

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

THURSDAY, FEBRUARY 12, 2009, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Tyler Adkins, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 040 966

This medical negligence lawsuit by a patient and his mother arises from treatment received at Olive View Medical Center; settlement is recommended in the amount of \$395,000 and the assumption of the Medi-Cal lien in the amount of \$213,196.

Action Taken:

This matter was continued to the next Claims Board meeting.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- b. Maria Rodriguez v. Marita Moran, et al.
Los Angeles Superior Court Case No. KC 049 690

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Probation Department; settlement is recommend in the amount of \$72,500.

Action Taken:

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

Absent: None

Vote: Unanimously carried

See Supporting Documents

- c. Claim of Lite Extrusions Manufacturing, Inc.

This claim seeks compensation for damage caused by a sewage back-up; settlement is recommended in the amount of \$47,437.30.

Action Taken:

The Claims Board approved settlement in the amount of \$47,437.30.

Absent: None

Vote: Unanimously carried

See Supporting Documents

d. Claim of Heath Geary

This claim seeks compensation for damage caused by a sewage back-up; settlement is recommended in the amount of \$63,283.51.

Action Taken:

The Claims Board approved settlement in the amount of \$63,283.51.

Absent: None

Vote: Unanimously carried

See Supporting Documents

e. Raymond Johnson v. AT&T Corp., et al.
Los Angeles Superior Court Case No. MC 017 939

This lawsuit arises from injuries received from a trip and fall at the Vincent Grade-Acton Metrolink station; settlement is recommended in the amount of \$75,000.

Action Taken:

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

Absent: None

Vote: Unanimously carried

See Supporting Documents

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tyler Adkins and April Key v. County of Los Angeles
CASE NUMBER	PC 040966
COURT	Los Angeles Superior Court North Valley District
DATE FILED	July 5, 2007
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$395,000, plus assumption of the Medi-Cal lien in the amount of \$213,196.
ATTORNEY FOR PLAINTIFF	Peter McNulty, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>This is a medical malpractice case brought by April Key and her son, Tyler Adkins, related to the care and treatment they received at Olive View Medical Center ("OVMC").</p> <p>On June 23, 2006, April Key, who was pregnant, presented to OVMC labor and delivery clinic with increased blood pressure. To manage her blood pressure, the medical staff prescribed magnesium sulfate. Due to staff's error,</p>

the patient actually received Pitocin instead of magnesium sulfate.

The OVMC personnel immediately recognized the medication error and placed the patient on the correct medication. On June 27, 2006, April Key gave birth to Tyler Adkins.

Both Tyler Adkins and April Key brought a lawsuit against the County of Los Angeles, contending that OVMC failed to provide them with proper medical care.

Although the County asserts that the medication error did not cause any injuries to Tyler Adkins or April Key, the Department of Health Services agrees to the proposed settlement of this case in the amount of \$395,000 plus assumption of the Medi-Cal lien in the amount of \$213,196.

PAID ATTORNEY FEES, TO DATE	\$59,458
PAID COSTS, TO DATE	\$36,302.88



Summary Corrective Action Plan

Date of incident/event:	June 24, 2006
Briefly provide a description of the incident/event:	On June 23, 2006, April Key, who was pregnant, presented to Olive View/UCLA Medical Center labor and delivery clinic with increased blood pressure. To manage her blood pressure, the medical staff prescribed magnesium sulfate. Due to staff error, April Key actually received Pitocin. The hospital personnel immediately recognized the medication error and placed April Key on the correct medication. On June 27, 2006, April Key gave birth to Tyler Adkins.

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

- Medication error causing emotional distress

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Appropriate personnel corrective actions were done
- A system wide survey was done related to the administration of Pitocin. All DHS hospitals have appropriate procedures to manage this medication.
- A national survey was done related to the administration of Pitocin. All DHS hospitals have practices and procedures that are consistent with national standards.
- Staff were inserviced on lab reports disclosure

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) <i>Vandermack</i>	Date: 1/12/09
Signature: (Interim Chief Medical Officer) <i>R. Spaw</i>	Date: 1/15/09
Signature: (Interim Director) <i>W. M. M.</i>	Date: 1-21-09

- f. National City Corp., v. Maria Segovia, Los Angeles County Treasurer and Tax Collector, and related cross-actions
Los Angeles Superior Court Case No. BC 382 126

This lawsuit concerns the compromise of a \$56,756 lien for medical services provided by LAC+USE Medical Center; settlement is recommended by accepting payment of \$10,080 in full satisfaction of the lien.

Action Taken:

The Claims Board approved settlement by accepting the amount of \$10,080 in full satisfaction of the lien.

