

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN PERSON AND ONLINE VIA VIDEO CONFERENCE
ON MONDAY, SEPTEMBER 18, 2023, AT 9:30 A.M.

Present: Chair Steve Robles, Oscar Valdez, and Adrienne M. 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 appeared in person or telephonically.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9, subdivision (a)).**

a. **Miguel De Los Santos v. County of Los Angeles, et al.**

United States District Court Case No. 2:22-CV-04302

This civil rights lawsuit against the Sheriff's Department alleges excessive use of force.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.a. in the amount of \$400,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Documents](#)

b. **Mario Morones v. County of Los Angeles, et al.**

United States District Court Case No.: 2:21-CV-07690

This civil rights lawsuit against the Sheriff's Department alleges excessive use of force and unlawful arrest.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.b. in the amount of \$430,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Documents](#)

c. Non-Litigated Auto Liability Claims of Trisha C. Chacon and Kemper Insurance

These claims seek compensation for property damage caused by an automobile accident involving a Sheriff's Department transportation bus.

Action Taken:

The Claims Board approved settlement of Item 4.c. in the amount of \$28,117.25.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Document](#)

**d. Nemore v. Renovate America, Inc., et al.
Los Angeles Superior Court Case No. BC701810**

**Ocana v. Renew Financial Holdings, Inc., et al.
Los Angeles Superior Court Case No. BC701809**

These class-action lawsuits allege breach of contract by the Internal Services Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.d. in the amount of \$9,000,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Document](#)

**e. Hector Valentin Garcia vs. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 20STCV32287**

This lawsuit arises from injuries allegedly sustained in an automobile accident with a Department of Parks and Recreation employee.

Action Taken:

The Claims Board approved settlement of Item 4.e. in the amount of \$70,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Document](#)

**f. Terry Rose Leeds v. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 21STCV21574**

This lawsuit arises from injuries allegedly sustained in a trip and fall incident on a sidewalk maintained by the Department of Beaches and Harbors.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.f. in the amount of \$135,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Documents](#)

g. Non-Litigated Matter of Jennifer Flagler, et al.

This claim for damages alleges negligence against the Fire Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.g. in the amount of \$2,950,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Document](#)

**h. John Meyer, Jr. v. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 21AVCV00645**

This lawsuit arises from injuries allegedly sustained in an automobile accident with an employee from the Fire Department.

Action Taken:

The Claims Board approved settlement of Item 4.h. in the amount of \$50,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Document](#)

**i. Zoltan Gyarmati v. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 21STCV01262**

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

Action Taken:

The Claims Board approved settlement of Item 4.i. in the amount of \$35,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

[See Supporting Document](#)

**j. Deborah Rose v. County of Los Angeles
Los Angeles Superior Court Case No. 22TRCV00084**

This lawsuit against the Department of Health Services alleges harassment, discrimination, and retaliation.

Action Taken:

The Claims Board approved settlement of Item 4.j. in the amount of \$75,000.

Vote: Ayes: 3 – Steve Robles, Adrienne M. Byers, and Oscar Valdez.

**k. Yana Gasparyan v. County of Los Angeles
Los Angeles Superior Court Case No. 21STCV13275**

This lawsuit against the Department of Children and Family Services alleges harassment, disability discrimination, and retaliation.

Action Taken:

The Claims Board approved settlement of Item 4.k. in the amount of \$80,000.

Vote: Ayes: 2 – Steve Robles, and Oscar Valdez.
Noes: 1 – Adrienne M. Byers

4. Approval of the Minutes of the August 21, 2023, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes of the August 7, 2023, meeting.

Vote: Ayes: 2 – Oscar Valdez, and Adrienne M. Byers
Abstention: 1 – Steve Robles

[See Supporting Document](#)

5. 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.

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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| CASE NAME | De Los Santos, Miguel v. County of Los Angeles, et al. |
| CASE NUMBER | 2:22-CV-04302 |
| COURT | United States District Court |
| DATE FILED | April 28, 2022 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 400,000 |
| ATTORNEY FOR PLAINTIFF | Espina Lawyers, APLC |
| COUNTY COUNSEL ATTORNEY | Millicent L. Rolon, Principal Deputy County Counsel |
| NATURE OF CASE | <p>This is a recommendation to settle for \$400,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Plaintiffs Miguel De Los Santos and his fiancée Cielo Zavala Esquivel due to a deputy-involved shooting resulting in Miguel 's paralysis from the waist down.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$400,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 111,517 |
| PAID COSTS, TO DATE | \$ 16,216 |



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.

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| Date of incident/event: | April 23, 2021, at approximately 8:22 p.m. |
| Briefly provide a description of the incident/event: | <p>Summary Corrective Action Plan 2022-67</p> <p>Details provided in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>First Call for Service</p> <p>On April 23, 2021, at approximately 3:54 a.m., two Los Angeles County Sheriff's Department deputies, assigned to Century Station, were dispatched a call for service a 27-year-old male, possibly overdosed. The Los Angeles County Fire Department arrived shortly after Deputies One and Two.</p> <p>The following statement is a summary of homicide detectives' interview with Deputy One:</p> <p>Deputies One and Two responded to the Plaintiff's residence regarding a possible heroin or drug overdose. Deputies One and Two contacted the informant (Plaintiff's fiancée) who indicated the Plaintiff had laced heroin with cocaine and was acting erratically. The informant indicated the Plaintiff was inside the room.</p> <p>Deputy One and Deputy Two went to the Plaintiff's bedroom and saw there were no weapons. The deputies observed the Plaintiff walking around the bedroom. The Plaintiff was sweaty, mumbling, and pacing back and forth. Deputy One believed the Plaintiff was under the influence of a stimulant. The Plaintiff acknowledged both Deputies One and Two but continued to mumble incoherent sentences.</p> <p>LACoFD arrived and a firefighter spoke with the Plaintiff. The responding firefighter spoke with the Plaintiff in an attempt to get him to leave the bedroom due to limited space. The Plaintiff responded to the firefighter's questions, but did not want to leave his bedroom.</p> <p>As the firefighter spoke to the Plaintiff, the firefighter indicated the Plaintiff was trying to harm himself. Deputies One and Two could see the suspect had a writing pen. Deputy One did not see the Plaintiff stabbing himself nor did he hear the Plaintiff say he wanted to harm himself. As Deputies One and Two entered the Plaintiff's bedroom, Deputy One grabbed the Plaintiff and escorted him out of his bedroom.</p> <p>The Plaintiff did not resist as Deputies One and Two escorted him to the awaiting gurney, which was by the steps at the front door.</p> |

Although the Plaintiff was sweaty and mumbling while on the gurney, the Plaintiff did not fight with medical personnel. The Plaintiff was transported to the hospital by ambulance. Deputies One and Two left the location after the Plaintiff was transported to the hospital. A report was not written.

Deputy One and Deputy Two returned for their shift and responded to a deputy-involved shooting call. Deputies One and Two responded to assist with the containment.

Deputy One stated while on the containment, the Plaintiff's fiancée walked toward them. The Plaintiff's fiancée sat on the curb and indicated she was cold. Due to the Plaintiff's fiancée being cold, Deputies One and Two advised she could sit in their radio car. Deputy One asked the Plaintiff's fiancée, "What happened?" She said the hospital discharged the Plaintiff at 9:00 a.m. and he was only there a couple of hours.

This concludes Deputy One's summary interview with homicide detectives.

The following statement is a summary of homicide detectives' interview with Deputy Two:

Deputy Two (driver) stated, he and Deputy One responded to the location regarding either an attempted suicide or a man down at the Plaintiff's residence. Deputy Two stated, the fire department arrived approximately ten seconds after he and his partner arrived at the residence.

Once at the residence, Deputies One and Two contacted the informant (Plaintiff's fiancée) and she pointed to a bedroom where the Plaintiff was located. Deputy Two indicated the Plaintiff was conscious and did not mention he wanted to harm himself.

