

**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, MAY 4, 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. **Teodora Pleitez, et al. v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 548 853**

This medical malpractice lawsuit alleges that Olive View-UCLA Medical Center staff were negligent in performing a medical procedure, which caused injuries to Plaintiff.

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](#)

- b. **Derrick Livingston-Bell v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. YC 068 550**

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 in the amount of \$87,500.

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

[See Supporting Document](#)

c. **Katherine Voyer and Nicholas Rampone v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 508 686**

This lawsuit concerns allegations that two employees of the Sheriff's Department were subjected to employment discrimination and retaliation, and that the Department failed to take corrective action.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$109,500.

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

d. **Nathan McDonald, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 498 394**

This lawsuit concerns allegations of excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,999.

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

[See Supporting Document](#)

e. **Alexis Torres v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 14-5373 AB (PJw)**

This lawsuit concerns allegations of excessive force and false arrest by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$39,000.

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

[See Supporting Document](#)

f. **Kenneth Coulter v. Leroy Baca, et al.**  
**United States District Court Case No. CV 13-06090**

This lawsuit concerns allegations of excessive force, negligence, and false arrest and imprisonment by Sheriff's Deputies.

Action Taken:

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

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

[See Supporting Document](#)

**g. Kelly Carrington v. County of Los Angeles, et al.  
United States District Court Case No. EDCV 13-01060**

This lawsuit concerns allegations of the use of excessive force by Sheriff Deputies on an inmate while in the custody of the Sheriff's Department.

Action Taken:

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

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

[See Supporting Documents](#)

**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 20, 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	Teodora Pleitez, et al. v. County of Los Angeles
CASE NUMBER	BC 548853
COURT	Los Angeles Superior Court - Central District
DATE FILED	June 13, 2014
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ \$275,000
ATTORNEY FOR PLAINTIFF	Marcus Petoyan, Esq. Gianni * Petoyan
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>On April 30, 2014, Teodora Pleitez, a 59-year-old female, presented to Olive View-UCLA Medical Center ("OVMC") to undergo a gynecological procedure. The plan was to use a special solution to assist in identifying abnormal tissue. Due to an inadvertent error, a different solution was used which caused burns to Ms. Pleitez.</p> <p>Teodora Pleitez filed a medical malpractice action against the County of Los Angeles alleging the OVMC staff was negligent in performing the gynecological procedure. Ms. Pleitez's husband, also brought an action for loss of consortium against the County of Los Angeles.</p>
PAID ATTORNEY FEES, TO DATE	\$ 14,798
PAID COSTS, TO DATE	\$ 4,557

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Derrick Livingston-Bell v. Lawrence Loughlin-Morales, et al.</u>
CASE NUMBER	YC068550
COURT	Los Angeles Superior Court
DATE FILED	January 25, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 87,500
ATTORNEY FOR PLAINTIFF	Slav Kasreliovich, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE	<p>On December 5, 2011, an on-duty Sheriff's Deputy, driving a marked patrol unit and responding to a burglary-in-progress, collided into a sedan driven by the Plaintiff in the signalized intersection of Hawthorne Boulevard and Rosecrans Avenue, in the City of Hawthorne. The Plaintiff and the Deputy each contends that the other ran through a red traffic signal at the intersection. The Plaintiff sustained personal injuries as a result of the incident, including a torn rotator cuff.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$87,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 77,198
PAID COSTS, TO DATE	\$ 16,174

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Nathan McDonald, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 498394
COURT	Los Angeles Superior Court
DATE FILED	December 31, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 99,999
ATTORNEY FOR PLAINTIFF	Jerry Kaplan, Esq. Kaplan, Kenegos and Kadin
COUNTY COUNSEL ATTORNEY	Joseph A. Langton
NATURE OF CASE	<p>This is a recommendation to settle for \$99,999, the lawsuit filed by Nathan McDonald alleging his civil rights were violated by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. McDonald's actions.</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 \$99,999 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 49,282
PAID COSTS, TO DATE	\$ 13,573