Absent: None

Vote: Unanimously carried

See Supporting Document

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Maria Rodriguez v. Marita Moran, et al.</u> Van Nuys District
CASE NUMBER	KC049690
COURT	Los Angeles Superior Court
DATE FILED	December 22, 2006
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$72,500
ATTORNEY FOR PLAINTIFF	Tracy Baer, Esq. (310) 226-7570
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	On November 22, 2006, Maria Rodriguez was driving in the number one southbound lane of Interstate Freeway 605 at approximately 50 miles-per-hour when a County employee, during the course and scope of her County employment, changed lanes into the adjacent number two lane. The two vehicles were alongside each other and subsequently collided into one another in a sideswipe impact. It is disputed whether the County driver first encroached into the number one lane in which Ms. Rodriguez was driving or Ms. Rodriguez encroached into the number two lane in which the County driver was driving before the impact. The collision resulted in Ms. Rodriguez's

vehicle ricocheting into the center median and rolling over. The County driver's vehicle ricocheted into a third vehicle that then rolled down the right shoulder embankment. Ms. Rodriguez received soft tissue injuries to her neck, back and right arm as a result of the collision.

Ms. Rodriguez claims that the County driver negligently changed lanes into the number one southbound lane. The County claims that Ms. Rodriguez was similarly negligent by failing to check the number two lane for traffic.

Due to the risks and uncertainties of litigation, the Probation Department proposes a full and final settlement of this case as to Ms. Rodriguez in the amount of \$72,500.

PAID ATTORNEY FEES, TO DATE	\$15,345
PAID COSTS, TO DATE	\$14,765



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:	November 22, 2006 on the 605 Hwy Southbound-south of Valley Boulevard., at approximately 10:55a.m.
Briefly provide a description of the incident/event:	Plaintiff and County of Los Angeles (COLA) permittee driver were involved in an auto accident on the 605 Hwy, while traveling southbound just south of Valley Boulevard. Plaintiff was driving vehicle-1 in the number-1 lane traveling southbound at approximately 50 miles per hour (MPH). COLA employee was driving private vehicle-2 in the number-2 lane traveling southbound at approximately 60-65 mph. A third driver was in vehicle-3 traveling at approximately 60 mph in the same direction in the number-3 lane.

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

The incident stems from a 6 year COLA permittee driver with no known in-service accident history being involved in an auto accident with the plaintiff on the 605 Hwy. Root cause factors identified include:

- COLA staff member possible violation of California Vehicle Code Section 21658(a)-unsafe lane change

Upon review and preparation related to the legal matter the above root causes were identified. This matter is being settled to mitigate associated costs.

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

Recommended Corrective Action:

Task #1 Name: **Accident Review Enhancement**

System Issue: Process/Procedure

Responsible Person: Erbie Phillips

Task Description:

1. The Department vehicle incident review process includes, but is not limited to the mandatory completion of the COLA Report of Vehicle Collision or Incident. The Department will modify this review process to include the use of an internal Driver Accident Review/Investigative Report (DAR/IR) that must be submitted to the Department Risk Management Office (RMO) within 10 days of the incident. The immediate supervisor or designee will complete the DAR/IR after they investigate the vehicle incident, which consists of obtaining facts and circumstances related to the incident. The supervisor will also recommend associated corrective action to prevent or reduce the likelihood of similar vehicle incidents. In addition, the director or designee will review the DAR/IR to determine concurrence/non-concurrence prior to submission to the RMO. **This task was completed on or about September 2008.**
2. The Department Risk Management staff conducted an analysis of existing driver services program(s) and made a recommendation to the Chief related to preventable vehicle accidents. The recommendation includes, but is not limited to modification of existing Accident Review Committee Policy, the quarterly review of DAR/IR (and other related reports/material) and submission of a RMO corrective action recommendation to the bureau chief related to the bureaus associated DAR/IR's. **This task to be completed on or about April 2009.**

Task #2 Name:	Driver Handbook
System Issue:	<input checked="" type="checkbox"/> Process/Procedure
Responsible Person:	Stanley Ricketts or designee
Task Description:	1. The Department involved COLA Mileage Permittee Driver will be provided with the current State of California Department of Motor Vehicle Driver Handbook. The COLA Mileage Permittee Driver will acknowledge the receipt and review the handbook related to compliance with all traffic laws. This task was completed on or about December 2008.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance.)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)	Date:
<i>Ernie Phillips AO</i>	1/7/09
Signature: (Department Head)	Date:
<i>Robert B. Jaeger</i>	1-7-09

COUNTY OF LOS ANGELES-PROBATION DEPARTMENT

DRIVER ACCIDENT REVIEW/INVESTIGATIVE REPORT

SUPERVISOR'S REVIEW -- FOR DEPARTMENTAL ACCIDENT PREVENTION

PURPOSE: It is the policy of the Department that all drivers be properly licensed, obey all traffic laws, and use required safety equipment in accordance with California Vehicle Codes. In addition, it is the policy of the Department that all vehicle accidents involving Probation personnel driving a vehicle owned by the County of Los Angeles, or driving their personal vehicle as an authorized mileage permittee driver, shall be investigated, and the investigation findings reviewed by the Department's Accident Review Committee.