The Plaintiff spoke to the paramedics and acknowledged their presence. Deputy Two stated he was not aware if the Plaintiff had taken drugs, but observed the Plaintiff pacing back and forth on a mattress located on the floor inside of the bedroom.

Deputy Two stated, while paramedics were speaking with the Plaintiff, the Plaintiff was trying to "self-harm" with a writing pen.

Deputy Two indicated he told the Plaintiff to put the pen down. Eventually the Plaintiff complied with Deputy Two's commands. The Plaintiff placed the pen in a bowl which was located on the table inside of the room. The Plaintiff began banging the bowl on the table, at which time both Deputies One and Two stepped into the bedroom and escorted the Plaintiff outside.

Deputy Two indicated the Plaintiff appeared delusional and paranoid. The Plaintiff asked Deputy Two to pull down his mask so he could see if he had a mouth. Additionally, the Plaintiff stated, "They're out to get me."

Deputies One and Two escorted the Plaintiff to a gurney outside of the residence's front door. The Plaintiff did not resist nor fight Emergency Medical Technicians as they placed him on the gurney. Deputy Two indicated he believed the Plaintiff would be transported to the hospital due to his behavior, and he was placed in soft restraints.

Deputy Two indicated he returned to work for his early morning shift, and was assigned to a containment position for the Plaintiff (after the shooting). Deputy Two indicated while on the containment, the Plaintiff's fiancée approached Deputies One and Two's patrol vehicle. The Plaintiff's fiancée stated she was frustrated with the hospital because they released the Plaintiff.

This concludes Deputy Two's summary interview with homicide detectives.

Second Call for Service

At approximately 5:10 p.m., the informant (Plaintiff's fiancée) called 9-1-1 and stated the Plaintiff wanted to kill himself. Two Los Angeles County Sheriff's Department deputies (two-man unit), assigned to Century Station, were dispatched a call for service regarding a possible suicide, family disturbance.

EMT personnel were dispatched to the Plaintiff's residence regarding a psychiatric patient who was a danger to himself and was going to self-admit.

LACoFD personnel arrived at the Plaintiff's residence prior to deputies' arrival. The Plaintiff was cooperative with LACoFD personnel and willingly exited his residence. The paramedics explained they could take him to Urgent Care Center for medical attention. The Plaintiff agreed and waited for the ambulance. The Plaintiff was being loaded into the ambulance when Deputies Three and Four arrived on-scene. The ambulance and deputies left the location.

Approximately five minutes into the ambulance ride, the Plaintiff became anxious. The Plaintiff began asking questions as to where he was being taken. After an ambulance attendant told him they were headed to the hospital, the Plaintiff stated he did not want to go.

The Plaintiff unbuckled his seatbelt and attempted to exit the ambulance while it was in motion. The ambulance attendant had to physically restrain the Plaintiff from jumping out the rear of the ambulance.

The ambulance driver heard the commotion and parked the ambulance on the roadway median to assist her partner. The Plaintiff told the ambulance workers they wanted to cut him. The ambulance workers explained they were not going to harm him, and he was free to go as soon as they parked the ambulance at a safer location.

As the ambulance driver attempted to help the Plaintiff back on the gurney, the Plaintiff kicked her. The Plaintiff attempted to grab a pair of scissors, at which time the ambulance driver grabbed and threw the scissors towards the front of the ambulance. The Plaintiff pushed past the ambulance workers and exited the ambulance, leaving behind his wallet and one shoe. The ambulance workers advised their dispatch of the incident and began to write an incident report.

Third Call for Service:

At approximately 5:50 p.m., a call for service was initiated by EMT ambulance dispatch.

Two Los Angeles County Sheriff's Department Deputies (Five and Six), assigned to Century Station, were dispatched a call for service regarding an unknown male fighting with ambulance personnel in the back of a blue and white ambulance. Deputies arrived at the location to find both the ambulance and the Plaintiff had left the location.

Fourth Call for Service:

At approximately 6:10 p.m., another call for service was generated by the informant (Plaintiff's fiancée). She informed dispatch the Plaintiff had returned to their residence and was in the kitchen with a knife in his hand, attempting to kill himself.

Deputies Three and Four were again dispatched to the Plaintiff's residence.

The following statement is a summary of homicide detectives' interview with Deputy Three:

Deputy Three stated he and his partner (Deputy Four) were dispatched to the Plaintiff's residence regarding an attempted suicide, call for service. Upon Deputy Three and Four's arrival, they observed the Plaintiff in the back of the ambulance. The Plaintiff was friendly and talking to the paramedics. Deputy Three indicated everything appeared fine and the Plaintiff was being medically treated. Deputy Three did not observe any injuries on the Plaintiff. Deputies Three and Four left the location when the Plaintiff was transported.

After Deputies Three and Four left the location, they heard a call being dispatched regarding someone fighting with ambulance employees. Upon their arrival, Deputies Five and Six indicated the ambulance left prior to their arrival at the location. Later in their shift, Deputies Three and Four were notified by Century Station Dispatcher via L-TAC (tactical frequency) the Plaintiff returned to his residence.

Upon Deputies Three and Four's arrival, they contacted the informant (Plaintiff's fiancée), and she stated the Plaintiff was trying to commit suicide. Deputy Three said he recognized the Plaintiff from the previous call for service.

The Plaintiff was visible inside the kitchen, approximately 30 feet from the front door. The Plaintiff was observed by Deputy Three, holding a 10-inch knife in one hand and a 5-inch knife in the other hand. While the Plaintiff was contained inside of the residence, Deputy Three established an arrest team. Deputy Three additionally requested a sergeant to respond to his location (so he could have less lethal and shield). Deputy Three assigned Deputy Seven the shield and Deputy Eight the Taser. Deputy Four changed his less lethal (stun-bag to a 40mm baton launcher).

Deputy Three indicated Deputy Eight contacted the Mental Evaluation Team desk (M.E.T) and requested them to respond to the location. Deputy Three devised a plan, if the Plaintiff charged/attacked deputies. Deputy Three would close the security screen door, containing the Plaintiff within the residence.

Deputies were at the location for two hours talking to the Plaintiff.

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| | <p>Both Deputy Three and LACoFD spoke with the Plaintiff to have him exit the residence, but he was extremely paranoid. The Plaintiff was reluctant to come exit, stating he would be killed. Deputy personnel assured the Plaintiff they would protect him and escort him to the hospital.</p> <p>The Plaintiff wanted to speak with the Informant (his fiancée), and the deputies allowed it. The Informant spoke with the Plaintiff and attempted to get the Plaintiff to put the knives down. The Plaintiff still refused to drop the knives or exit the residence. outside.</p> <p>MET Deputy along with a clinician, arrived 30-40 minutes later at the Plaintiff's residence.</p> <p>Both the MET Deputy and the clinician spoke with the Plaintiff. The Plaintiff made several aggressive movements toward the deputies.</p> <p>As it began to get dark outside, the Plaintiff stood between the threshold of the living room and the kitchen. The Plaintiff picked up an aluminum bucket and held it like a shield. Deputy Three stated, the Plaintiff took a "Roman Soldier" stance while holding a small knife and the metal bucket with his left hand and a larger knife in his right hand.</p> <p>Deputy Three indicated, the Plaintiff appeared to pump himself up to charge. The Plaintiff took two or three steps forward (within 12 feet of Sheriff's personnel), but become discouraged and walk backwards. While Deputy Three continued to give the Plaintiff commands, he also reassured him no one wanted to hurt him.</p> <p>Deputy Three observed the Plaintiff walk into the kitchen several times. Deputy Three stated while the Plaintiff was in the kitchen, he could hear sounds of a lock being unlocked. Deputy Three saw the Plaintiff on the southwest corner of the house. Deputy Three ordered the 40mm baton launcher and the shield to his location.</p> <p>Deputy Three stated, they started to move forward along the south fence line toward the west side of the front yard. Deputy Three indicated, deputies were giving the Plaintiff commands to drop the knives and get on the ground, but the Plaintiff began to charge from the corner of the house.</p> <p>The Plaintiff was about 10 feet away when Deputy Three requested the 40mm baton launcher. The 40mm baton launcher was employed and impacted the Plaintiff, causing him to drop the metal trash can. Due to the impact, the Plaintiff stumbled and fell. The Plaintiff quickly got up onto his feet and ran towards Deputy Five and the field sergeant. Deputy Three heard two or three Tasers employed.</p> <p>With his arms extended and knives in his left and right hand, the Plaintiff continued to run toward field Sergeant One. Fearing the Plaintiff was going to stab field Sergeant One, Deputy Three fired his duty weapon once at the Plaintiff to stop the threat and save his partner's life.</p> <p>The Plaintiff was struck by Deputy Three's duty round, and he fell to the ground.</p> |
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Deputy Three moved toward the suspect and observed the Plaintiff was still holding two knives and appeared as if he was attempting to stand up. Deputy Three saw the Plaintiff drop one knife and felt it was safe to slide the other knife out of the Plaintiff's hand. Deputies handcuffed the Plaintiff and placed him on his side, in the recovery position. LACoFD paramedics were standing by at the location and immediately treated the Plaintiff.

