

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN PERSON AND ONLINE VIA VIDEO CONFERENCE
ON MONDAY, OCTOBER 16, 2023, AT 9:30 A.M.

Present: Chair Steve Robles, Adrienne M. Byers, and Oscar Valdez

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. **Non-Litigated Claims of David Chen, Marianne Vandewater, and Lucie You-Ping C.**

This claim seeks compensation from the Department of Public Works for property damage allegedly caused by a backflow of sewage due to a mainline blockage.

Action Taken:

The Claims Board approved settlement of Item 4.a. in the amount of \$45,386.62.

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

[See Supporting Document](#)

- b. **Susana Chavez vs. Daniel Thompson, et al.**
Los Angeles Superior Court Case Number 21AVCV00

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

Action Taken:

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

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

[See Supporting Document](#)

**c. Wentzel Witzgall v. Lorena Rosales, et al.
Los Angeles Superior Court Case Number 20STCV48588**

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department deputy.

Action Taken:

The Claims Board deferred Item 4.c. for further discussion.

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

[See Supporting Document](#)

4. Approval of the Minutes of the October 2, 2023, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes of the October 2, 2023, meeting.

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

[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

CASE NAME	Non-Litigated Sewer Backflow Claims of David Chen, Marianne Vandewater, and Lucie You-Ping C. Erlich
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 45,386.62
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Mark W. Lomax, Deputy County Counsel
NATURE OF CASE	This claim arises from a sewage backflow resulting from a mainline blockage damaging the interior and exterior of the claimant's residence in Diamond Bar.
PAID ATTORNEY FEES, TO DATE	\$ -0-
PAID COSTS, TO DATE	\$ -0-

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Susana Chavez vs. Daniel Thompson, et al.
CASE NUMBER	21AVCV00191
COURT	Los Angeles Superior Court
DATE FILED	March 15, 2021
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 35,000
ATTORNEY FOR PLAINTIFF	Angelo F. Campano, Esq. CAMPANO LAW GROUP
COUNTY COUNSEL ATTORNEY	Melissa A. McCaverty Deputy County Counsel Tomas A. Guterres, Esq. COLLINS + COLLINS LLP
NATURE OF CASE	<p>The incident occurred on April 22, 2020, on Fern Avenue near Jackman Street, in the city of Lancaster. Plaintiff was stopped behind a Fire Department County vehicle on Fern Avenue. County Firefighter heard a man in distress while stopped at the stop sign on Fern Avenue. In response, County Firefighter slowly reversed the Fire Department County vehicle but collided into Plaintiff's stopped vehicle. Plaintiff claims she 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 \$35,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 7,936
PAID COSTS, TO DATE	\$ 10,211

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Wentzel Witzgall v. Lorena Rosales, et al.
CASE NUMBER	20STCV48588
COURT	Los Angeles Superior Court
DATE FILED	December 18, 2020
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 775,000
ATTORNEY FOR PLAINTIFF	SAHM MANOUCHEHRI, ESQ. Century Park Law Group, APLC.
COUNTY COUNSEL ATTORNEY	RICHARD K. KUDO Principal Deputy County Counsel
NATURE OF CASE	This case involves a vehicle intersection collision that occurred on August 14, 2019, in the City of Los Angeles, when a vehicle driven by an on-duty Deputy Sheriff turned left against a red left-turn arrow light and collided with plaintiff Wentzel Witzgall's vehicle which had a green signal light and was traveling from the opposite direction. Plaintiff claims to have suffered injuries and damages from 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	\$ 50,819
PAID COSTS, TO DATE	\$ 60,490



