

## 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, MARCH 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. **Shalini R. George v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. GC 051 062**

This dangerous condition lawsuit arises from an alleged trip and fall in the parking lot of Whittier Narrows Recreation Area, resulting in alleged personal injuries.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,000.

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

[See Supporting Documents](#)

- b. **Rosie De La Trinidad, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 506 356**

This wrongful death lawsuit alleges excessive force arising from 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 \$5,300,000.

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

[See Supporting Documents](#)

c. **John Sands v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 513 685**

This lawsuit concerns allegations that a Sheriff's Department employee was subjected to racial and sexual harassment resulting in a hostile work environment and that the Department failed to prevent such harassment.

Action Taken:

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

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

d. **Claim of Marissa Martinez**

This claim concerns allegations that a probationary employee of the Department of Public Social Services was subjected to disability discrimination.

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

e. **Justin Malone v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 491 009**

This medical malpractice lawsuit concerns allegations that LAC+USC Medical Center failed to treat Plaintiff's condition, which led to his paralysis.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$4,500,000, plus waiver of medical payments to the County in the estimated amount of \$790,000, plus assumption of the Medi-Cal lien in the approximate amount of \$200,000.

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 March 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	Shalini R. George v. County of Los Angeles, et al.
CASE NUMBER	GC051062
COURT	Los Angeles County Superior Court
DATE FILED	March 7, 2013
COUNTY DEPARTMENT	Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 24,000
ATTORNEY FOR PLAINTIFF	Ernest P. Algorri and Patrick S. Nolan of Dewitt Algorri & Algorri
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a trip and fall accident that occurred on March 1, 2012, in the parking lot at Whittier Narrows Recreation Area. On that date, Shalini R. George tripped and fell in the parking lot when her foot was caught in rebar exposed from a broken cement tire stop. Ms. George alleges that she was injured 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	\$ 21,700
PAID COSTS, TO DATE	\$ 10,277

Case Name: Shalini George 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:	03/1/2012
Briefly provide a description of the incident/event:	Plaintiff was walking towards her car after her tennis game at Whittier Narrows Park and Tennis Center on 3/1/2012 at approximately 10:00 P.M. when she tripped and fell over exposed rebar protruding from a broken cement parking bumper. Plaintiff filed a claim on 8/22/12 claiming she sustained cuts and abrasions to her face, left elbow and knees. She claims she has residual lumbar and knee pain and her doctor purportedly has recommended knee replacement surgery.

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

**Root Cause 1:** Exposed rebar protruding from a broken cement parking bumper.

**Root Cause 2:** Inadequate lighting in the tennis center parking lot. At the time of the accident, the Department was allocated funds to upgrade to LED lighting but due to limited resources, the facility had to prioritize hazards and repair requests.

**Root Cause 3:** The Department conducted quarterly inspections of the parking area, however, more frequent and specific safety inspections for the tennis area parking lot may have helped in identifying the hazards.

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

**Root Cause 1: Corrective Actions**

Following the accident, the protruding rebar was removed.

**Root Cause 2: Corrective Action**

Light fixtures in the tennis area were changed out to LED in May of 2014.

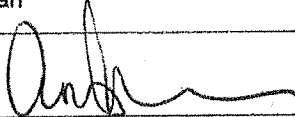
**Root Cause 3: Corrective Action**

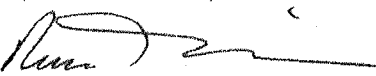
In addition to the quarterly facility inspections, the facility added weekly inspection reports which

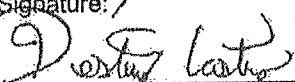
requires staff to perform specific inspections of the parking lots including lighting and the condition of cement bumpers.

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) Anush Gambaryan	
Signature: 	Date: 3/3/2015

Name: (Department Head) RUSS GUINEY	
Signature: 	Date: 3-4-15

<b>Chief Executive Office Risk Management Inspector General USE ONLY</b>	
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) Destiny Castro	
Signature: 	Date: 3/3/2015

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rosie De La Trinidad, et al. v. County of Los Angeles
CASE NUMBER	BC 506356
COURT	Los Angeles County Superior Court
DATE FILED	4/19/2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 5,300,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas, Esquire
COUNTY COUNSEL ATTORNEY	Joseph A. Langton
NATURE OF CASE	<p>This is a recommendation to settle for \$5,300,000, the lawsuit filed by Plaintiffs alleging wrongful death and excessive force by Los Angeles County Sheriff's Department Deputies.</p> <p>The Deputies contend that the deadly force used was reasonable and in response to Jose De La Trinidad's conduct.</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 \$5,300,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 121,851
PAID COSTS, TO DATE	\$ 32,372