This concludes Deputy Three's summary interview with homicide detectives.

The following statement is a summary of homicide detectives' interview with Deputy Four:

Deputy Four stated he responded to the Plaintiff's location for a mental illness call. The informant on the call was the Plaintiff's fiancée who stated the Plaintiff wanted to kill himself.

Upon Deputies Three and Four's arrival, the Plaintiff was strapped down on a gurney and placed in the back of the ambulance. Deputies Three and Four did not speak to the Plaintiff but obtained the Plaintiff's information from his fiancée (informant). Deputy Four observed the Plaintiff to be cooperative and sitting quietly. Deputy Four was under the assumption the Plaintiff was being transported to Martin Luther King Hospital (1680 E. 120th St, Los Angeles, Ca., 90059), but was uncertain if it was for medical or psychological reasons. Once the Plaintiff was transported, both Deputies Three and Four left the Plaintiff's residence.

Deputy Four stated he heard a call for service regarding an unknown male fighting with ambulance employees. Deputy Four indicated his unit was not assigned to the call and did not respond.

Deputies Three and Four were later assigned a call for service indicating the Plaintiff was from a previous call for service. The call for service indicated the Plaintiff was threatening to kill himself and had two knives. Once Deputy Three and Four arrived at the location, they requested a supervisor along with the Mental Evaluation Team (M.E.T) to respond to their location.

Deputy Four communicated with Century Station dispatch and requested the informant (Plaintiff's fiancée) to safely exit the residence. Deputy Three and Four contacted the informant and she stated the Plaintiff was inside of the residence. The Informant also indicated the Plaintiff was bipolar and not taking his medication. Deputy Four indicated, once the informant was safe, both he and his partner, Deputy Three, attempted to contact the Plaintiff.

Deputy Four stated the front door (east) to the residence was left open by the informant. The Plaintiff was visible inside the kitchen, approximately 30 feet from the front door.

The Plaintiff was observed by deputies, holding a kitchen style knife in one hand (12 inches) and a steak knife in the other hand.

Deputy Four stated he recalled the Plaintiff had two slash marks on his left forearm which were bleeding. Deputy Four made verbal contact with the Plaintiff.

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| | <p>Although Deputy Four called the Plaintiff by his name, the Plaintiff did not believe Deputy Three was real, and requested to speak with his fiancée. Deputy Four gave the Plaintiff the verbal commands to put the knives down so they could assist him, but the Plaintiff did not comply.</p> <p>Deputies Three and Four allowed the Plaintiff to speak with the informant she attempted to convince him to drop the knives and allow the deputies to help him. The Plaintiff responded by saying she was not real and not there to help him. The Plaintiff continued to state she wanted him to go [outside] so they could chop him up. Deputy Four believed the Plaintiff was suffering from a mental disorder.</p> <p>Deputy Four was directed by field Sergeant One to swap out the stun-bag (less lethal) with the 40mm baton launcher (less lethal). Deputy Four additionally indicated other deputies at the location had Tasers, a shield, and additional less lethal weapons if necessary. The formulated plan was to deploy the 40mm baton launcher if the Plaintiff became aggressive and advanced toward deputies. The deputies would then close the security screen door keeping the screen door secured with the shield and their body weight.</p> <p>Deputies continued to communicate with the Plaintiff and give commands to drop the knives, but the Plaintiff refused to comply with their verbal commands.</p> <p>The MET Deputy attempted to convince the Plaintiff to drop the knives. The Plaintiff dropped one knife, then armed himself with a cylindrical, metal trash can. Deputy Four stated the Plaintiff made several aggressive movements toward the deputies. The Plaintiff reached down and picked up the knife he dropped.</p> <p>The Plaintiff moved approximately 15 feet away but would lunge toward them with the knives in his hands. The Plaintiff would get within 12 to 13 feet from deputies and then retreat. Each time the Plaintiff would lunge, the deputies would reiterate they are not there to hurt him but to help him.</p> <p>For approximately an hour and a half, M.E.T and multiple first responders spoke to the Plaintiff to get him to exit the residence. Suddenly, the Plaintiff backed up into the kitchen, causing the deputies to lose sight of the Plaintiff. Deputy Four stated Deputy Three went to the front lawn while he remained at the front door. Suddenly, Deputy Four heard someone request the 40mm baton launcher. Deputy Four quickly ran over to the front of the residence. Once in front of the residence, he observed Deputy Three standing to the south [of the residence] and the suspect was standing to the southwest corner of the residence. Deputy Three shouted, "He's here! He's here!" The Plaintiff then retreated towards the west [of the residence].</p> <p>The suspect retreated a few feet behind the westside of the residence. The Plaintiff suddenly emerged from around the corner holding a metal trash can in his left hand and a knife in his right hand. The Plaintiff was holding the trash can up like a shield. Deputy Four stated he thought the Plaintiff was going to rush him or his partner. From 12 to 15 feet away, Deputy Four discharged one 40mm baton round, hitting the Plaintiff and causing him to fall to the ground. Deputy Four took several steps back and attempted to reload his one-shot 40mm baton launcher.</p> |
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However, Deputy Four did not have enough time to reload the 40mm baton launcher. Deputy Four continued to move back as he dropped the 40mm baton launcher to the ground and transitioned to his baton.

Deputy Four heard his partners yell, "Taser! Taser! Taser!" He heard the Taser cycle at least once and saw the Taser did not have the desired effect on the suspect.

Deputy Four indicated the Plaintiff raised the knife which was in his right hand (overhead), and he stabbed [in the air] while taking several steps toward Deputy Three. The Plaintiff then redirected his attention and ran towards the deputies who deployed the Taser.

Believing his life and the lives of the other deputies were in danger, Deputy Four fired eight 9mm rounds from his Department-issued semi-automatic duty weapon. The Plaintiff was struck by Deputy Four's duty rounds, and he fell to the ground. Due to Deputy Four being unable to see the Plaintiff's hands and uncertain if the Plaintiff was still armed with the knives, he gave verbal commands to drop the knives. The Plaintiff turned from his side and onto his back, revealing he was still holding a knife in his left hand.

Deputy Four stated, once the Plaintiff was secured, LACoFD personnel began to render aid.

This concludes Deputy Four's summary interview with homicide detectives.

The following statement is a summary of homicide detectives' interview with Sergeant One:

Sergeant One stated deputies requested him to respond to the Plaintiff's residence. Upon his arrival he could see LACoFD present at the location. Sergeant One was briefed by deputies regarding the previous calls for service generated involving the Plaintiff. Sergeant One was advised the Plaintiff had two knives in his hands.

