

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN PERSON AND ONLINE VIA VIDEO CONFERENCE

ON MONDAY, NOVEMBER 6, 2023, AT 9:30 A.M.

Present: Chair Steve Robles, and Oscar Valdez

Absent: 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. Kim Zetter v. County of Los Angeles
Los Angeles Superior Court Case No. 20STCP02456**

This petition for writ of mandate against the Registrar-Recorder/County Clerk involves the production of documents regarding the 2020 Presidential Primary Election.

Action Taken:

The Claims Board approved settlement of Item 4.a. in the amount of \$72,500.

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

[See Supporting Document](#)

- b. Julio Gomez v. County of Los Angeles, et al.
United States District Court Case No. 2:22-CV-06250**

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

Action Taken:

The Claims Board approved settlement of Item 4.b. in the amount of \$47,500.

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

[See Supporting Document](#)

**c. Eder Daniel Macias Suarez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV29600**

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

Action Taken:

The Claims Board approved settlement of Item 4.c. in the amount of \$90,000.

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

[See Supporting Document](#)

**d. Leticia Sanchez v. County of Los Angeles
Los Angeles Superior Court Case No. 18STCV08900**

This lawsuit arises from injuries allegedly sustained during the execution of a search warrant by the Sheriff's Department and the Probation Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors settlement of Item 4.d. in the amount of \$1,750,000.

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

**e. 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 recommended to the Board of Supervisors settlement of Item 4.e. in the amount of \$775,000.

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

[See Supporting Documents](#)

4. Approval of the Minutes of the October 16, 2023, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the Minutes of the October 16, 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	<u>Kim Zetter vs. County of Los Angeles</u>
CASE NUMBER	20STCP02546
COURT	Los Angeles Superior Court
DATE FILED	August 11, 2020
COUNTY DEPARTMENT	Registrar-Recorder/County Clerk
PROPOSED SETTLEMENT AMOUNT	\$ 72,500
ATTORNEY FOR PLAINTIFF	Paul Clifford, Esq. and James R. Wheaton, Esq. First Amendment Project
COUNTY COUNSEL ATTORNEY	Eva Chu Senior Deputy County Counsel
NATURE OF CASE	<p>This action arises out of a California Public Records Act ("CPRA") request from an investigative journalist seeking disclosure of a confidential report prepared by the County's third party consultant, Slalom Consulting, following the March 3, 2020 Presidential Primary Election ("Report"). In response to the CPRA request, the County invoked exemptions and did not disclose the Report. The journalist, Kim Zetter, filed a petition for writ of mandate to seek the disclosure of the Report. The Court partially granted the writ petition, and ordered the County to submit a redacted version of the Report.</p> <p>Given the likelihood of Petitioner recovering approximately \$115,000 or more in attorneys' fees and costs, plus additional attorneys' fees and costs associated with a motion for attorneys' fees, a full and final settlement of the case in the amount of \$72,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 46,523.50
PAID COSTS, TO DATE	\$ 203.25

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Julio Gomez v. County of Los Angeles, et al.
CASE NUMBER	2:22-CV-06250
COURT	United States District Court
DATE FILED	September 1, 2022
COUNTY DEPARTMENT	Sheriff's
PROPOSED SETTLEMENT AMOUNT	\$ 47,500
ATTORNEY FOR PLAINTIFF	Greg W. Garrotto, Esq. Law Offices of Greg W. Garrotto
COUNTY COUNSEL ATTORNEY	Carrie Clarke Senior Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$47,500, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Julio Gomez alleging he was subjected to excessive force by Sheriff's Deputy Johnnie Williams while he was detained in the lockup of the Antelope Valley Courthouse. 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 \$47,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 73,560
PAID COSTS, TO DATE	\$ 16,640

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Eder Daniel Suarez v. County of Los Angeles, et al.
CASE NUMBER	19STCV29600
COURT	Los Angeles Superior Court
DATE FILED	August 22, 2019
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 90,000
ATTORNEY FOR PLAINTIFF	Daniel Geoulla, Esq.
COUNTY COUNSEL ATTORNEY	Kevin Engelen, Senior Deputy County Counsel
NATURE OF CASE	<p>This case arises from a traffic collision that occurred involving Plaintiff Eder Daniel Suarez and County of Los Angeles Sheriff's Deputy Sergio Ruvalcaba.</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	\$ 24,389
PAID COSTS, TO DATE	\$ 26,270

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?

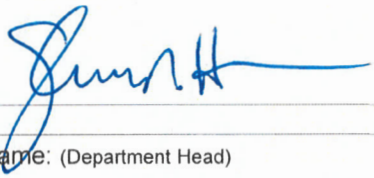
- ☐ Yes – The corrective actions address Department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

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 16, 2023

1. Call to Order.

The meeting of the Los Angeles County Claims Board was called to order at 9:37 a.m. The meeting was held virtually with Claims Board Members participating in person and online. Claims Board Members Chair Steve Robles, Adrienne M. Byers, and Oscar Valdez appeared in person and via video conference.

All other persons present at the virtual Claims Board meeting: Mark Lomax, Melissa McCaverty, and Michael Gordon appeared for the Office of the County Counsel. Shanese Winfrey, Julia Valdes, Renata Phillip, Rodney Moore, and Tenaya Brown appeared for the Sheriff's Department. Ronald Castenada, Andrew Ngumba, and Robert Swartz appeared for the Department of Public Works.

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 9:38 a.m., Board Chair Steve Robles convened the meeting in closed session to discuss the items listed below as 4(a) through 4(c).

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 10:25 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 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

**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.

**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

5. Approval of the Minutes for 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.
Abstentions: 1 – Adrienne M. Byers

6. Adjournment.

The meeting was adjourned at 10:28 a.m.

LOS ANGELES COUNTY CLAIMS BOARD

By Derek Stane
Derek Stane
Claims Board Secretary