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:	August 14, 2019, at approximately 12:25 p.m.
Briefly provide a description of the incident/event:	<p><u>Wentzel Witzgall v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2023-79</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>On Wednesday, August 14, 2019, at approximately 12:25 p.m., an on-duty Los Angeles County Sheriff's Department deputy sheriff, assigned to Risk Management Bureau, (Civil Litigation Unit), was driving an unmarked county vehicle, a 2012 Chevrolet Impala. The Deputy Sheriff was traveling southbound on Mednik Avenue at Third Street in the city of Los Angeles. While making a left turn onto Third Street, the Deputy Sheriff was involved in a traffic collision.</p> <p>The Plaintiff (sole occupant) was traveling in a 1993 Chevrolet Suburban, northbound on Mednik Avenue in the number one lane, traveling approximately 20 Miles Per Hour (M.P.H.). As she approached the traffic signal on Third Street, the traffic signal turned green, and she proceeded through the intersection. The Plaintiff saw the Deputy Sheriff's vehicle turn left in front of her but did not have enough time to avoid colliding into the front portion of her vehicle.</p> <p>The Deputy Sheriff (sole occupant) was traveling southbound on Mednik Avenue. She was traveling approximately 25 M.P.H. when she approached Third Street and entered the left turning lane. The Deputy Sheriff saw the left turn arrow was green and entered the intersection, then turned left. The Deputy Sheriff saw the Plaintiff's vehicle, applied her vehicle brakes but was unable to stop, and collided into the front left wheel well of the Plaintiff's vehicle. The Deputy Sheriff stated the left turn green arrow may have turned red upon making the left turn.</p> <p>After the collision, the Deputy Sheriff checked the Plaintiff's welfare, and made proper notifications of the incident.</p> <p>The Plaintiff stated she did not sustain any injuries due to the collision. Medical services were not requested.</p> <p>A Los Angeles County Sheriff's Department sergeant from East Los Angeles Station was notified of the traffic collision, and responded to the location. The sergeant conducted a Supervisor's Report of Incident, and Damage to County Vehicle investigation.</p>

	<p>A California Highway Patrol (CHP) officer handled the traffic collision investigation. The Plaintiff did not report any injuries to the CHP officer. The CHP officer determined the Deputy Sheriff was the primary cause of the traffic collision in violation of California Vehicle Code Section 21801(a) – failure to yield the right of way to oncoming traffic when turning left.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause for this incident was the Deputy Sheriff's failure to yield the right of way.

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

Traffic Collision Investigation

This incident was thoroughly investigated by California Highway Patrol Officer.

The collision investigation concluded the Deputy Sheriff caused the collision by failing to yield right of way – California Vehicle Code section 21801 (a).

Administrative Investigation

This incident was investigated by representatives of Risk Management Bureau to determine if any administrative misconduct occurred before, during, or after this incident.

The evaluation of this incident found the Deputy's actions were in violation of Department policy. Appropriate administrative action has been taken.

Station Traffic Collision Assessment and Review

As a result of this collision, Risk Management Bureau conducted an assessment of employee involved traffic collisions from January 01, 2018, to December 31, 2022. The audit revealed the following.

Since the incident, the Deputy Sheriff involved attended training pertaining to the circumstances presented during this incident.

	Calendar Year	Preventable Collisions	Non-Preventable Collisions	
	2018	0	1	
	2019	2	0	
	2020	0	0	
	2021	0	0	
	2022	0	0	
	TOTALS	2	1	

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

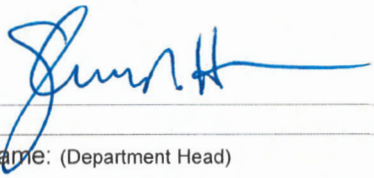
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shawnee N. Hinchman, Captain
Risk Management Bureau

Signature:



Date:

07/19/2023

Name: (Department Head)

Laura E. Lecrevain, Chief
Professional Standards Division

Signature:



Date:

7/30/23

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)

Signature:

Date:

7/31/2023

LOS ANGELES COUNTY CLAIMS BOARD

MINUTES OF REGULAR MEETING

October 2, 2023

1. Call to Order.

The meeting of the Los Angeles County Claims Board was called to order at 9:38 a.m. The meeting was held virtually with Claims Board Members participating in person and online. Claims Board Members Chair Steve Robles, and Oscar Valdez appeared in person and via video conference. Adrienne M. Byers was absent.