Sergeant One noted deputies had already established a tactical plan which included which deputies were assigned to either lethal or less lethal weapons.

Sergeant One indicated the Plaintiff was inside of his residence 35 feet from the deputies. Sergeant One had Deputy Four swap out his stun bag (less lethal) with a 40mm baton launcher. Sergeant One issued Deputy Seven a shield and had his own Taser to utilize as a less lethal option.

Although Sergeant One observed a laceration on the Plaintiff's left arm, the laceration appeared to be non-life threatening.

Sergeant One indicated he positioned himself on the northside of the east facing door of the residence, closer to the rear of the property. Sergeant One indicated he observed the deputies move from the top of the stairs by the front door, to the bottom of the stairs to increase distance between themselves and the Plaintiff. Sergeant One leaned into the front door and observed the Plaintiff standing on the threshold which separates the living room and the kitchen.

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| | <p>Upon the arrival of the M.E.T, they spoke with the Plaintiff and Sergeant One heard the Plaintiff say the police were not real and they were going to kill him. Additionally, he said the Plaintiff was extremely paranoid. Sergeant One stated the Plaintiff charged the deputies at least a half a dozen times. The Plaintiff held a knife and a trashcan as he ran rapidly from the kitchen eastwardly [within the residence]. Fire personnel attempted to remove the trash can with a 10-foot pole with a claw attached to the end of the pole.</p> <p>Sergeant One stated the Plaintiff escalated the situation when he ran out the rear door of the residence. When the Plaintiff ran out the rear door, he ran to the front yard, toward the southwest corner of the residence. Sergeant One cleared the west side of the residence with his duty weapon and did not locate the suspect. As Sergeant One transitioned back to his Taser, the Plaintiff exited the west door. In an effort to clear the front of the residence, Sergeant One instructed Sergeant Two to go to the residence to the west of their location.</p> <p>Due to Deputy Four having a 40mm baton launcher, he requested Deputy Four to his location. As Deputy Four arrived at Sergeant One's location, the Plaintiff reentered the residence. Sergeant One indicated he went to the front door to locate the suspect and direct the deputies if needed.</p> <p>Four remained in the front of the residence (southwest corner). Sergeant One heard Deputy Three say he's coming out and then he heard the 40mm baton launcher discharged.</p> <p>Sergeant One then ran back to the grassy area. The suspect exited from the west side of the residence and was standing in the grass area with either a knife or a wastebasket.</p> <p>Sergeant One stated it was dark but was able to see the Plaintiff's shirt as he was making rapid movements. Sergeant One positioned himself on the front lawn, but did not move toward the Plaintiff. Sergeant One stated he heard a Taser being employed. The Taser and the 40mm baton launcher did not have the desired effect on the Plaintiff.</p> <p>The Plaintiff began to run toward Sergeant One and he discharged his Taser. Sergeant One indicated the Plaintiff was still a threat as he continued to move quickly [in his direction]. Due to his inability to transition from his Taser (less lethal) to his duty weapon (lethal) to protect himself, he heard gunshots.</p> <p>Sergeant One stated the Plaintiff fell on the ground and the deputies continued to give verbal commands in order to gain compliance from the Plaintiff. Once the deputies determined the Plaintiff was no longer an immediate threat, deputies rendered medical assistance along with the LACoFD.</p> <p>This concludes Sergeant One's summary interview with homicide detectives.</p> <p>The following statement is a summary of homicide detectives' interview with Sergeant Two:</p> <p>Sergeant Two stated Sergeant One requested her to respond to the Plaintiff's location.</p> |
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Upon her arrival, she observed several deputies and the MET along with the fire department at the location. She was advised deputies were dealing with the Plaintiff regarding an attempted suicide. Additionally, she was advised less lethal options and assignments were designated prior to her arrival.

Sergeant Two indicated she was positioned to the north side of the location (east facing door). She observed the Plaintiff standing approximately 8-feet inside the residence. She observed the Plaintiff holding a trash can in his left hand and an approximately 10-inch knife in his right hand. Sergeant Two heard deputies along with MET taking turns speaking and reasoning with the Plaintiff.

Sergeant Two described the Plaintiff as agitated and gave the impression he was going to comply, but ultimately did not comply with the deputies' commands. Sergeant Two stated she observed the Plaintiff lunge several times towards deputies. She heard deputies give several commands which included, stop, calm down, and put down the knife.

Sergeant Two lost sight of the Plaintiff but heard the deputies mention the back door. She moved to the northeast corner of the residence to see if the Plaintiff was moving towards them. While she was watching the northeast corner, she heard the commotion coming from the front of the location.

Sergeant Two stated Sergeant One instructed her to evacuate the residence north of the Plaintiff. While conducting the evacuations, she heard the 40mm baton launcher discharge along with a Taser. Sergeant Two stated although she did not observe the shooting, she heard approximately 5 to 10 gunshots.

This concludes Sergeant Two's summary interview with homicide detectives.

The following statement is a summary of homicide detectives' interview with Deputy Seven:

Deputy Seven stated he and his partner, Deputy Eight, were on another call service when they heard the emergent radio traffic which indicated the Plaintiff was at the location with two knives. Upon their arrival, Deputy Seven and his partner observed the fire department was already at the location. Once at the location he was assigned the shield.

As Deputy Seven walked toward the location, he observed Deputies Three and Four along with fire personnel on the front porch. Deputy Seven indicated both deputies and fire personnel continued to speak with the Plaintiff in an attempt to get him to comply with their verbal commands to drop the knives. The Plaintiff stepped out of the kitchen, and Deputy Seven was able to observe the Plaintiff with a knife in each hand.

Deputy Seven stated MET and a clinician arrived at their location and took over speaking with the Plaintiff. The MET deputy was able to convince the Plaintiff to drop the large kitchen knife from his left hand, but he continued to hold the steak knife in his right hand. Deputy Seven then observed the Plaintiff pick up the metal trash can with his left hand.