SUPERVISOR: Supervisors must investigate each driver accident, report facts and circumstances, confirm the type of vehicle used (County or Private) on Department business, and initiate or recommend corrective action to achieve accident prevention.

DIRECTOR/REVIEWING OFFICER: As the reviewing officer you are responsible for the quality (accuracy and completeness) of the supervisors report and to initiate follow-up corrective action. The reviewing officer shall forward the original signature document to Risk Management within 10 days of the accident as follows:

LOS ANGELES COUNTY PROBATION DEPARTMENT
 ATTN: RISK MANAGEMENT
 9150 E. IMPERIAL HWY.
 DOWNEY, CA 90242
 Ph.: (562) 940-2670

SUPERVISOR'S REPORT

DRIVER'S NAME:		DRIVER'S EMPLOYEE #:
DRIVER'S POSITION:	OFFICE/FACILITY LOCATION:	DRIVER WAS: <input type="checkbox"/> On Duty <input type="checkbox"/> Off-Duty
VEHICLE TYPE <input type="checkbox"/> COLA Vehicle <input type="checkbox"/> Private/Personal Vehicle	VEHICLE MAKE/MODLE/YEAR:	LICENSE PLATE NO.:
HOW DID ACCIDENT OCCUR?		
WHAT DRIVING RULES, VEHICLE LAWS OR VIOLATIONS CONTRIBUTED TO THE CAUSE OF THE ACCIDENT?		

THE SUPERVISOR:

- Asked the Department Driver Questions about the incident
 - Asked about distractions Yes No
 - Asked if using cell phone immediately prior to accident Yes No
 - Asked if eating immediately prior to accident Yes No
 - Asked if reaching immediately prior to accident Yes No
- Went to the Scene of the Accident Yes No
- Closely examined the seat belts and safety equipment Yes No
- Examined for mechanical defects Yes No
- Read the associated Police Report and Citations Yes No
- Reviewed Abstract of License Records Yes No
- Reviewed/Signed the COLA Report of Vehicle Accident or Incident Yes No

SUPERVISOR -VEHICLE ACCIDENT CLASSIFICATION REPORTING

TYPE OF VEHICLE ACCIDENT:

COLLISION WITH OTHER VEHICLE

- Evasive Maneuver
- Lost Control
- Hit other vehicle in rear
- Hit from rear
- Proceeding Straight
- Crossed into opposing lanes
- Changing Lanes
- Making a Right Turn
- Making a Left Turn
- Backing-up
- Mechanical Failure
- Collision with Bicycle

SOLO ACCIDENT

- Evasive Maneuver
- Los Control
- Collided with stationary object
- Backing-up
- Runaway vehicle
- Lost load
- Mechanical Failure
- Struck or was Struck by Animal

STRIKING PEDESTRIAN

- In a crosswalk
- Not in a crosswalk
- While backing-up
- Other: _____

MISCELLANEOUS ACCIDENT

Explain: _____

WAS ACCIDENT PREVENTABLE BY DEPARTMENT DRIVER? Yes No

CORRECTIVE ACTION RECOMMENDATION

- Need to observe driver habits while driving
- Change or Improve Equipment
- Recommend Removal from Mileage Permittee Driving Status
- Driver 1st Preventable Accident-Worker/Supervisor Conference & Sign for Receipt of Current CA DMV Drivers Handbook
- Driver 2nd Preventable Accident within 4 years-Letter of Warning & Sign for Receipt of Current CA DMV Drivers Handbook
- Driver 3rd Preventable Accident within 4 years-Request 5-Day Suspension
- Driver 4th Preventable Accident within 4 years-Request 15-Day Suspension and Mandatory State of CA Defensive Driver Training
- Driver 5th Preventable Accident within 4 years-Request Discharge
- Other: _____

SUPERVISOR PRINTED NAME:	DATE:
SUPERVISOR SIGNATURE:	PHONE NUMBER:

REVIEWING OFFICER

I CONCUR **OR** I DO NOT CONCUR WITH THE SUPERVISOR

MY EVALUATION AND ACTION TAKEN:

HOW WAS THE DRIVER INFORMED OF YOUR EVALUATION AND FOLLOW-UP ACTION?