All other persons present at the virtual Claims Board meeting: Kelsey Nau, Edwin Lewis, Latasha Corry, Lana Choi, Jonathan McCaverty, Victoria Jalili, and Kent Sommer appeared for the Office of the County Counsel. Shanese Winfrey, Shawnee Hinchman, Renata Phillip, Socorro Merchain, Rick Rector, Edmundo Torres, Thomas Kim, Brandon Dean, Thomas Giandomenico, Oscar Barragan, Jose Mendoza, Calvin Mah, Justin Diez, and John Haynes appeared for the Sheriff's Department. Christiana Lee, and Vilma Lopez appeared for the Department of Children and Family Services. Hanna Cheru, Sonia Alfaro, and Lev Levon appeared for the Executive Office of the Board. Attorney Hannah Hogoboom appeared for Kjar, McKenna, and Stockhalper, LLP. Attorney Allen Thomas appeared for the Thomas law firm. Cliff Baker appeared for Gutierrez, Preciado, and House.

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 were on the public teleconference phone line to address the Claims Board.

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

At 9:39 a.m., Board Chair Steve Robles convened the meeting in closed session to discuss the items listed below as 4(a) through 4(j).

4. Report on Actions Taken in Closed Session.

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

At 11:39 a.m., the Claims Board reconvened in open session via video conference and reported the actions taken in closed session as follows:

a. Non-Litigated Claims of Alicia Suyapa Lopez and Paula Vasquez Rivera

These claims seek compensation for property damage caused by an automobile accident involving a Board of Supervisors employee.

Action Taken:

The Claims Board approved settlement of Item 4.a. in the amount of \$20,849.84.

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

b. Non-Litigated Claim of Kemper Insurance Company ASO Bobby Quintana

This claim seeks compensation for property damage caused by an automobile accident involving a Sheriff's Department deputy.

Action Taken:

The Claims Board approved settlement of Item 4.b. in the amount of \$25,032.58.

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

**c. Robert Steven Shapiro v. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 22STCV00741**

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department sergeant.

Action Taken:

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

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

**d. Chad M. Clark, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case Number 19STCV19627**

This lawsuit arises from injuries allegedly sustained in an automobile accident involving a Sheriff's Department detective.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.d. in the amount of \$163,400.

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

**e. Christopher Goertemiller v. County of Los Angeles, et al.
United States District Court Case No. 21-cv-1583-SSS (AFMx)**

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

Action Taken:

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

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

f. **Ricardo Valenzuela v. County of Los Angeles, et al.**
United States District Court Case No. 21-cv-09374-GW-JPRx

This lawsuit arises from injuries allegedly sustained in an incident involving Sheriff's Department deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.f. in the amount of \$300,000.

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

g. **Josephine Huang v. County of Los Angeles, et al.**

This prospective lawsuit against the Sheriff's Department alleges false arrest and assault.

Action Taken:

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

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

h. **Knock LA v. County of Los Angeles**
Los Angeles Superior Court Case No. 22STCP00287

This lawsuit involves a dispute over the production of records by the District Attorney's Office under the California Public Records Act.

Action Taken:

The Claims Board approved settlement of Item 4.h. in the amount of \$45,000.

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

i. **Claim of Tamai Gilbert**

This claim against the Department of Children and Family Services alleges racial discrimination.

Action Taken:

The Claims Board approved settlement of Item 4.i. in the amount of \$45,000.

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

j. **Deidra Shaw v. County of Los Angeles**
Los Angeles Superior Court Case No. 19STCV11957

This lawsuit against the Department of Health Services alleges disability discrimination, and failure to accommodate.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.g. in the amount of \$375,000

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

5. **Approval of the Minutes of the September 18, 2023, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the Minutes of the August 21, 2023, meeting.

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

6. **Adjournment.**

The meeting was adjourned at 11:42 a.m.

LOS ANGELES COUNTY CLAIMS BOARD

By *Derek Stane*
Derek Stane
Claims Board Secretary