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| | <p>Deputy Seven additionally stated, he observed the Plaintiff repeatedly drop the knife into the metal trash bin but would immediately pick the knife back up. The Plaintiff would make swift movements towards deputies, but he would then retreat. Deputies continued to give verbal commands to have the Plaintiff exit the residence so they could provide him with assistance. Deputy Seven stated the Plaintiff ran towards the kitchen area and out of his view.</p> <p>Deputy Seven observed Sergeant One run towards the southside of the residence. Deputies Four and Seven remained at the front door waiting to see if the Plaintiff returned to the living room.</p> <p>Deputy Seven heard a commotion coming from the front of the residence. He then heard Sergeant One request the 40mm baton launcher.</p> <p>As Deputies Four and Seven went to the front of the residence, they observed the Plaintiff coming around the westside of the location holding a knife and the metal trashcan in his hand. Deputy Seven observed Deputy Eight point his Taser at the Plaintiff while he gave him verbal commands to drop the knives, but the Plaintiff did not comply with his commands. The Plaintiff then ran behind the residence and out of his view.</p> <p>While holding the shield, Deputy Seven repositioned himself. Deputy Seven stated he heard yelling come from the front of the Plaintiff's residence. As he went to the front yard, he could hear the 40mm baton launcher being deployed (one shot). Once in the front yard he observed the Plaintiff sitting on the ground and believed the 40mm baton launcher was effective.</p> <p>As Deputy Seven began to walk towards the Plaintiff to pin him with the shield, the Plaintiff quickly stood up. Deputy Seven heard additional verbal commands and Deputy Eight yelled, "Taser!" Deputy Seven stated Deputy Eight deployed his Taser, with it having little to no effect on the Plaintiff. The Plaintiff hesitated and ran towards the rear of the residence, but then turned around. Deputy Seven heard Sergeant One deploy his Taser, however it did not have the desired effect on the Plaintiff.</p> <p>While the Plaintiff was holding a knife in his hand, Deputy Seven said he began running as if he was trying to locate an exit, but could not figure out which way he should go. The Plaintiff started running towards Sergeant One, then he heard several gunshots. The Plaintiff immediately fell to the ground, still holding a knife in his hand. The Plaintiff was given several verbal commands to drop the knife and roll over. The Plaintiff eventually dropped the knife.</p> <p>Deputy Seven stated firefighters and paramedics were on scene to render medical aid.</p> <p>This concludes Deputy Seven's summary interview with homicide detectives.</p> <p>The following statement is a summary of homicide detectives' interview with Deputy Eight:</p> <p>Deputy Eight stated he responded to the location, and once at the location he observed several deputies at the location.</p> |
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| | <p>Deputy Eight stated he responded to the location, and once at the location he observed several deputies at the location. Deputy Eight requested MET via telephone, and they gave an estimated time of arrival of 20 minutes.</p> <p>Deputy Eight indicated he saw several deputies at the front door of the residence, and he could see the Plaintiff inside the location holding a large butcher knife in his left hand and a steak knife in his right hand. Deputy Eight observed blood running down one of the Plaintiff's arms. Deputy Eight indicated the formulated plan continued to change due to the Plaintiff's actions. Deputy Eight saw the Plaintiff drop the large butcher knife and picked up a metal or tin trash can and utilized it as a shield. Deputy Eight described the Plaintiff as someone who was mentally distraught and making paranoid statements. Deputy Eight saw the Plaintiff lunge several times towards deputies.</p> <p>After two hours, Deputy Eight heard someone yell, "he's going to the back!" He ran north near the rear of the residence, but did not see the Plaintiff.</p> <p>He heard the 40mm baton launcher being deployed as he was returning to the front yard. Deputy Eight saw the Plaintiff and yelled, "Taser, Taser, Taser!" Deputy Eight deployed his Taser for one cycle. Deputy Eight observed the Plaintiff's slight jolt, but the Taser did not have the desired effect. The Plaintiff took a step back and then ran towards his direction and Deputies Three and Four fired their duty weapon. The Plaintiff was struck by Deputies Three and Four's duty rounds and fell to the ground. While the Plaintiff was on the ground, he could see the Plaintiff still holding a knife in his right hand. Deputy Eight ordered the Plaintiff to drop the knife, he complied, and fire rendered medical aid.</p> <p>This concludes Deputy Eight's summary interview with homicide detectives.</p> <p>The Plaintiff was transported to St. Francis Medical via ambulance, where he received emergency trauma surgery.</p> <p>A command post and containment of the scene were established by assisting deputies.</p> <p>Deputies Three and Four were transported to Century Station pending interviews with Homicide Bureau investigators.</p> <p>The incident (shooting) was captured on both deputies' Body-Worn Cameras (BWC).</p> <p>At approximately 11:24 p.m. the handling Homicide Bureau investigators arrived at the command post and took control of the scene.</p> <p>The Plaintiff was eventually transferred to Rancho Los Amigos National rehabilitation Center for further treatment.</p> <p>The Plaintiff was charged with two (2) felony counts of 245(c) PC – Assault with a Deadly Weapon on a Peace Officer, court case VA159704 out of Downey Court. The Plaintiff failed to appear in court and there is currently a \$100,000 bench warrant for his arrest.</p> |
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| | pending. |
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was deputies one and two did not place the Plaintiff on a 72-hour mental evaluation hold.

A **Department** root cause in this incident was the use of force by deputies one and two against the Plaintiff, who ran at deputies while armed with knives.

A **Department** root cause in this incident was the ineffectiveness of the Tasers against the Plaintiff, which allowed him to continue to run at deputies while armed with knives.

A **non-Department** root cause in this incident was the Plaintiff's failure to comply with lawful orders issued by the deputy sheriffs.

A **non-Department** root cause in this incident was the Plaintiff's use of narcotics and failure to take as prescribed which led to the Plaintiff's altered state of mind and paranoia.

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

Criminal Investigation

This incident was investigated by the Los Angeles County Sheriff's Department Homicide Bureau to determine if any criminal misconduct occurred.

The investigation was submitted to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office for consideration of filing criminal charges.

Administrative Investigation

Upon completion of the Los Angeles County District Attorney's Office findings (JSID), the Los Angeles County Sheriff's Department's Internal Affairs Bureau (IAB) will investigate this incident to determine if any administrative misconduct occurred before, during, or after the incident.

Station Briefing

Special attention was placed on officer safety, tactical preparedness, and lessons learned to assist deputies in the event they found themselves in a similar situation. Station personnel were re-briefed on Field Operations Directive (FOD) 18-007, Critical Calls for, FOD 16-003, Calls for Service Involving Alleged Mentally Ill Persons, and Manual of Policy and Procedures 2-12/050.05, Mental Evaluation Team.

Briefings continue to be conducted by the watch commanders and field sergeants.

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

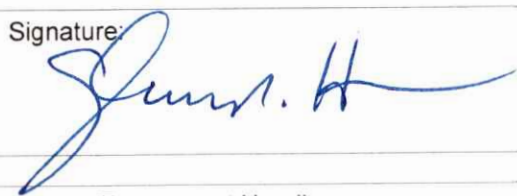
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



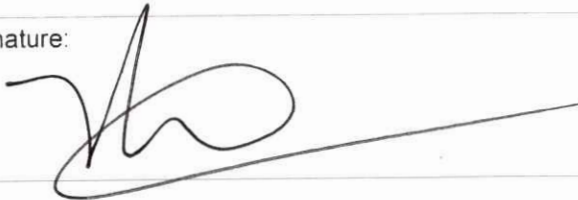
Date:

08/08/2023

Name: (Department Head)

Bruce D. Chase
Assistant Sheriff, Patrol Operations

Signature:



Date:

8/28/23

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: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Daniela Prowizor

Signature:

Daniela Prowizor

Date:

8/29/2023

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|---|
| CASE NAME | Mario Morones v. County of Los Angeles, et al. |
| CASE NUMBER | 2:21-CV-07690 |
| COURT | United States District Court |
| DATE FILED | September 27, 2021 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 430,000 |
| ATTORNEY FOR PLAINTIFF | Daniel C. Sharpe, Esq. |
| COUNTY COUNSEL ATTORNEY | Minas Samuelian Deputy County Counsel |
| NATURE OF CASE | <p>This is a recommendation to settle for \$430,000, inclusive of attorneys' fees and costs, this federal and state civil rights lawsuit filed by Plaintiff Mario Morones against the Los Angeles County, Lieutenant Marc Mrakich, and Deputies Christopher Orosco and Dylan Tumser ("Defendants"), alleging excessive force and unlawful arrest arising out of Plaintiff's detention and arrest.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case in the amount of \$430,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 50,902 |
| PAID COSTS, TO DATE | \$ 12,139 |



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.