BASED UPON INITIATION OF THE ABOVE CORRECTIVE ACTION N/A Other: _____

DIRECTOR/REVIEWING OFFICER PRINTED NAME:	DATE:
SIGNATURE:	PHONE NUMBER:

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Lite Extrusions Manufacturing, Inc.
CASE NUMBER	N/A
COURT	N/A
DATE FILED	March 12, 2008
COUNTY DEPARTMENT	Public Works Special District General Liability Trust Fund - Sewer & Drain District
PROPOSED SETTLEMENT AMOUNT	\$47,437.30
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at the business of Lite Extrusions Manufacturing, Inc. located in Gardena. A County sewer crew investigated the complaint and found that sewer effluent entered the business through a bathroom toilet and intruded into the adjoining hallway and three office spaces. The County crew rodded the mainline and relieved a stoppage created by rags and

accumulated debris. The sewer water, however, caused damage to the flooring, drywall, cabinetry, baseboards, paint, plumbing fixtures, appliances and other personal property. Life Extrusions' business was interrupted while the property was cleaned and repaired. The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE \$0

PAID COSTS, TO DATE \$400



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



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.

Claim: Date of incident/event:	Lite Extrusions March 10, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage back-up that occurred at a business at 15025 South Main Street in the City of Gardena. The effluent caused damage to the carpet, drywall, base boards, and other office equipment in the main office and in the production area.</p> <p>Public Works responded and the crew confirmed the existence of a main line blockage created by rags and the accumulation of debris between manhole numbers 239 and 241. Remediation under the Rapid Response Program was initiated.</p>

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


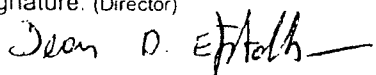
<p>The cause of the sewer backup was a rag blockage of the main line sewer. Public Works provided semi-annual inspections of the main line. The last inspection was carried out on July 19, 2007. At the time, observation of the sewer flow conditions was normal. There is no history of backup or flooding in the area.</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)

This segment of the main line was inspected by closed-circuit television at which time no maintenance issues were found. Given that rag blockages do not occur regularly, Sewer Maintenance Division did not deem it necessary to implement a rodding schedule for the main line. The main line will continue to be inspected semi-annually as part of the Preventive Maintenance Program.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has a County-wide implication.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  Pat Proano	Date: 11/13/08
Signature: (Director)  Dean D. Efstathiou (Acting Director)	Date: 11/17/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Heath Geary
CASE NUMBER	N/A
COURT	N/A
DATE FILED	June 16, 2008
COUNTY DEPARTMENT	Public Works Special District General Liability Trust Fund - Sewer & Drain District
PROPOSED SETTLEMENT AMOUNT	\$ 63,283.51
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at the home of Heath Geary located in Altadena. A County sewer crew investigated the complaint and found that wastewater from a sewer main line entered the home through a bathroom toilet and bathtub and intruded into the adjoining bathroom, hallway, bedroom and closet. The County crew rodded the mainline and relieved a stoppage created by overgrown tree roots. The sewage,

however, caused damage to the flooring, drywall, cabinetry, baseboards, paint, plumbing fixtures, appliances, walls and other personal property. The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE \$0

PAID COSTS, TO DATE \$0



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



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.

Claim/Lawsuit:	Heath Geary
Date of incident/event:	June 15, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage back-up that occurred at a residence at 565 Athens Street, unincorporated Altadena area. The claimant stated a blocked sewer mainline caused a sewer backup at his residence, which resulted in damage to his property.</p> <p>Public Works responded and the crew confirmed the existence of a main line blockage created by tree roots between Manhole Numbers 60 and 63.</p>

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

The cause of the sewer backup was a tree root blockage of the main line sewer. Public Works provided semi-annual inspections of the main line. The last inspection was carried out on February 21, 2008.


