

Vote: Ayes: 2 – Chair John Naimo and Patrick Wu
Absent: Steve Robles

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 October 19, 2015, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – Chair John Naimo and Patrick Wu
Absent: Steve Robles

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 11:37 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson