

## 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, DECEMBER 7, 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. **Jeanine Mercer v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 548 485**

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$37,132.50.

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

- b. **Kimberly Escamilla, et al. v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 528 656**

This medical malpractice lawsuit concerns allegations that Harbor-UCLA Medical Center staff failed to manage a patient's condition which contributed to his death.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$598,000.

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

[See Supporting Document](#)

c. **Alma Pereira, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV-14-6375-RCK**

This lawsuit alleges that Sheriff's Department medical staff did not provide adequate care and treatment to an inmate thereby contributing to his death.

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 Document](#)

d. **Martha Guenther v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 543 601**  
**United States District Court Case No. CV 15-03055**

These lawsuits seek compensation for the death of an inmate while he was incarcerated in County jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$999,995.

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

[See Supporting Document](#)

e. **Armando Novshadyan, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 14-00814 JAK**

This lawsuit alleges civil rights violations and deliberate indifference to safety needs for the death of an inmate at Twin Towers Correctional Facility.

Action Taken:

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

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

[See Supporting Document](#)

f. **Edna Castro, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 13-06631**

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies arising from a shooting.

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 – John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

g. **Erika Ibarra v. Los Angeles Superior Court**  
**United States District Court Case No. CV 14-04726 MMM (AS)**

This lawsuit alleges a violation of Plaintiff's civil rights under the Americans with Disabilities Act when she was denied access by Sheriff's Department personnel to Compton Superior Court.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$30,000.

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

[See Supporting Document](#)

h. **Claim of American Modern Home Insurance Company**  
**ASO Gabriel Vahba**

This claim alleges that the Sheriff's Department caused personal and real property damage to its insured's property.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$36,590.72, noting that the original sum of \$39,168.43 was incorrect.

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 16, 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	Kimberly Escamilla, et al. v. County of Los Angeles
CASE NUMBER	BC 528656
COURT	Los Angeles County Superior Court
DATE FILED	November 25, 2013
COUNTY DEPARTMENT	Department of Heath Services
PROPOSED SETTLEMENT AMOUNT	\$ 598,000
ATTORNEY FOR PLAINTIFF	John P. Blumberg, Esq. Blumberg Law Corporation
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian, Senior Deputy County Counsel
NATURE OF CASE	<p>On June 30, 2012, Fredy Escamilla, a 30 year-old male, was admitted to St. Mary's Hospital, a non-County facility, with severe chest pain. He was later transferred to Harbor-UCLA Medical Center ("HUMC") for management of an aneurysm.</p> <p>Mr. Escamilla's medical condition deteriorated, and on July 3, 2012, he died at HUMC.</p> <p>Mr. Escamilla's surviving family brought a wrongful death action against the County of Los Angeles alleging that the HUMC staff failed to manage Mr. Escamilla's condition which contributed to his death.</p>
PAID ATTORNEY FEES, TO DATE	\$ 180,939
PAID COSTS, TO DATE	\$ 116,816

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alma Pereira, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV14-6375-RCK
COURT	United States District Court
DATE FILED	August 13, 2014
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	John Burton, Esq. The Law Offices of John Burton
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian, Senior Deputy County Counsel
NATURE OF CASE	<p>On November 23, 2013, Daniel Pereira, was arrested for a parole violation. On November 25, 2013, Mr. Pereira was transferred to the custody of the Los Angeles County Sheriff's Department ("LASD"). He was suffering from heroin and alcohol withdrawal.</p> <p>Mr. Pereira's medical condition became further complicated and on November 30, 2013, he died as a result of abdominal infection.</p> <p>The surviving family of Mr. Pereira brought a federal action against the County of Los Angeles alleging that the LASD medical staff did not provide adequate care and treatment to Mr. Pereira thereby contributing to his death.</p>
PAID ATTORNEY FEES, TO DATE	\$ 129,597
PAID COSTS, TO DATE	\$ 6,471

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Martha Guenther v. County of Los Angeles, et al.
CASE NUMBER	BC543601 CV15-3055
COURT	Los Angeles Superior Court United States District Court
DATE FILED	April 24, 2015 in Los Angeles Superior Court April 23, 2015 in United States District Court
COUNTY DEPARTMENT	Sheriff's Department Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$ 999,995
ATTORNEY FOR PLAINTIFF	Paul L. Hoffman SCHONBRUN DESIMONE SEPLOW HARRIS & HOFFMAN LLP  Peter C. Grenier GRENIER LAW GROUP PLLC
COUNTY COUNSEL ATTORNEY	Karen Joynt Senior Deputy County Counsel
NATURE OF CASE	This is a recommendation to settle for \$999,995, the two lawsuits filed by Martha Guenther alleging federal and State civil rights violations arising out of the death of Kurt Guenther while incarcerated in the County jails.  Due to the risks and uncertainties of litigation, a full and final settlement of the cases in the amount of \$999,995 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 227,805
PAID COSTS, TO DATE	\$ 21,116