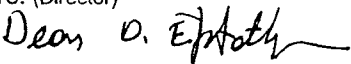
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

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

This segment of the main line was placed on a 90 day rodding schedule to prevent future blockages and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. It will also continue to be on a semi-annual inspection program.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has a County-wide implication.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) Pat Proano 	Date: 11/13/08
Signature: (Director) Dean D. Efstathiou 	Date: 11-17-08
Dean D. Efstathiou (Acting Director)	

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Raymond Johnson v. AT&T Corp., et al.,</u>
CASE NUMBER	MC017939
COURT	Los Angeles County Superior Court North District
DATE FILED	Feb. 20, 2007
COUNTY DEPARTMENT	Public Works and Internal Services Departments
PROPOSED SETTLEMENT AMOUNT	\$75,000
ATTORNEY FOR PLAINTIFF	Jennifer B. Smith, Esq. Law Offices of C. Ray Carlson (661) 294-0044
COUNTY COUNSEL ATTORNEY	Jerry Custis Principal Deputy County Counsel (213) 974-1965
NATURE OF CASE	Broken arm and severed thumb ligament suffered in trip and fall at Metrolink station
PAID ATTORNEY FEES, TO DATE	\$46,399
PAID COSTS, TO DATE	\$4,411



Summary Corrective Action Plan

County of Los Angeles Department of Public Works

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Case:	Raymond Johnson
Date of incident/event:	September 20, 2005
Briefly provide a description of the incident/event:	The plaintiff tripped and fell over a slightly raised utility vault cover located in the sidewalk along the access driveway that leads to the Acton/Vincent Grade Park-and-Ride Lot and Metrolink Station.

1. Briefly describe the root cause of the lawsuit:

Background

The County of Los Angeles constructed the Acton/Vincent Grade Park-and-Ride Lot, the Metrolink Station, the subject access driveway located off of Sierra Highway, and the subject utility vault. The County is responsible for the maintenance of the lot, station, access driveway, and vault. The facility was opened to the general public in January 2000. At the time of the incident, Public Works administered an Agreement with International Services Incorporated (ISI), who provided security services at this facility. As stipulated in the Agreement, security personnel were to patrol and inspect the area and report any security or maintenance issues found at the site.

Root Cause of the Lawsuit

It was determined that the cause of the Plaintiff's trip and fall incident was due to the failure to properly report issues concerning the subject facility by ISI to the Public Works Project Manager, ISI's lack of understanding of the scope of work and a lack of strong oversight by Public Works.

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

To ensure a more thorough and consistent review of the entire park and ride lot, as of September 2007, Public Works has required guard patrol verification technology in the latest security services contract. The guard patrol technology tracks the security officer's hourly patrol of the site and provides an electronic record of all patrol activity. Security officers are required to routinely and consistently patrol all areas of the County lot, including the area of the vault cover, and report maintenance issues.

Public Works has strengthened their contract oversight responsibilities by ensuring procedures are in place to review all daily usage reports and daily activity reports (which are to include maintenance issues observed while patrolling) from the contractor prior to authorizing monthly payments to the

contractor, as well as inspecting the site on a quarterly basis. The Contractor shall immediately notify the Contract Manager of any conditions that may result in injury to the public and follow up with an email of the Incident Report. If a situation should arise after hours, the Contractor shall call the Public Works Radio Room Dispatch for immediate attention.

By April 1, 2009, Public Works will amend its contract agreement with the security contractor to explicitly define the responsibilities pertaining to reporting any maintenance issues and clarify the boundaries of the Metrolink Station facility. Public Works has also met with the new security contractor, US Metro Group, to reemphasize their contractual obligations.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Pat Proano <i>Pat Proano</i>	1/15/09
Signature: (Director)	Date:
Gail Farber <i>Gail Farber</i>	1-25-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>National City Corporation v. Maria Segovia, Los Angeles County Treasurer and Tax Collector, and related cross-actions</u>
CASE NUMBER	BC 382126
COURT	Los Angeles Superior Court, Central District, Dept. 52
DATE FILED	February 6, 2009
COUNTY DEPARTMENT	Treasurer and Tax Collector
PROPOSED SETTLEMENT AMOUNT	Accept \$10,080 as settlement in full of medical lien for \$56,756
ATTORNEY FOR PLAINTIFF	Michael F. Amlaw, Esq.
COUNTY COUNSEL ATTORNEY	Brandi M. Moore Deputy County Counsel (213) 974-1832
NATURE OF CASE	This is an interpleader action where the insurance company in an underlying third party personal injury action deposited with the court the approximate amount of the County's lien for medical services provided to the cross-complainant following her accident.

This case has been vigorously litigated with cross-complainant filing a Cross-Complaint, a First Amended Cross-Complaint, and a motion to amend her answer to the original Complaint in Interpleader. Upon denial of that final motion, Cross-Complainant filed a writ challenging the court's decision. That matter is set for an OSC on March 24, 2009. Due to the uncertainties and costs associated with further litigation, the Treasurer and Tax Collector recommends accepting \$10,080 in full and final settlement of the County's lien.

PAID ATTORNEY FEES, TO DATE	\$15,599.86
PAID COSTS, TO DATE	\$0