## Summary Corrective Action Plan

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Date of incident/event:	Saturday, November 10, 2012, approximately 10:18 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><b><u>Rosie De La Trinidad, et al. v. County of Los Angeles, et al.</u></b> Summary Corrective Action Plan No. 2014-049</p> <p>On Saturday, November 10, 2012, at approximately 10:18 p.m., two Los Angeles County sheriff deputies, assigned to the Los Angeles County Sheriff's Department's Century Station, were driving east on El Segundo Boulevard in their standard black and white, County of Los Angeles-owned patrol vehicle when they saw a vehicle traveling west on El Segundo Boulevard at a high rate of speed. The deputy sheriffs made a U-turn in order to initiate an enforcement stop on the driver of the vehicle.</p> <p>The two deputy sheriffs initiated a traffic stop on Wilmington Avenue, north of El Segundo Boulevard.</p> <p>As the two Los Angeles County deputy sheriffs approached the vehicle on foot, they observed the driver (decedent's brother) pass a handgun to the decedent. Before the two deputy sheriffs could react, the vehicle sped away from the scene.</p> <p>The two deputy sheriffs, and two additional deputy sheriffs who had arrived at the scene moments earlier, pursued the vehicle until it came to an abrupt stop adjacent to a parked car on East 122<sup>nd</sup> Street.</p> <p>The decedent immediately exited the vehicle.<sup>1</sup> He ran in front of the parked vehicle while bent over, looking down in the direction of the ground, with his hands in his waistband. When he reached the sidewalk, he ran directly toward a deputy sheriff. When he saw the deputy sheriff directly in front of him, he immediately twisted his upper body to the left while crouching over. Two deputy sheriffs, believing the decedent was reaching for a firearm in order to shoot at them, discharged their Department-issued duty weapons, striking him.</p> <p>The decedent was pronounced dead at the scene.</p>

<sup>1</sup> The driver of the vehicle, the decedent's brother, drove away.



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

The root cause in this incident was the deployment of deadly force by two 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.

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

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau.

The contents of Homicide Bureau's investigation were presented to representatives from the Los Angeles County District Attorney's Office to determine if any involved members of the Los Angeles County Sheriff's Department engaged in criminal misconduct. On May 27, 2014, the Los Angeles County District Attorney's Office concluded that the two deputy sheriffs involved in this incident "acted in lawful self-defense and defense of another when they used deadly force against" (the plaintiff).

The incident is now being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine if any involved members of the Los Angeles County Sheriff's Department engaged in administrative misconduct. Since the investigation has not yet been completed, the results are not yet known. When the investigation has been completed, the results will be presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee.

On or before **September 30, 2015**, this corrective action plan will be supplemented with a report to include 1) the results of the administrative investigation; 2) any administrative action taken or discipline imposed; and, 3) any other corrective action measures identified and/or taken.

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.

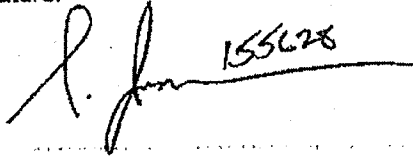
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Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain  
Risk Management Bureau

Signature:



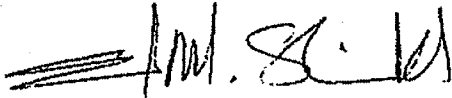
Date:

2-23-15

Name: (Department Head)

Earl M. Shields, Chief  
Professional Standards Division

Signature:



Date:

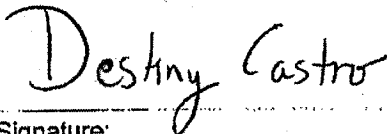
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**Chief Executive Office Risk Management Inspector General USE ONLY**

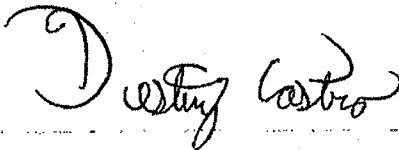
Are the corrective actions applicable to other departments within the County?

- 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:

3/2/2015

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Justin Malone v. County of Los Angeles, et al.
CASE NUMBER	BC 491009
COURT	Los Angeles Superior Court - Central District
DATE FILED	August 24, 2012
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$4,500,000, plus waiver of medical payments to the County in the estimated amount of \$790,000, plus assumption of the Medi-Cal lien in the approximate amount of \$200,00
ATTORNEY FOR PLAINTIFF	Steven A. Heimberg, Esq. Heimberg Law Group LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>In September 2010, Justin Malone, a 30-year-old male, was involved in a motorcycle accident. Following the accident, Mr. Malone was treated at Cedars-Sinai Medical Center. He underwent surgery where the rupture was repaired with a large stent-graft.</p> <p>On October 19, 2011, Justin Malone collapsed while playing basketball. He was brought to the LAC+USC Medical Center where he was admitted and evaluated. Mr. Malone's condition deteriorated, and due to a problem with his blood circulation, his spinal cord was injured. As a result, Mr. Malone was rendered paralyzed.</p> <p>Justin Malone filed a lawsuit against the County of Los Angeles alleging that LAC+USC Medical Center failed to treat his condition which led to his paralysis.</p>
PAID ATTORNEY FEES, TO DATE	\$96,539
PAID COSTS, TO DATE	\$69,619

