

**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 15, 2010, AT 9:30 AM**

Present: John Naimo, Steven NyBlom 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. Maria Marin v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 399 213

This dangerous condition lawsuit arises from a trip and fall on a County sidewalk.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$80,000.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- b. Erick Hoxey and Shatwan Smith v. County of Los Angeles  
United States District Court Case No. CB 09-01372

This lawsuit concerns allegations of excessive force and unlawful arrest by Sheriff's Deputies; authority is requested to make a statutory offer.

**Action Taken:**

**The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.**

Absent: None

Vote: Unanimously carried

- c. Arthur Michael Fernandez v. County of Los Angeles, et al.  
United States District Court Case No. CV 08-05044 PA

This lawsuit concerns allegations that the Sheriff's Department violated the Americans with Disabilities Act by not reasonably accommodating persons with disabilities at the Inmate Reception Center.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$91,000.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- d. Darren Rice v. County of Los Angeles, et al.  
United States District Court Case No. CV 08-05669 PSG

This lawsuit concerns allegations that the Sheriff's Department violated the Americans with Disabilities Act by not reasonably accommodating persons with disabilities at the Inmate Reception Center.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$27,000.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- e. Johnny Garcia v. County of Los Angeles, et al.  
United States District Court Case No. CV 08-04702 RSWL

This lawsuit concerns allegations that the Sheriff's Department violated the Americans with Disabilities Act by not reasonably accommodating persons with disabilities at the Inmate Reception Center.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$42,000.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- f. The Estate of Harutyun Danaciyun through his Successor-in-Interest, Peruz Danaciyun v. County of Los Angeles, et al.  
Los Angeles Superior Court Case Nos. BC 410 163 and BC 423 522

These two lawsuits arise from the death of a patient who was hospitalized at the Olive View Medical Center.

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of these matters in the amount of \$400,000, plus the assumption of a Medi-cal lien in the amount of \$572.79 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- g. Jenny P. v. South Pasadena Unified School District;  
Los Angeles County Department of Mental Health  
Case No. N2009080777

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health; settlement is recommended in the amount of \$27,000.

**Action Taken:**

**The Claims Board continued this matter.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- h. Alfredo Hernandez v. County of Los Angeles, et al.  
United States District Court Case No. CV 09-3962 R (JCx)

This lawsuit alleges violations of the Fair Credit Reporting Act by the Child Support Services Department.

**Action Taken:**

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$160,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Child Support Services Departments' budget.**

Absent: None

Vote: Unanimously carried

**[See Supporting Documents](#)**

- i. Willie Mae Pleasant v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 381 797

This lawsuit concerns allegations that an employee of the Treasurer-Tax Collector/Public Administrator was subjected to discrimination and sexual harassment.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$25,000.**

Absent: None

Vote: Unanimously carried

- j. James M. Juarez v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 408 340

This lawsuit concerns allegations that an employee of the Probation Department was subjected to harassment and retaliation.  
(Continued from the special meeting of February 11, 2010.)

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$99,000.**

Absent: None

Vote: Unanimously carried

- k. David Robinson v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 387 763

This lawsuit concerns allegations that an employee of the Probation Department was subjected to discrimination and retaliation; settlement is recommended in the amount of \$29,500.

**Action Taken:**

**The Claims Board continued this matter.**

Absent: None

Vote: Unanimously carried

- l. Mark Felix v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 404 175

This lawsuit concerns allegations that an employee of the District Attorney's Bureau of Investigations was subjected to discrimination.

**Action Taken:**

**The Claims Board approved settlement of this matter in the amount of \$89,000.**

Absent: None

Vote: Unanimously carried

- m. John Kaddis v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 398 517

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to discrimination and retaliation.

**Action Taken:**

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

Absent: None

Vote: Unanimously carried

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 of the March 1, 2010, regular meeting of the Claims Board.

**Action Taken:**

**The minutes for the meeting of March 1, 2010, regular meeting of the Claims Board were approved as corrected.**

Absent: None

Vote: Unanimously carried

**[See Supporting Document](#)**

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	Maria Marin vs. County of Los Angeles, et al.
CASE NUMBER	BC399213
COURT	Los Angeles Superior Court Central Distirct
DATE FILED	October 1, 2008
COUNTY DEPARTMENT	Department of Public Works--
PROPOSED SETTLEMENT AMOUNT	\$ 80,000
ATTORNEY FOR PLAINTIFF	Robert J. Tobias
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On June 25, 2007, Ms. Marin tripped on a bolt protruding on the east sidewalk of North Hazard Avenue which caused her to fall and fracture her knee.</p> <p>Ms. Marin allges that the property was in a dangerous condition, because the Department of Pulbic Works did not remove the bolts nor did it secure the area adequately.</p> <p>Department of Public Works claims that they adequately barricaded the area and took additional appropriate measures. Further, Ms. Marin should have</p>



been familiar with the area since she lives near by.

Due to the risks and uncertainties of litigation, the Department of Public Works proposes a full and final settlement of the case in the amount of \$80,000.

PAID ATTORNEY FEES, TO DATE	\$	25,542
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PAID COSTS, TO DATE	\$	8,733.94
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## 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:	June 25, 2007
Briefly provide a description of the incident/event:	Ms. Maria Marin, age 59, was walking from her home on the east sidewalk of North Hazard Avenue toward City Terrace Drive when she tripped and fell on a 2-inch bolt or bolts protruding from the sidewalk. Prior to the incident, in the same area as the incident, a trash receptacle and bus stop sign were damaged. Presumably these items were damaged due to a motor vehicle collision.

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

On May 7, 2007, the County of Los Angeles Department of Public Works' (DPW) Road Maintenance Division (RMD) removed the damaged trash receptacle. Specifically, RMD removed the base ring from the subject trash receptacle exposing three anchor bolts and placed two temporary Type-A barricades over the base of the damaged bus stop sign and the three anchor bolts.

RMD did not remove the anchor bolts from the sidewalk. They assumed that the same anchor bolts would be utilized for placement of the new trash receptacle. On July 6, 2007, a new trash receptacle was installed however the pre-existing anchor bolts were not utilized. Rather, the Public Works contractor used new bolts for the installation of the new receptacle.

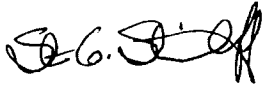

At the time of the incident, it was alleged that only one barricade existed at the incident site. By leaving the anchor bolts in place, the County created a dangerous condition of property and did not properly inspect the barricades or follow up on the matter. Furthermore, RMD policy is to conduct regular inspections of the location where the incident occurred. These inspections include both monthly drive-by and semi-annual parkway inspections. However, it was determined that monthly street inspections were not performed between March 6, 2007, and August 2, 2007, due to the unavailability of manpower.

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

By March 31, 2010, the appropriate personnel will be instructed, by memorandum, that for any future similar instances, any object, bolt, trip hazard, or obstruction located in the parkway (excluding any tree stumps that remain after removal of a tree), the appropriate crew (Public Works, Utility Company, permittee, etc.) will be dispatched for the immediate removal or notified of the need for the immediate removal of the hazard. The location will be made safe by whatever appropriate means are required. If the hazard is a Public Works facility and cannot be immediately removed, it will be removed or made permanently safe as soon as possible but no longer than 5 days after discovery/notification. If the hazardous facility belongs to another agency or entity, that entity will be given 5 days notice to remove the hazard or make it permanently safe. If this is not complete within 5 days, Public Works crews will remove the hazard or make it permanently safe no longer than the 7th day after discovery.

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 Countywide implication.
- Potentially have 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)	Date:
Steven G. Steinhoff 	2/08/10
Signature: (Director)	Date:
Gail Farber 	2-15-10.

PF:psr  
P4:WARIN SCAP3

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Arthur Michael Fernandez v. County of Los Angeles
CASE NUMBER	CV 08-05044 PA
COURT	United States District Court
DATE FILED	July 31, 2008
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 91,000
ATTORNEY FOR PLAINTIFF	James S. Muller, Esq. Law Offices of James S. Muller
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On November 27, 2007, Arthur Michael Fernandez was under the custody of the Los Angeles County Sheriff Department.</p> <p>Mr. Fernandez contends that considering his medical condition, his special needs were not adequately addressed by LASD staff.</p> <p>The County proposes to settle this case in the amount of \$91,000.</p>
PAID ATTORNEY FEES, TO DATE	\$ 70,748.50
PAID COSTS, TO DATE	\$ 7,145.93