| | |
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| Date of incident/event: | February 13, 2021, at approximately 2:30 p.m. |
| Briefly provide a description of the incident/event: | <p style="text-align: center;">Summary Corrective Action Plan 2023-83</p> <p>Details in this document summarize the incident. The information provided is a culmination of various sources to provide an abstract of the incident.</p> <p>The following statement is based on Deputy One and Two's observations which were documented in their criminal and supplemental reports.</p> <p>On February 13, 2021, at approximately 2:14 p.m., two on-duty Los Angeles County Sheriff's Department deputy sheriffs assigned to Century Station, were patrolling the area of Florence Avenue and Makee Avenue in Los Angeles. The deputies noticed all westbound traffic on Florence Avenue was stopped, and a crowd of approximately 50 people were conducting a carwash in the street. There were people standing on the street corners approaching vehicles, blocking vehicular traffic, and soliciting vehicles to participate in a carwash. Several individuals were observed holding open containers of alcoholic beverages. The purpose of the event was to raise money for a known gang member who died. This area was known to the deputy sheriffs as "Floresencia 13" gang territory.</p> <p>As Deputy One (driver) and Deputy Two (passenger) turned northbound onto Makee Avenue, they observed several illegally parked vehicles blocking northbound traffic. They also observed the Plaintiff walking backwards in the street holding a power [water] hose connected to a water source at the Century Station Boxing Gym. As the Plaintiff walked backwards, the deputies observed him stumbling and almost falling onto vehicles. Deputy One activated the patrol vehicle's airhorn to advise the Plaintiff of their presence and direct him to get out of the street, but he yelled obscenities at the deputy sheriffs.</p> <p>The Plaintiff continued walking backwards in traffic as Deputy Two exited the front passenger door of the patrol vehicle to detain him pending a public intoxication investigation. The Plaintiff passed the power [water] hose to a bystander, as Deputy Two grabbed both of the Plaintiff's wrists, and placed his hands behind his back. Deputy Two then escorted him towards the patrol vehicle.</p> <p>Deputy Two could smell the odor of an alcoholic beverage emitting from the Plaintiff's breath and person as he stumbled to the patrol vehicle.</p> <p>The crowd, consisting of known "Floresencia 13" gang members, and/or associates, began to surround the two deputy sheriffs as they detained the Plaintiff. Several of the crowd members recorded the incident with their cell phones.</p> |

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| | <p>Two female Hispanic adults interfered with the deputy sheriffs' detention by standing in proximity of them, yelling, questioning the deputy sheriff's actions, and refusing to step back.</p> <p>Deputy Two opened the rear passenger door of the patrol vehicle, and the two deputy sheriffs attempted to place the Plaintiff inside. The Plaintiff refused, and pulled his right arm away from Deputy Two's grasp, turning to face both Deputies One and Two. Deputy One maintained a hold of The Plaintiff's right arm, while Deputy Two controlled the Plaintiff's left arm.</p> <p>The deputy sheriffs turned the Plaintiff back towards the patrol vehicle, and the Plaintiff kicked the rear passenger door closed. The Plaintiff resisted the deputy sheriffs' efforts to control him by tensing his body and not allowing them to place his hands behind his back. The deputies held the Plaintiff against the patrol vehicle, and overcame his resistance, before applying handcuffs. During the encounter, Deputy One's Body-Worn Camera was knocked off its mount and fell to the ground. Deputy One kicked his camera under the patrol vehicle to prevent any hostile crowd members from retrieving it from the ground.</p> <p>Deputy Two reopened the rear passenger door of the patrol vehicle and ordered the Plaintiff to take a seat multiple times, but he refused. Deputy Two grabbed the Plaintiff's right pant leg to bend his leg and place him inside the vehicle. The Plaintiff dropped his body weight and fell to the ground in a seated position between the patrol vehicle and the open door. While sitting on the ground, the Plaintiff requested the deputy sheriffs give him a "minute to breathe." The deputies obliged, and did not touch the Plaintiff at that point. The Plaintiff momentarily sat on the ground, while Deputy Two's foot appeared to be positioned directly in front of the Plaintiff's groin area. The deputy sheriffs lifted the Plaintiff from the ground, and assisted him to his feet before placing him in the back seat of the patrol vehicle without further incident.</p> <p>The Plaintiff was arrested for public intoxication a violation of Penal Code 647(f). Field Sobriety Tests were not conducted at the scene because of the hostile crowd surrounding the deputy sheriffs.</p> <p>At approximately 3:30 p.m., the Plaintiff was taken to the hospital for a medical evaluation following the use-of-force incident. The Plaintiff did not complain of any pain, nor did transporting deputies observe any injuries to his person.</p> <p>The Plaintiff was able to speak with medical staff before he was cleared for booking.</p> <p>While at the hospital, the Plaintiff complained he sustained injuries when he was arrested.</p> <p>At approximately 4:25 p.m., an administrative interview regarding the use-of-force incident was conducted with the Plaintiff at Century Regional Detention Facility.</p> <p>The Plaintiff told the interviewing lieutenant a deputy sheriff pushed him and twisted his arms, causing swelling to his wrists. He alleged another deputy sheriff "chicken winged" him while handcuffing him.</p> |
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| | <p>This incident was captured on Body-Worn Camera. The video footage contradicted the Plaintiff's claims of excessive force.</p> <p>The use-of-force investigation determined Deputies One and Two use-of-force was objectively reasonable and within Department's policy.</p> <p>On February 14, 2021, at approximately 1:14 a.m., the Plaintiff was released from custody, and issued a Notice to Appear in court on June 15, 2021.</p> <p>On May 10, 2021, the Los Angeles District Attorney's Office declined to file charges against the Plaintiff.</p> |
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was Deputy Two's attempt to detain Plaintiff, which led to a use-of-force.

A **Department** root cause in this incident was the delay of Deputy Two in activating his body-worn camera which would be able to prove or disprove the Plaintiff's allegations.

A **non-Department** root cause in this incident was Plaintiff's failure to comply with the lawful orders issued by the deputy sheriffs.

A **non-Department** root cause in this incident was the hostile crowd that surrounded Deputies One and Two during the plaintiff's detention. Deputy sheriffs were placed in a high-risk situation, causing them to be on high alert.

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

Use of Force Investigation

Century Station supervisors investigated this use-of-force. It was determined Deputies One and Two had probable cause to arrest the Plaintiff. Additionally, it was determined that the force used by the deputy sheriffs during this incident was objectively reasonable and within Department Policy.

Station Briefings

The Deputies involved in this incident received additional training which pertains to the circumstances surrounding this incident.

On October 31, 2020, Century Station supervisors and the deputy sheriffs involved in the incident conducted an incident debriefing regarding the events that occurred. The topics discussed were body-worn camera activation and policy, crowd control, and assistance requests. These topics were also discussed in subsequent briefings on all three shifts by field sergeants and watch commanders.

Body-Worn Camera (BWC)

As of October of 2021, sworn personnel assigned to Century Station were issued a Body-Worn Camera, as a form of transparency. The use of BWC's ensures reliable recording of enforcement and investigative contacts with the public. The Department established policy and procedures for the purpose, use, and deployment of the Department issued BWC:

- The BWC must be turned on during all public contacts and reviewed by the employee.
- BWC footage must be collected as evidence for use in criminal investigation and prosecutions.
- Deter criminal activity and uncooperative behavior during law enforcement interactions with the public.
- Utilized to promote accountability.
- Assists with resolving public complaints and an administrative investigation.
- Supervisors conduct random daily audits of Body-Worn Cameras to ensure compliance.