Case Name: Malone, Justin #3746



## Summary Corrective Action Plan

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Date of incident/event:	October 19, 2011
Briefly provide a description of the incident/event:	<p>In September 2010, Justin Malone, a 30-year old male, was involved in a motorcycle accident. Following the accident, Mr. Malone was treated at Cedars-Sinai Medical Center. He underwent surgical repair of his aorta using a stent-graft.</p> <p>On October 19, 2011 Justin Malone collapsed while playing basketball. He was brought to the LAC+USC Medical Center where he was admitted and evaluated. Mr. Malone's condition deteriorated, and due to a problem with circulation at the site of the stent-graft, his spinal cord was injured. As a result, Mr. Malone was rendered paralyzed.</p> <p>Justin Malone filed a lawsuit against the County of Los Angeles alleging that LAC+USC Medical Center failed to treat his condition which led to his paralysis.</p>

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

Paralysis resulting from inadequate blood supply to spinal cord.

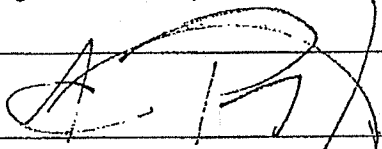
2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

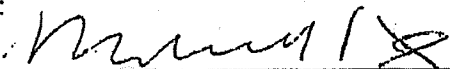
- All appropriate personnel corrective actions were taken.
- Education was provided to Emergency, Radiology, Neurosurgery, and Internal Medicine physicians regarding this case.
- A process improvement team was developed to analyze and improve communication between Emergency Medicine and Radiology regarding critical clinical information.
- A program was developed to improve the transition of care between Emergency Medicine and the admitting Medicine Service.
- All county hospital emergency departments are actively working to implement new processes to improve communication and transition of care between Emergency Medicine and other medical services.

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.

County of Los Angeles  
Summary Corrective Action Plan

Name: (Risk Management Coordinator)	
Signature: 	Date: 2/26/15

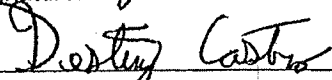
Name: (Department Head)	
Mitchell Ketz MD	
Signature: 	Date: 3/3/15

**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)	
Destiny Castro	
Signature: 	Date: 3/3/2015

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**March 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: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Narbeh Bagdasarian, Jonathan McCaverty, Rick Brouwer, Lindsay Yoshiyama, and Jessica Rivas; Department of Public Works: Michael Hays; Fire Department: Chief Anthony Marrone; Sheriff's Department: Sgt. Albert Schauburger; and Outside Counsel: Avi Burkwitz.

**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 9:31 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

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

At 11:26 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Robert Daily v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. YC 067 586**

This lawsuit seeks compensation for damages to real and personal property allegedly caused by the stoppage of a main sewer line maintained by the Department of Public Works, which allegedly caused sewage to flow onto the homeowner's property.

**Action Taken:**

The Claims Board approved settlement of this matter in the amount of \$76,500.

Vote: Ayes: 2 – Steve Robles and Patrick Wu  
Abstention: 1 – John Naimo

b. **Aurora Navarrete, et al. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 565 226**

This wrongful death lawsuit alleges that Fire Department paramedics' inadequate management of Plaintiffs' spouse and father contributed to his prolonged hospitalization and his death.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$425,000.

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

c. **Griselda Navarro, et al. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 520 528**

This lawsuit concerns allegations that LAC+USC Medical Center staff were negligent in handling the remains of Plaintiff's fetus.

**Action Taken:**

The Claims Board approved settlement of this matter in the amount of \$21,482.

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

d. **Jaime Topete, et al. v. Los Angeles County Sheriff's Department, et al.**  
**Los Angeles Superior Court Case No. KC 058 362**

This negligence lawsuit alleges personal injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000.

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

e. **Sammy Davis, Jr., et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 04-08251**

This lawsuit alleges civil rights violations when Plaintiffs were put at a heightened risk of contracting Methicillin-Resistant Staphylococcus Aureus ("MRSA") due to unsanitary conditions of confinement in Los Angeles County jails.

**Action Taken:**

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$349,500.

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

f. **Patrick Maxwell v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 497 305**

This lawsuit concerns allegations that a Sheriff's Department employee was not promoted based on age discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$140,000.

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

5. **Approval of the minutes of the February 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.**

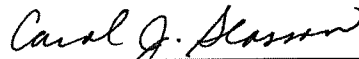
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 11:32 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Carol J. Slosson