Case Name: Fernandez v. County of Los Angeles



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Date of incident/event:	September 2007 through January 2008
Briefly provide a description of the incident/event:	<p style="text-align: center;"><b><u>Arthur Fernandez v. County of Los Angeles</u></b> (Summary Corrective Action Plan #2010-009CR)</p> <p>The purpose of this document is to consolidate the settlements in the cases of <b><u>Arthur Fernandez v. County of Los Angeles</u></b> (United States District Court Case Number CV-08-05044 DDP); <b><u>Johnny Garcia v. County of Los Angeles, et al.</u></b> (United States District Court Case Number CV-08-04702 DDP); and, <b><u>Darren Rice v. County of Los Angeles</u></b> (United States District Court Case Number CV-08-05669) into a single corrective action plan document.</p> <p>These cases will be further consolidated with the <b><u>Johnson v. County of Los Angeles</u></b> case once all issues in that case have been resolved.</p>

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

The three cases identified above settled on July 17, 2009. The cases are believed to share a common characteristic: the Los Angeles County Sheriff's Department's Inmate Reception Center (IRC) failed to provide reasonable accommodation to restroom facilities for disabled persons as prescribed by the Americans with Disabilities Act (ADA).

Given the nature of the cases, it is appropriate to consolidate the four cases into a single corrective action plan document.

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

The four above-listed cases are currently under review by the Los Angeles County Sheriff's Department. It is unknown what measures will be needed to achieve compliance with the American with Disabilities Act.

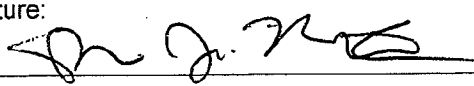
The Los Angeles County Sheriff's Department's Risk Management Bureau is currently working to 1) identify the specific measure(s) needed to achieve full compliance with the Americans with Disabilities Act and 2) complete any task as required.

The Los Angeles County Sheriff's Department's Risk Management Bureau will continue their investigation into the root cause(s) in these cases and **take appropriate action by August 6, 2010.**

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 an implication 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(s) implications.

**Los Angeles County Sheriff's Department**

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain, Risk Management Bureau	
Signature: 	Date: 3/9/10

Name: (Department Head)	
None	
Signature:	Date:

**Chief Executive Office Risk Management Branch**

Name:	
Signature:	Date:

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darren Rice v. County of Los Angeles
CASE NUMBER	CV 08-05669 PSG
COURT	United States District Court
DATE FILED	September 2, 2008
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 27,000
ATTORNEY FOR PLAINTIFF	James S. Muller, Esq. Law Offices of James S. Muller
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On September 7, 2007, Darren Rice was under the custody of the Los Angeles County Sheriff's Department ("LASD").</p> <p>Mr. Rice contends that considering his medical condition, his special needs were not adequately addressed by LASD staff.</p> <p>The County proposes to settle this case in the amount of \$27,000.</p>
PAID ATTORNEY FEES, TO DATE	\$ 33,521
PAID COSTS, TO DATE	\$ 6,582.56

Case Name: Fernandez v. County of Los Angeles



## Summary Corrective Action Plan

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

The three cases identified above settled on July 17, 2009. The cases are believed to share a common characteristic: the Los Angeles County Sheriff's Department's Inmate Reception Center (IRC) failed to provide reasonable accommodation to restroom facilities for disabled persons as prescribed by the Americans with Disabilities Act (ADA).

Given the nature of the cases; it is appropriate to consolidate the four cases into a single corrective action plan document.

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

The four above-listed cases are currently under review by the Los Angeles County Sheriff's Department. It is unknown what measures will be needed to achieve compliance with the American with Disabilities Act.

The Los Angeles County Sheriff's Department's Risk Management Bureau is currently working to 1) identify the specific measure(s) needed to achieve full compliance with the Americans with Disabilities Act and 2) complete any task as required.

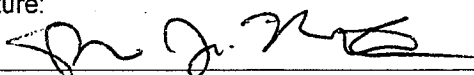


The Los Angeles County Sheriff's Department's Risk Management Bureau will continue their investigation into the root cause(s) in these cases and **take appropriate action by August 6, 2010.**

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**Los Angeles County Sheriff's Department**

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain, Risk Management Bureau	
Signature: 	Date: 3/9/10

Name: (Department Head)	
None	
Signature:	Date:

**Chief Executive Office Risk Management Branch**

Name:	
Signature:	Date:

