

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

ON

MONDAY, MARCH 2, 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. Gregory O'Leary v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 396

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$45,000.

Action Taken:

This Claims Board approved settlement of this matter in the amount of \$45,000.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- b. Trinidad Benavides and Petra Benavides v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 986

This medical negligence lawsuit arises from treatment received by a patient at Harbor/UCLA Medical Center; settlement is recommended in the amount of \$525,000 – plus assumption of any Medi-Cal lien and waiver of any related County hospital medical bills.

Action Taken:

This Claims Board continued this item.

Absent: None

Vote: Unanimously carried

See Supporting Documents

4. Report of actions taken in Closed Session.

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

5. Approval of the Minutes for the January 12, 2009 and February 12, 2009, Special meetings of the Claims Board.

Action Taken:

The Minutes for the January 12, 2009 and February 12, 2009, Special meetings of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

See Supporting Documents

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Gregory O'Leary v. County of Los Angeles, et al.</u> South Central District
CASE NUMBER	TC021396
COURT	Compton Superior Court
DATE FILED	January 26, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$45,000
ATTORNEY FOR PLAINTIFF	Jeffrey R. Billings, Esq. (310) 226-7570
COUNTY COUNSEL ATTORNEY	Jason C. Carnevale Deputy County Counsel (213) 974-1203
NATURE OF CASE	On January 1, 2007, Los Angeles County deputy sheriff Sergeant John Rodriguez was driving a patrol vehicle west on Compton Boulevard in Compton, California. He received an emergency call directing him to proceed to the corner of Compton Boulevard and Central Avenue, where a man reportedly on PCP was causing a disturbance. He proceeded to do so, with sirens on and lights flashing, while driving at 45 to 55 miles per hour in the left lane of two lanes. At the same time, Gregory O'Leary was the back seat passenger in a 1991 Honda Civic also traveling westbound on Compton Boulevard. At the intersection of Compton Boulevard

and Maie Avenue, the two vehicles were involved in a rear-end collision. Immediately before the collision, Sergeant Rodriguez glanced down at his onboard Mobile Data Terminal in order to acknowledge the emergency call. Because of this, Sergeant Rodriguez claimed that he did not see the other vehicle before the impact. It is disputed as to how long the Honda Civic was in the left lane, or whether the driver had made an unsafe and illegal lane change in front of an oncoming emergency vehicle. The collision resulted in severe damage to both the rear of the Honda Civic and the front end of the Sheriff's Department's patrol vehicle. Mr. O'Leary sustained fractures to the bones in his right foot, soft tissue injury to his neck and back, and a scar on his forehead. Mr. O'Leary claims that the County Sheriff's Department driver was negligent by failing to pay attention to the road ahead of him. The County claims that the driver of the Honda Civic failed to yield to an oncoming emergency vehicle, as required by law. Due to the risks and uncertainties of litigation, the Sheriff's Department proposes a full and final settlement of this case as to Mr. O'Leary in the amount of \$45,000.

PAID ATTORNEY FEES, TO DATE \$79,622.24

PAID COSTS, TO DATE \$4,989.95

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:	O'Leary v. County of Los Angeles, et al. (Summary Corrective Action Plan #2009-001) Monday, January 1, 2007; 6:30 p.m.
Briefly provide a description of the incident/event:	<p>On Monday, January 1, 2007, at approximately 6:30 p.m., a uniformed Los Angeles County deputy sheriff was driving a standard black and white (supervisor's) patrol vehicle west on Compton Boulevard, Compton, responding to a radio call of an insane person and/or a person under the influence of phencyclidine (PCP). The deputy sheriff was driving with his patrol vehicle's emergency lights and siren activated.</p> <p>As the deputy sheriff was traveling west on Compton Boulevard, east of Maie Avenue, the patrol vehicle he was driving (a 2005 Chevrolet Tahoe; California License Number 1223183) collided with the rear of the plaintiff's vehicle (a 1991 Honda Civic; California License Number 3JNA969).</p>

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

Pursuant to California Vehicle Code section 17004, a public employee operating an authorized emergency vehicle in the line of duty while responding to an emergency call is immunized from liability for injuries caused by such operation. California Vehicle Code section 17001, however, holds the public entity liable for injuries caused by the employee's negligent operation of the motor vehicle. While an employee driving an emergency vehicle with lights and siren to an emergency call is exempt from certain traffic laws, California Vehicle Code section 21807 nevertheless requires the employee to drive with due regard for the safety of all persons using the highway. The Los Angeles County Sheriff's Department's Manual of Policy and Procedures' established driving standards conform to this standard.

The deputy sheriff, whose attention was momentarily diverted to his vehicle's mobile digital terminal (MDT), failed to bring his vehicle to a stop before it collided with the stationary vehicle containing the plaintiff.

The plaintiff asserts that as a result of the traffic collision, he sustained fractures to his right foot and experienced pain in his neck and lower back. He was treated at the scene and ultimately transported to a local hospital. The plaintiff's two companions were uninjured. The vehicle in which the plaintiff was a passenger sustained major damage.

The deputy sheriff sustained moderate personal injuries and his patrol vehicle sustained moderate physical damage.

County of Los Angeles
Summary Corrective Action Plan

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

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of this incident.

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

The traffic collision was thoroughly investigated by representative of the Los Angeles County Sheriff's Department. The Department's formal administrative review concluded the deputy sheriff violated established policies and/or procedures. Appropriate administrative action against the deputy sheriff was taken.

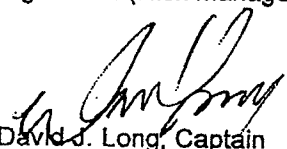
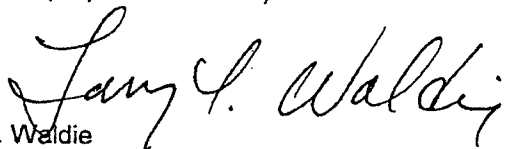
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which would likely exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$45,000.

This summary corrective action plan has no countywide implications (refer to #3 below).

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 Countywide 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 Countywide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 1-13-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 01-13-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Trinidad Benavides and Petra Benavides v. County of Los Angeles
CASE NUMBER	TC 021986
COURT	Los Angeles Superior Court South Central District
DATE FILED	June 6, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$525,000, plus assumption of any Medi-Cal lien
ATTORNEY FOR PLAINTIFF	Peter McNulty, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian, Esq.
NATURE OF CASE	<p>This is a medical malpractice case brought by Trinidad Benavides and his wife, Petra Benavides, related to the care and treatment he received at Harbor/UCLA Medical Center ("HUMC").</p> <p>On October 16, 2007, Mr. Benavides was seen at HUMC for prostate needle biopsy to rule out prostate cancer. The pathology report from this procedure indicated that Mr. Benavides had prostate cancer.</p> <p>On January 15, 2008, Mr. Benavides was seen in the outpatient clinic at HUMC, where</p>

his diagnosis was discussed along with other medical options besides surgery. Mr. Benavides decided to go forward with prostate surgery and signed a consent to removal of the prostate and lymph nodes. Surgery was performed on January 28, 2008. Mr. Benavides was discharged on January 30, 2008.

On February 21, 2008, he was seen in follow-up. At that time, he was told that a mistake had been made, that his slides were mixed with those of another patient, and that he did not need surgery, because he did not have prostate cancer.

Both Trinidad Benavides and Petra Benavides, brought a lawsuit against the County of Los Angeles, contending that HUMC failed to provide proper medical care.

This lawsuit against the County of Los Angeles is a case of liability. The Department of Health Services agrees to the proposed settlement of this case in the amount of \$525,000, plus assumption of the Medi-Cal lien and waiver of any related outstanding hospital bills.

PAID ATTORNEY FEES, TO DATE	\$31,025.64
PAID COSTS, TO DATE	\$3,583.49



Summary Corrective Action Plan

Date of incident/event:	October 16, 2007
Briefly provide a description of the incident/event:	On October 16, 2007, Trinidad Benavides was referred by a County clinic to Harbor/UCLA Medical Center for biopsy of the prostate to rule out prostate cancer. The pathology report from this procedure indicated that Mr. Benavides had prostate cancer, which was an error. On January 15, 2008, Mr. Benavides was seen in the outpatient clinic at HUMC where his diagnosis was discussed along with other medical options besides surgery. Mr. Benavides decided to go forward with prostate surgery and signed consent for removal of the prostate and lymph nodes. On January 28, 2008, surgery was performed. On February 21, 2008, he was seen for follow up. At that time he was told that a mistake had been made, that his slides were mixed with those of another patient, and that he did not need surgery because he did not have prostate cancer.

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



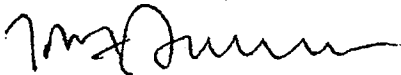
- Mislabeling of prostate pathology slide

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 audit was done to determine the processes for handling anatomic pathology specimens. All DHS hospitals have appropriate policies/procedures in place to handle pathology specimens.

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: 2/9/09
Signature: (Interim Chief Medical Officer) 	Date: 2/9/09
Signature: (Interim Director) 	Date: 2-9-09

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

January 12, 2009

This special meeting of the County of Los Angeles Claims Board was called to order at 8:03 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms, Rocky Armfield and John F. Krattli; Office of the County Counsel: Gordon Trask and Brian Chu; Sheriff's Department: Patrick Hunter and Rob Taliento; Department of Public Works: Pat Proano, Keith Lehto, and Michael Hayes.

No members of the public addressed the Claims Board.

At 8:07 a.m., the Chairperson adjourned the meeting into closed session. At 9:07 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Adetokunbo Shoyoye v. County of Los Angeles
Los Angeles Superior Court Case No. BC 388 511

This lawsuit seeks compensation by an inmate for allegedly being over-detained in the Los Angeles County Jail.

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

The vote of the Claims Board was unanimous with all members being present.

- b. Joe and Sheila Flores v. County of Los Angeles
Los Angeles Superior Court Case No. VC 048 581

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

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

The vote of the Claims Board was unanimous with all members being present.

- c. Claims of Katie Villatoro, Lillian Villatoro, Frankie Villatoro and Briana Villatoro

These claims seek compensation for injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

The Claims Board approved settlement in the amount of \$20,900.

The vote of the Claims Board was unanimous with all members being present.

- d. Claim of Linda Robbins

This claim seeks compensation for damage caused by a sewage back-up.

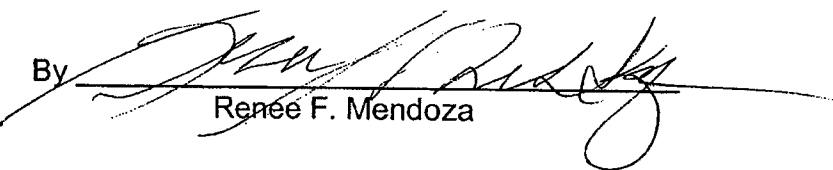
The Claims Board approved settlement in the amount of \$99,052.61.

The vote of the Claims Board was unanimous with all members being present.

There being no further business, the meeting was adjourned at 9:15 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

February 12, 2009

This special meeting of the County of Los Angeles Claims Board was called to order at 8:14 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms, Rocky Armfield and John F. Krattli; Office of the County Counsel: Ed Benveniste, Doraine Meyer, Brian Chu; Jerry Custis, and Brandi Moore; Department of Public Works: Pat Proano, Keith Lehto, Michael Hayes, and Robert Swartz; Probation Department: Tracy Jordan Johnson; Department of Health Services: Dr. William Loos and Kim McKenzie; Treasure-Tax Collector: Kathy Waters; Outside Counsel: Clyde Lockwood.

No members of the public addressed the Claims Board.

At 8:15 a.m., the Chairperson adjourned the meeting into closed session. At 10:34 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- 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.

The Claims Board continued this item.

The vote of the Claims Board was unanimous with all members being present.

- 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.

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

The vote of the Claims Board was unanimous with all members being present.

c. Claim of Lite Extrusions Manufacturing, Inc.

This claim seeks compensation for damage caused by a sewage back-up.

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

The vote of the Claims Board was unanimous with all members being present.

d. Claim of Heath Geary

This claim seeks compensation for damage caused by a sewage back-up.

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

The vote of the Claims Board was unanimous with all members being present.

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.

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

The vote of the Claims Board was unanimous with all members being present.

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

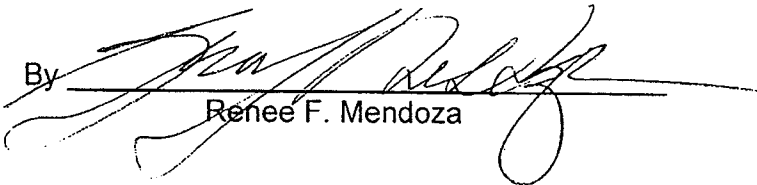
This lawsuit concerns the compromise of a \$56,756 lien for medical services provided by LAC+USE Medical Center; settlement is recommended by accepting payment of \$10,080 in full satisfaction of the lien.

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

The vote of the Claims Board was unanimous with all members being present.

There being no further business, the meeting was adjourned at 10:38 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Renee F. Mendoza