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alexis Torres v. County of Los Angeles, et al.
CASE NUMBER	CV 14-5373 AB (PJw)
COURT	United States District Court
DATE FILED	July 10, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 39,000
ATTORNEY FOR PLAINTIFF	Humberto Guizar, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$39,000, the lawsuit filed by Plaintiff Alexis Torres alleging excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Torres's resistance.</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 \$39,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 3,152
PAID COSTS, TO DATE	\$ 0

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kenneth Coulter vs. Leroy Baca, et al
CASE NUMBER	CV 13-06090
COURT	United States District Court
DATE FILED	August 20, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 70,000
ATTORNEY FOR PLAINTIFF	Weisburg Law Firm
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$70,000, the lawsuit filed by Plaintiff Kenneth Coulter alleging false arrest by Los Angeles County Sheriff's Department Deputies.</p> <p>Mr. Coulter alleges that his federal civil rights were violated when he was falsely arrested and imprisoned.</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 \$70,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 148,031
PAID COSTS, TO DATE	\$ 6,725



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kelly Carrington v. County of Los Angeles, et al.
CASE NUMBER	EDCV 13-01060
COURT	United States District Court
DATE FILED	June 12, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 85,000
ATTORNEY FOR PLAINTIFF	Paul Hoffman and Catherine Sweetser
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>This is a recommendation to settle for \$85,000, the lawsuit filed by Plaintiff Kelly Carrington alleging excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the force used was reasonable and in response to Mr. Carrington's resistance.</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 \$85,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 67,998
PAID COSTS, TO DATE	\$ 3,152

Case Name: Kelly Carrington 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:	Wednesday, June 13, 2012; at approximately 11:45 a.m.
Briefly provide a description of the incident/event:	<p><b><u>Kelly Carrington v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan No. 2014-056</p> <p>On Wednesday, June 13, 2012, at approximately 11:45 a.m., three Los Angeles County deputy sheriff's<sup>1</sup>, assigned to Twin Towers Correctional Facility, were supervising pill call and inmate meal service.</p> <p>The plaintiff<sup>2</sup> (an inmate in the Los Angeles County jail system) walked out of D-pod, without permission. When ordered by one of the deputy sheriffs to return to the pod, the plaintiff appeared confused and seemingly unable to comprehend the order.</p> <p>When the deputy sheriff attempted to handcuff the plaintiff, so he could be re-evaluated by a mental health professional, the plaintiff aggressively pulled his hands apart breaking free and turned toward the deputy sheriff and attempted to tackle him. The deputy sheriff and one additional deputy sheriff used physical force to restrain the plaintiff and place him into handcuffs.</p>

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

The root cause of the lawsuit is the plaintiff's allegation that he was subjected to unreasonable physical force by three members of the Los Angeles County Sheriff's Department.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

<sup>1</sup> The plaintiff was housed on the D-E-F side of the module, where two of the deputies were standing while supervising pill call and inmate meal service. The other deputy was monitoring the A-B-C side of the housing module, when he heard the commotion and responded. The third deputy only secured the pod door to prevent other inmates from walking out and did not use force.

<sup>2</sup> The plaintiff was housed on a mental health floor because he has a long history of bipolar disorder and took medication to control the disorder.

County of Los Angeles  
Summary Corrective Action Plan

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

The incident was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department's Twin Towers Correctional Facility. The investigation concluded the force used by the deputy sheriffs was objectively reasonable, justified, properly reported, and within Department policy. Consequently, no personnel-related administrative action was taken. No systemic issues were identified, and no employee misconduct is suspected.