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Johnny Garcia v. County of Los Angeles
CASE NUMBER	CV 08-04702 RSWL
COURT	United States District Court
DATE FILED	July 23, 2008
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 42,000
ATTORNEY FOR PLAINTIFF	James S. Muller, Esq. Law Offices of James S. Muller
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On September 26, 2007, Johnny Garcia was under the custody of the Los Angeles County Sheriff Department ("LASD").</p> <p>Mr. Garcia contends that considering his medical condition, his special needs were not adequately addressed by LASD staff.</p> <p>The County proposes to settle this case in the amount of \$42,000.</p>
PAID ATTORNEY FEES, TO DATE	\$ 32,608
PAID COSTS, TO DATE	\$ 4,379.99

Case Name: Fernandez v. County of Los Angeles



## Summary Corrective Action Plan

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

The three cases identified above settled on July 17, 2009. The cases are believed to share a common characteristic: the Los Angeles County Sheriff's Department's Inmate Reception Center (IRC) failed to provide reasonable accommodation to restroom facilities for disabled persons as prescribed by the Americans with Disabilities Act (ADA).

Given the nature of the cases, it is appropriate to consolidate the four cases into a single corrective action plan document.

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

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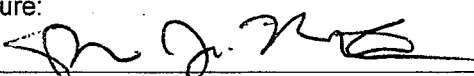
The Los Angeles County Sheriff's Department's Risk Management Bureau is currently working to 1) identify the specific measure(s) needed to achieve full compliance with the Americans with Disabilities Act and 2) complete any task as required.

The Los Angeles County Sheriff's Department's Risk Management Bureau will continue their investigation into the root cause(s) in these cases and **take appropriate action by August 6, 2010.**

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.
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**Los Angeles County Sheriff's Department**

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Acting Captain, Risk Management Bureau	
Signature: 	Date: 3/9/10

Name: (Department Head)	
None	
Signature:	Date:

**Chief Executive Office Risk Management Branch**

Name:	
Signature:	Date:

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## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Harutyun Danaciyun v. County of Los Angeles, et al.
	Peruz Danaciyun, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 410163 (for Estate Action) BC 423522 (for Wrongful Death)
COURT	Los Angeles Superior Court Central District
DATE FILED	March 20, 2009 (for BC 410163) October 8, 2009 (for BC 423522)
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ \$400,00 plus the assumption of the Medi-Cal lien in the amount of \$572.79
ATTORNEY FOR PLAINTIFF	Levik Yarian, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	On March 10, 2008, Harutyun Danaciyun, a 58-year- old male, was admitted to Olive View Medical Center. He was later transferred to LAC+USC Medical Center to undergo back surgery.  After receiving various treatments at both County and non-County facilities, the patient was transferred back to Olive-View Medical Center where he remained until his death on February 20, 2009.

While the patient was at the County facilities, he developed bed sores. They later became infected.

The estate of the Harutyun Danaciyán and his surviving family filed separate actions against the County alleging that the care provided to the patient was inappropriate. The plaintiffs contend that the inadequate skin care provided by the County facilities contributed to the development of the patient's bed sores and eventually to the infection that caused the death of the patient.

The County proposes to settle this case in the amount of \$400,000 plus the assumption of the Medi-Cal lien in the amount of \$572.79.

PAID ATTORNEY FEES, TO DATE	\$	58,033.50
PAID COSTS, TO DATE	\$	12,009.82

## Summary Corrective Action Plan

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Date of incident/event:	3/19/08
Briefly provide a description of the incident/event:	On March 10, 2008, Harutyun Danaciyun, a 58 year-old man, was admitted to Olive View/UCLA Medical Center. He was later transferred to LAC+USC Medical Center to undergo a back surgery. After receiving various treatments at both County and non-County facilities, Mr. Danaciyun was transferred back to Olive View/UCLA Medical Center where he remained until his death on February 20, 2009. While Mr. Danaciyun was at the County facilities, he developed bed sores.

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

Lack of adequate skin care resulting in pressure ulcers.

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 skin care nurse specialist was hired (OVMC)
- All DHS hospitals reported that they have an individual who has been specially trained in care and treatment of pressure ulcers and is a key resource for staff
- Skin care protocols were revised in all DHS hospitals
- Nurses were educated on reporting requirements for pressure ulcers (LAC)
- Staging of pressure ulcers is a nursing core competency for 2010
- Training was provided to the RNs and LVNs on staging and management of pressure ulcers
- All DHS hospitals educated their staff about the requirement for reporting hospital acquired pressure ulcers
- All DHS hospitals use national staging guidelines to stage pressure ulcers and have educated staff regarding these guidelines
- Incontinence pads were ordered for use in place of diapers for fecal incontinence (LAC)
- All DHS hospitals have incontinence pads for patients who have fecal incontinence
- All DHS acute care facilities participate in the CalNOC pressure ulcer prevalence study. The prevalence of pressure ulcers is monitored quarterly and shows a reduction in prevalence.
- All DHS hospitals participate in an initiative to transform care at the bedside working with the concepts from the Institute for Healthcare Improvement.