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)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



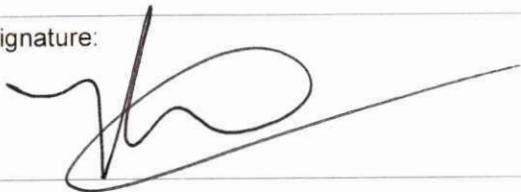
Date:

8/08/2023

Name: (Department Head)

Bruce D. Chase, Assistant Sheriff
Patrol Operations

Signature:



Date:

8/28/23

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: Daniela Prowizor-Lacayo (Risk Management Inspector General)

Daniela Prowizor

Signature:

Daniela Prowizor

Date:

8/29/2023

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|-----------------------------|---|
| CASE NAME | Non-Litigated Auto Liability Claims of Trisha C. Chacon and Kemper Insurance ASO Trisha C. Chacon |
| CASE NUMBER | N/A |
| COURT | N/A |
| DATE FILED | N/A |
| COUNTY DEPARTMENT | Sheriff |
| PROPOSED SETTLEMENT AMOUNT | \$ 28,117.25 |
| ATTORNEY FOR PLAINTIFF | N/A |
| COUNTY COUNSEL ATTORNEY | Mark W. Lomax Deputy County Counsel Litigation Monitoring Team |
| NATURE OF CASE | This claim involves personal injuries and property damage sustained when an inmate transportation bus collided with the Claimant's vehicle. |
| PAID ATTORNEY FEES, TO DATE | \$ 0 |
| PAID COSTS, TO DATE | \$ 0 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|------------------------------|--|
| CASE NAME: | <u>Nemore v. Renovate America, Inc., et al.</u> |
| CASE NUMBER: | Los Angeles Superior Court Case No. BC701810 |
| CASE NAME: | <u>Ocana v. Renew Financial Holdings, Inc., et al.</u> |
| CASE NUMBER: | Los Angeles Superior Court Case No. BC701809 |
| DATE FILED: | April 12, 2018 |
| COUNTY DEPARTMENT: | Internal Services Department |
| PROPOSED SETTLEMENT AMOUNT: | \$9,000,000 |
| ATTORNEY FOR PLAINTIFFS: | Michael Maddigan Hogan Lovells |
| COUNTY COUNSEL ATTORNEY: | Michael Owens Government Services |
| NATURE OF CASE: | <p>This is a recommendation to settle for \$9,000,000, inclusive of attorneys' fees and costs, two putative class actions alleging a variety of claims concerning the County of Los Angeles' Property Assessed Clean Energy ("PACE") Program.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs and a potential adverse judgment. The full and final settlement amount of \$9,000,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE: | \$710,600.26 |
| PAID COSTS, TO DATE: | \$11,080.63 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|---|
| CASE NAME | Hector Valentin Garcia vs. County of Los Angeles, et al. |
| CASE NUMBER | 20STCV32287 |
| COURT | Los Angeles Superior Court |
| DATE FILED | August 24, 2020 |
| COUNTY DEPARTMENT | Parks and Recreation |
| PROPOSED SETTLEMENT AMOUNT | \$ 70,000 |
| ATTORNEY FOR PLAINTIFF | Joshua Yagoubzadeh, Esq. Yagoubzadeh Law Firm, LLP |
| COUNTY COUNSEL ATTORNEY | LaTasha N. Corry Deputy County Counsel |
| NATURE OF CASE | <p>On January 10, 2020, while sleeping at Whittier Narrows Recreation Area, Mr. Garcia was driven over by Parks and Recreation employee Mark Miltko who was conducting tree inspections at the time of the incident. Mr. Garcia claims he sustained severe injuries as a result of the accident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$70,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 24,100 |
| PAID COSTS, TO DATE | \$ 21,781 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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| CASE NAME | Terry Rose Leeds v. County of Los Angeles, et al. |
| CASE NUMBER | 21STCV21574 |
| COURT | Los Angeles Superior Court |
| DATE FILED | June 9, 2021 |
| COUNTY DEPARTMENT | Department of Beaches and Harbors |
| PROPOSED SETTLEMENT AMOUNT | \$ 135,000 |
| ATTORNEY FOR PLAINTIFF | BRUCE E. LEVENSON, ESQ. |
| COUNTY COUNSEL ATTORNEY | RICHARD K. KUDO Principal Deputy County Counsel |
| NATURE OF CASE | This lawsuit arose from a January 5, 2021, incident when Terry Rose Leeds ("Plaintiff") injured herself when she tripped and fell on the connector sidewalk linking the Marvin Braude Coastal Bike Trail to Admiralty Way in Marina del Rey. Plaintiff claims to have suffered injuries and damages from the incident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted. |
| PAID ATTORNEY FEES, TO DATE | \$ 25,222 |
| PAID COSTS, TO DATE | \$ 7,106 |



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.

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| Date of incident/event: | January 5, 2021 |
| Briefly provide a description of the incident/event: | The plaintiff alleges that on January 5, 2021, at 3:30p.m. while walking east on the sidewalk connecting the bicycle path to Admiralty Way tripped and fell due to an upraised sidewalk slab caused by tree roots. The plaintiff sustained injuries to the teeth. |

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

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| <p>A. The roots of the mature coral trees that are present in the area upraised the sidewalk causing trip hazards. Coral trees are located in a number of areas in the Marina and upraised sidewalks are common around these trees.</p> <p>B. The deficiency was not noted in previous quarterly inspection reports but the reports acknowledged that uneven pavement and sidewalks were present in the inspection area. These deficiencies were not corrected because of competing priorities and equipment availability.</p> |
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2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

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|---|
| <p>A.1. The Department is in the process of performing baseline inspections to determine what sidewalks need corrections/repair and recommend trees for removal and replacement. The Department will work with the appropriate stakeholders to remove trees when the need arises. This activity is expected to end by December 2023.</p> <p>A.2. Perform minor repairs to sidewalks to eliminate trip hazards. In 2019, the Department purchased a sidewalk saw and trained staff to use the saw and a previously purchased scarifier to complete minor sidewalk repairs without the need to engage Internal Services Department (ISD) through work orders. Larger jobs will be referred to ISD. This is an ongoing activity. The raised sidewalk that was the root cause of this accident was repaired in February 2021 by cutting the sidewalk, removing the tree roots and pouring new concrete.</p> <p>B.1 In 2020, the Department subscribed to and is currently using Maximo (online work order system) to streamline the recording of deficiencies and track work orders to completion. This system replaced the previous paper-based system that was cumbersome and inefficient. This is an ongoing activity.</p> |
|---|

The person responsible for these corrective actions is Jose Bedolla, Marina District Manager.

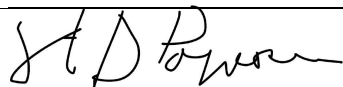
3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Stefan Popescu, Special Assistant, BH

Signature:

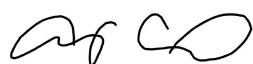


Date:

8/3/2023

Name: (Department Head)
Amy Caves, Chief Deputy Director for Gary Jones, Director

Signature:



Date:

8/3/2023

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)

Daniela Prowizor

Signature:



Daniela Prowizor

Digitally signed by Daniela Prowizor
Date: 2023.08.07 13:25:37 -07'00'

Date:

8/7/2023

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|---|
| CASE NAME | Tarapaca Incident |
| CASE NUMBER | Non-Litigated Matter of Jennifer Flagler, et al. |
| COURT | N/A |
| DATE FILED | N/A |
| COUNTY DEPARTMENT | Fire |
| PROPOSED SETTLEMENT AMOUNT | \$ 2,950,000 |
| ATTORNEY FOR PLAINTIFF | Thomas J. Johnston |
| COUNTY COUNSEL ATTORNEY | Jenny P. Tam |
| NATURE OF CASE | This is a recommendation to settle for \$2,950,000, a government claim for damages brought by Jennifer Flagler and her minor children, Jack Flagler and Brody Flagler (the "Flaglers"), against the Los Angeles County Fire Department ("Department") and the Los Angeles County Medical Examiner-Coroner ("DMEC") (collectively, the "County"), involving the death of Department firefighter, Jonathan Flagler. |
| PAID ATTORNEY FEES, TO DATE | \$ 25,855 |
| PAID COSTS, TO DATE | \$ 20,000 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|--|
| CASE NAME | John Meyer Jr. v. County of Los Angeles, et al. |
| CASE NUMBER | 21AVCV00645 |
| COURT | Los Angeles Superior Court |
| DATE FILED | August 16, 2021 |
| COUNTY DEPARTMENT | Fire Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 50,000 |
| ATTORNEY FOR PLAINTIFF | Alex Wheeler Parris Law Firm |
| COUNTY COUNSEL ATTORNEY | Kevin Engelen, Senior Deputy County Counsel |
| NATURE OF CASE | <p>On October 8, 2020, plaintiff John Meyer Jr.'s vehicle and a Fire Department truck collided in the intersection of Date Avenue and Lancaster Avenue in Lancaster. Mr. Meyer alleges the collision caused injuries for which he seeks compensation.</p> <p>Given the risk and uncertainties of litigation, a full and final settlement of the case in the amount of \$50,000 is warranted.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 11,163 |
| PAID COSTS, TO DATE | \$ 16,497 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|---|
| CASE NAME | Zoltan Gyarmati v. County of Los Angeles, et al. . |
| CASE NUMBER | 21STCV01262 |
| COURT | Los Angeles Superior Court |
| DATE FILED | January 21, 2021 |
| COUNTY DEPARTMENT | Department of Health Services |
| PROPOSED SETTLEMENT AMOUNT | \$ 35,000 |
| ATTORNEY FOR PLAINTIFF | Compass Law Group, LLP |
| COUNTY COUNSEL ATTORNEY | Kevin Engelen, Senior Deputy County Counsel |
| NATURE OF CASE | <p>This case arises from a traffic collision that occurred involving Plaintiff Zoltan Gyarmati and County of Los Angeles Department of Health Services employee Rodney King.</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 | \$ 7,920 |
| PAID COSTS, TO DATE | \$ 8,430 |