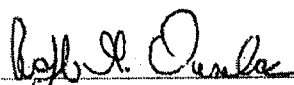
The Los Angeles County Sheriff's Department Custody Division has implemented the following corrective measures:

- On August 19, 2008, the Los Angeles County Sheriff's Department's Facilities Services Bureau began retrofitting cell doors throughout Twin Towers Correctional Facility, and the project is still on-going. Currently, 1256 out of 1850 doors have been retrofitted to include tray slots. The modification to the cell doors is an effort to reduce the number of force incidents because it would allow staff to conduct necessary activities through the tray slot (i.e. pill call, meal service, handcuffing) without opening the door and allowing full exposure to staff.
- On November 25, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau republished Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-10/000.00, *Preamble to the Use of Force Policy*, and 3-10/005.00, *Force Prevention Principles*, to remind members of 1) the fundamental principle to avoid the use of force whenever possible and 2) "...should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible."
- On January 13, 2013, the Los Angeles County Sheriff's Department Custody Division completed the installation of a comprehensive video surveillance system covering most of the secure areas of Men's Central Jail and Twin Towers Correctional Facility. The systems are currently being installed at Century Regional Detention Facility, and installation at all Pitchess Detention Center facilities is scheduled for 2016.

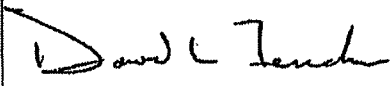
3. Are the corrective actions addressing department-wide system issues?

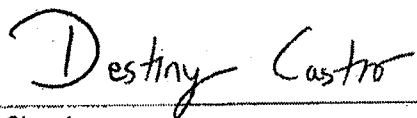
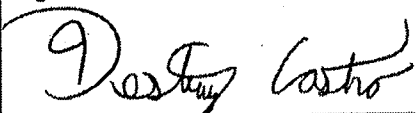
- Yes – The corrective actions address department-wide system issues.  
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Ralph G. Ornelas, Commander Custody Services Division	
Signature: 	Date: April 16, 2015 4-15-16

County of Los Angeles  
Summary Corrective Action Plan

Name: (Department Head) David L. Fender, Chief Custody Services Division	
Signature: 	Date: April 16, 2015 4-15-15

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
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) 	
Signature: 	Date: 4/16/2015

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**APRIL 20, 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: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Liliana Campos, Erik Conard, Jonathan McCaverty and Narbeh Bagdasarian; Department of Public Works: Michael Hays and Sree Kumar; Sheriff's Department: Lt. Patrick Hunter, Sgt. Albert Schauburger, Sgt. Chastity Phillians, and Sgt. Pauline Panis; Department of Health Services: Dr. Arun Patel and Dr. Brad Spellberg; and Outside Counsel: Tracy Egoscue and Kenneth Maranga.

**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(d) below.

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

At 11:15 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Claim of Los Angeles County Flood Control District v. TMW Corporation, dba Aero Chrome Plating**

This claim seeks reimbursement from TMW Corporation, dba Aero Chrome Plating, for cleanup efforts expended by the Los Angeles County Flood Control District due to a hazardous chemical runoff that entered a flood control channel as a result of L.A. City firefighting efforts at a commercial building fire that erupted at the Aero Chrome Plating facility.

**Action Taken:**

The Claims Board approved settlement of this matter wherein the County will receive payment in the amount of \$30,000.

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

**b. Los Angeles County Flood Control District San Gabriel Invert Repair – Administrative Civil Liability Complaint (Los Angeles Regional Water Quality Control Board Administrative Proceeding)**

This matter involves a potential regulatory enforcement action by the Los Angeles Regional Water Quality Control Board against the Los Angeles County Flood Control District for alleged violations of water quality standards in connection with the San Gabriel River invert repair project.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,000.

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

**c. Rosisela Rubalcava v. County of Los Angeles, et al.  
United States District Court Case No. CV 14-01183 R (JCx)**

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$600,000

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

**d. Dulce Castillo v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 498 418**

This medical malpractice lawsuit concerns allegations that LAC+USC Medical Center staff were negligent in performing a medical procedure, which caused further injuries and the need for future medical treatment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,500,000, plus assumption of the Medi-Cal lien in the estimated amount of \$94,280.

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

**5. Approval of the minutes of the April 6, 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 11:20 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Carol J. Slosson