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 an implication 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(s) implications.

County of Los Angeles  
Summary Corrective Action Plan

Name: (Risk Management Coordinator)	
Signature: <i>[Handwritten Signature]</i>	Date: 2/17/10

Name: (Department Head)	
Signature: <i>[Handwritten Signature]</i>	Date: 2-17-10

Chief Executive Office Risk Management Branch

Name: John W. STERRITT	
Signature: <i>[Handwritten Signature]</i>	Date: 2-18-10

\\Risk Mgt. Inspector General\CAP-SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx



## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jenny P. v. South Pasadena Unified School District; Los Angeles County Department of Mental Health
CASE NUMBER	California Special Education Hearing Office (Case No. N2009080777)
COURT	Not applicable
DATE FILED	May 28, 2009
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$27,000
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Senior Deputy County Counsel (213-787-2310)
NATURE OF CASE	The case involves a special education student, Jenny P., in the South Pasadena Unified School District ("USD") who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Jenny's parents ("parents") requested payment from the Los Angeles County Department of Mental Health ("DMH") for failure to implement the mental health treatment services to which Jenny was entitled. A mediation

was held and resolution was reached whereby DMH agreed to pay parents an amount not to exceed \$27,000 for such failure to implement mental health services. The amount is to be deposited by DMH into a trust created solely for the benefit of Jenny P., to be used only for mental health/therapy services.

PAID ATTORNEY FEES, TO DATE

None

PAID COSTS, TO DATE

None



## 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:	2007-2008 School Year
Briefly provide a description of the incident/event:	<p>This case involves Jenny P., a special education student in the South Pasadena Unified School District, who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. The case went through administrative mediation which resulted in an agreement between plaintiff and the Los Angeles County Department of Mental Health ("DMH"). The settlement consists of reimbursement to Jenny's parents ("parents") in the amount of \$27,000 as compensation for failure to implement the mental health treatment services to which Jenny was entitled.</p> <p>DMH agreed to deposit an amount not to exceed \$27,000 into a trust, of which Jenny P. is the sole beneficiary, and which funds may be used only for mental health/therapy services for the sole benefit of Jenny P.</p>

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

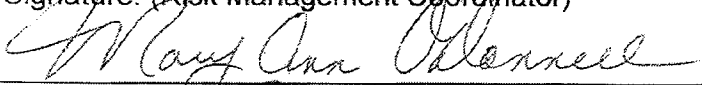
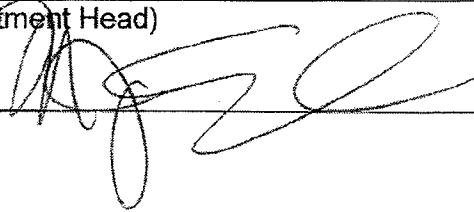
Under AB3632, DMH has an obligation to implement all AB3632 mental health services listed on a student's Individualized Education Plan (IEP). Likewise, DMH is liable for the failure of its contract treatment agencies to provide such services listed on the IEP of a student they accept as a client. In this case, Foothill Family Services should have provided all of the services listed on Jenny's IEP and should have continued to work with Jenny, her parents and the private therapist toward the goal of transitioning Jenny from private therapy to DMH services. The fact that this transition was not achieved in two months did not indicate that it could not have been achieved with the additional time the parents requested. It is not surprising that a child with a diagnosis of Selective Mutism might well require more time to build rapport and trust with a new therapist. Likewise, the complexity of making this transition does justify Jenny's termination from Foothill Family Services without the authorization of DMH and the IEP team. Moreover, DMH was unable to resolve this dilemma, compounding liability. Consequently, DMH would have been highly vulnerable if the matter would have proceeded to hearing.

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

- A. By May 1, 2010, the Sector II AB3632 Mental Health Program Head create AB3632 a written protocols, in consultation with the Program's District Chief, that address the following issues:
- i. Responding in an appropriate and timely manner to complaints from parents/guardians regarding AB3632 treatment providers.
  - ii. Making clinically appropriate recommendations to AB3632 treatment providers regarding working with clients referred to them who, at the time of the referral, are already engaged in private therapy.
- B. By May 28, 2010, the Sector II AB3632 Mental Health Program Head will discuss these protocols with all staff clinicians. The protocols will be discussed with all new employees in orientation on an ongoing basis.
- C. By May 1, 2010, feedback regarding their performance in this situation will be given to management staff at Foothill Family Services, as well as their DMH contract monitor regarding these protocols to prevent similar occurrences in the future.