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Armando Novshadyan v. County of Los Angeles, et al.
CASE NUMBER	CV 14-00814 JAK
COURT	United States District Court
DATE FILED	February 3, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 275,000
ATTORNEY FOR PLAINTIFF	Thomas E. Back The Beck Law Firm
COUNTY COUNSEL ATTORNEY	Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$275,000, the lawsuit filed by decedent, Albert Novshadyan's parents, Armando Novshadyan and Marina Dilanchy, against the County and Sheriff Department personnel alleging federal civil rights violations and deliberate indifference to safety needs. Defendants deny the allegations.</p> <p>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 \$275,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 101,874
PAID COSTS, TO DATE	\$ 3,223



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Edna Castro, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 13-06631
COURT	United States District Court
DATE FILED	September 18, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 150,000
ATTORNEY FOR PLAINTIFF	Brian T. Dunn, Esq. The Cochran Firm
COUNTY COUNSEL ATTORNEY	Joseph A. Langton Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$150,000, the lawsuit filed by Plaintiff Edna Castro and minor children R.M. and C.M. alleging that on July 19, 2013, Sheriff's Sergeant chased their husband and father, Robert McAfee, without justification and then wrongfully shot and killed him. The Plaintiffs sued the County and Sheriff's Sergeant alleging wrongful death and federal civil rights violations based on excessive force.</p> <p>Defendants contend the Deputies' actions were reasonable under the circumstances.</p> <p>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 \$150,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 74,923
PAID COSTS, TO DATE	\$ 26,158

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Erika Ibarra v. Los Angeles Superior Court
CASE NUMBER	CV 14-04726 MMM (AS)
COURT	United States District Court
DATE FILED	June 19, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 30,000
ATTORNEY FOR PLAINTIFF	Center for Disability Access
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$30,000, the lawsuit filed by Erika Ibarra alleging her civil rights were violated under the Americans with Disabilities Act on April 7, 2014, when she was denied access to the Compton Superior Court.</p> <p>The Deputies claim their actions were reasonable under the circumstances.</p> <p>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 \$30,000 is recommended</p>
PAID ATTORNEY FEES, TO DATE	\$ 27,709
PAID COSTS, TO DATE	\$ 0

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	American Modern Home Insurance Company ASO Gabriel Vahba v. COLA
CASE NUMBER	RMIS No. 15-1123911*001
COURT	N/A
DATE FILED	August 6, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ \$39,168.43
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Liliana Campos Deputy County Counsel
NATURE OF CASE	<p>On May 21, 2015, Sheriff's Department, Special Enforcement Bureau ("SEB") personnel responded to a mobile home park at 4201 Topanga Canyon Road in the City of Woodland Hills to assist personnel from Lost Hills Station that were involved in a standoff with an armed 74-year-old woman in mental distress. After brandishing a handgun at paramedics and deputies, the suspect made her way to Gabriel Vahba's mobile home located at Space #36, where she accosted the homeowner, Mr. Vahba, at gun point, before barricading herself on his back patio alcove for what would turn into a 22-hour siege. SEB personnel used extraordinary means to attempt to resolve the situation without resulting in the use of deadly force.</p> <p>Tear gas was utilized, but failed to dislodge the suspect. Deputies resorted to the use of a high pressure water cannon on a Los Angeles County Fire Department truck which was used to saturate the alcove where the suspect had</p>

barricaded herself on Mr. Vahba's property, in order to try to persuade her to surrender. Unfortunately, during the process of using the high pressure water to flush out the suspect, Claimant's property, which was the subject of the standoff, sustained substantial damage, including broken windows, substantial water damage to the interior and exterior of the home, broken gate, etc.

PAID ATTORNEY FEES, TO DATE           \$   0

PAID COSTS, TO DATE                   \$   0

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**NOVEMBER 16, 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, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, and Jonathan McCaverty; and the Sheriff's Department: Pauline Paris, Donald Moore, Dominic Dannan, Henry Romero, and April Carter.

**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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

**4. Report of actions taken in Closed Session.**

At 10:40 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**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

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

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

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

**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

**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 10:43 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson  
Carol J. Slosson