LOS ANGELES COUNTY CLAIMS BOARD

MINUTES OF THE REGULAR MEETING

AUGUST 21, 2023

The meeting was held via teleconference with all Claims Board Members participating telephonically: Chair Steve Robles, Adrienne M. Byers, and Oscar Valdez.

All persons present appeared telephonically. Those attending the Claims Board meeting: Narbeh Bagdasarian, Brandi Moore, Truc Moore, Joseph Langton, Jonathan McCaverty, Timothy Kral, Millicent Rolon, Pirjo Ranasinghe, Eduardo Montelongo, Nicole Davis Tinkham, and Lauren Lyman appeared for the Office of the County Counsel. Konita Wilks, Karen Nunn, Robert Myrtle, and Catherine Mathers appeared for the Department of Health Services. Renata Phillip, Shawnee Hinchman, Glenn Emery, Lezley Garcia, Thomas Kim, Edward Ramirez, Paul Bartlett, Victor Puebla, Richard Mejia, Tenaya Brown, Alfred Reyes, Shelby Martin, Tania Plunkett, and Jeffrey Rhea appeared for the Sheriff's Department. Robert Smythe appeared for the Probation Department. Attorney Avi Burkwitz appeared for Peterson Bradford Burkwitz Gregorio Burkwitz & Su, LLP. Attorney Christina Gasparian appeared for Hurrell & Cantrall, LLP. Armineh Megrabyan appeared for Kessel & Megrabyan. Molshree Gupta appeared for Kjar, McKenna & Stockalper. Jamil Aslam appeared for Miller Barondess, LLP.

1. **Call to Order.**

The regular meeting of the Los Angeles County Claims Board was called to order. An urgency motion to make findings pursuant to Government Code Section 54954.2(b)(2) that there is a need to take immediate action under AB 361 and that the need for action, resulting from Governor Newsom's declaration of emergency issues on August 19, 2023, came to the attention of the Board subsequent to the agenda being posted, as specified in subdivision (a); and placed on the agenda the following agenda item for consideration: Under AB 361, Government Code Section 54953(f), determining that, as a result of the Declared State of Emergency, meeting in person presents imminent risks to the health and safety of the attendees.

The motion was made by Adrienne M. Byers, seconded by Oscar Valdez, and passed unanimously.

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 as well as for the urgency motion.**

No members of the public appeared in person or telephonically.

3. **Under AB 361, Government Code Section 54953(f), determining that, as a result of the Declared State of Emergency, meeting in person presents imminent risks to the health and safety of the attendees.**

The motion was made by Adrienne M. Byers, seconded by Oscar Valdez, and passed unanimously.

4. **Closed Session – Conference with Legal Counsel – Existing Litigation (Government Code section 54956.9, subdivision (a)).**

At 9:37 a.m., Chair Steve Robles convened the meeting in closed session to discuss the items listed below as 5(a) through 5(l).

5. **Report of Actions Taken in Closed Session.**

No members of the public were present to hear the reportable actions of the Claims Board.

At 12:59 p.m., the Claims Board reconvened in open session via video conference and reported the actions taken in closed session as follows:

a. **Jessica R. v. County of Los Angeles**
Los Angeles Superior Court Case No. 22CHCV00888

This lawsuit arises from an alleged sexual assault which occurred while plaintiff was a patient at Olive View Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.a. in the amount of \$250,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

b. **County of Los Angeles v. U.S. Radiology On-Call, LLC, et al.**
Los Angeles Superior Court Case No. 18STCV04340

This lawsuit arises from the alleged negligence of a physician at Harbor-UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.b. in the amount of \$1,000,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

c. **New Earth v. County of Los Angeles**
Los Angeles Superior Court Case No. 20STCV16487

This lawsuit against the Department of Probation alleges breach of contract involving training services.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.c. in the amount of \$140,000.

Vote: Ayes: 2 – Steve Robles, and Adrienne M. Byers
Abstention: 1 – Oscar Valdez

d. **Non-Litigated Claims of Alejandro Mazariago and Hilda Sanchez**

This lawsuit arises from injuries and property damage allegedly sustained in an automobile accident involving a Sheriff's Department deputy and another County employee.

Action Taken:

The Claims Board approved settlement of Item 4.d. in the amount of \$75,525.85.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

e. **Jorge Enrique Serrano Robles Senior, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:20-cv-06648-ODW-PLA

This wrongful death and civil rights lawsuit against the Sheriff's Department arises from the fatal deputy-involved shooting of decedent.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of item 4.e. in the amount of \$400,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

f. **S.S. (Stephen Santiago, a Minor), et al. v. County of Los Angeles, et al.**
United States District Court Case No. 21-cv-070619-MRW

This lawsuit alleges federal civil rights violations and deliberate indifference by Sheriff's Department jail staff for the death of an inmate at Men's Central Jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of item 4.f. in the amount of \$580,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

g. **Jamaal Williams v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 22STCV15327

This state civil rights lawsuit alleges battery and negligence against the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of Item 4.g. in the amount of \$40,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

h. **Jonathan Aceves, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:22-cv-00636

This wrongful death and civil rights lawsuit alleges that decedent was fatally shot by a Sheriff's Department deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of item 4.h. in the amount of \$700,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

i. **Marie Augustina Torres v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCV15856

This lawsuit involves allegations that a Sheriff's Department employee was subjected to a hostile work environment based on gender and failure to prevent harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of item 4.i. in the amount of \$250,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

j. **Noel Loya v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 21STCV42486

This lawsuit involves allegations that an Executive Office of the Board employee was subjected to gender discrimination and failure to pay minimum wage.

Action Taken:

The Claims Board approved settlement of Item 4.j. in the amount of \$50,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

k. **Yelila Silva v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. 21STCV42475

This lawsuit involves allegations that an Executive Office of the Board employee was subjected to gender discrimination and failure to pay minimum wage.

Action Taken:

The Claims Board approved settlement of Item 4.k. in the amount of \$60,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

l. **Joy Brotherton v. County of Los Angeles**
Los Angeles Superior Court Case No. 20STCV30261

This lawsuit involves allegations that a Department of Health Services physician was subjected to discrimination and retaliation based on gender.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of item 4.l. in the amount of \$175,000.

Vote: Ayes: 3 – Steve Robles, Oscar Valdez, and Adrienne M. Byers

6. Approval of the Minutes of the August 7, 2023, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes of the August 7, 2023, meeting.

Vote: Ayes: 2 – Oscar Valdez, and Adrienne M. Byers

Abstention: 1 – Steve Robles

7. Adjournment.

The meeting was adjourned at 1:05 p.m.

LOS ANGELES COUNTY CLAIMS BOARD

By *Derek Stane*
Derek Stane
Claims Board Secretary