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: 2-3-10
Signature: (Department Head) 	Date: 2-10-10

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Alfredo Hernandez v. County of Los Angeles, et al.
CASE NUMBER	CV 09-3962 R (JCx)
COURT	United States District Court
DATE FILED	06/03/2009
COUNTY DEPARTMENT	Department of Child Support Services
PROPOSED SETTLEMENT AMOUNT	\$ 160,000
ATTORNEY FOR PLAINTIFF	Louis P. Dell Law Office of Louis P. Dell
COUNTY COUNSEL ATTORNEY	Lauren M. Black Principal Deputy County Counsel Social Services Division
NATURE OF CASE	Plaintiff alleges CSSD incorrectly verified as correct two delinquent child support obligations which showed Plaintiff to be delinquent on his child support payments.
PAID ATTORNEY FEES, TO DATE	\$ 24,767
PAID COSTS, TO DATE	\$ 0



## 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:	June 2006 – March 2009; March 20, 2009
Briefly provide a description of the incident/event:	Lawsuit stems from the manner in which the Department investigated the plaintiff's dispute of the child support arrears balance which was reported to the major credit reporting agencies.

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

The Department's investigation resulted in the Department representing that the plaintiff owed child support arrears when he did not, in fact, owe support arrears.

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

The Department will revise various procedures, provide training, and take appropriate disciplinary action.


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 for assistance)

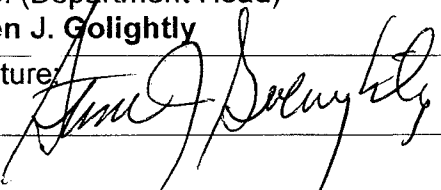
- Potentially has County-wide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)  
Fesia A. Davenport, Chief Attorney

County of Los Angeles  
Summary Corrective Action Plan

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Signature: 	Date: 3/9/2010

Name: (Department Head) <b>Steven J. Golightly</b>	
Signature: 	Date: March 9, 2010

**Chief Executive Office Risk Management**

Name:	
Signature:	Date:

**CORRECTED**

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

March 1, 2010

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:31 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steven NyBlom, and John F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu, Gordon Trask, Edwin Lewis, and Manuel Valenzuela; Sheriff's Department: Shaun Mathers and Lynne Hughes; Department of Health Services, Risk Management: Bonnie Bilitch; Department of Child Support Services: Fesia Davenport; Office of Affirmative Action: David Kim; Outside Counsel: Douglas Fee and Andrea Travis.

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).

**At 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a).**

4. Report of actions taken in Closed Session.

**At 11:25 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:**

a. Celia Contreras v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 382 611

This lawsuit arises from injuries sustained in a vehicle versus pedestrian accident involving a maintenance employee of the LAC+USC Medical Center. (Continued from the meeting of December 7, 2009.)

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000.**

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



- b. Carolina Silva v. County of Los Angeles  
United States District Court Case No. CV 09-7934

This lawsuit contends that the decedent's death was caused by the use of excessive force by Sheriff's Deputies.

**The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$350,000.**

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

- c. Richard Moreno, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 00-07149

This lawsuit arises from the search and arrest of an individual by Sheriff's Deputies.

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

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

- d. Gloria Fluker v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 386 849

This lawsuit concerns allegations that an employee of the District Attorney's Office was subjected to racial discrimination and retaliation.

**The Claims Board approved settlement of this matter in the amount of \$85,000.**

**The vote of the Claims Board was: Ayes: (2) - Steven NyBlom and John Krattli; and Abstentions: (1) - John Naimo**

5. Approval of the "Revised" minutes for the January 21, 2010, special meeting of the Claims Board, the minutes of the February 1, 2010, regular meeting of the Claims Board, and the February 11, 2010, special meeting of the Claims Board.

**The "Revised" minutes for the January 21, 2010, special meeting of the Claims Board, the minutes of the February 1, 2010, regular meeting of the Claims Board, and the February 11, 2010, special meeting of the Claims Board were approved.**

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

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.

**The meeting was adjourned at 11:45 a.m.**

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza