

**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 21, 2011, AT 9:30 AM**

Present: Chair John Naimo, Laurie Milhiser, and John Krattli

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. David Kazemi v. Wendy Velez and County of Los Angeles
Los Angeles Superior Court Case No. KC 058 776

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- b. Pasadena Unified School District v. County of Los Angeles
Los Angeles Superior Court Case No. GC 046 033

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,584.30.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- c. Claim of Karen Nocket and USAA

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$22,071.78.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- d. Julia C. v. Beverly Hills Unified School District and Los Angeles County Department of Mental Health
Case No. 2010100871

This matter concerns allegations of deprivation of educational rights and mental health services by the Los Angeles County Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$79,304.14.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- e. Ana Devis v. County of Los Angeles
Los Angeles Superior Court Case No. BC 399 352

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to sexual harassment.

Action Taken:

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

Vote: Unanimously carried

Absent: None

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the March 7, 2011 meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes of the March 7, 2011 meeting.

Vote: Unanimously carried

Absent: None

[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	David Kazemi v. Wendy Velez and County of Los Angeles
CASE NUMBER	KC058776
COURT	Los Angeles Superior Court, East District (Pomona)
DATE FILED	May 21, 2010
COUNTY DEPARTMENT	Sheriff's
PROPOSED SETTLEMENT AMOUNT	\$ 100,000.00
ATTORNEY FOR PLAINTIFF	Joan Kenegos, Esq. Kaplan, Kenegos & Kadin
COUNTY COUNSEL ATTORNEY	Joanne Nielsen Principal Deputy County Counsel
NATURE OF CASE	<p>County employee Wendy Velez was driving a County vehicle at about 60 miles per hour on the 60 freeway when she collided into the rear-end of David Kazemi's vehicle, which had stopped because of the traffic in front of him. Ms. Velez was one to one-and-a-half car lengths behind Mr. Kazemi's vehicle just before the collision.</p> <p>Mr. Kazemi was taken by ambulance from the accident scene to a hospital emergency room, where he was treated and released. He was treated by a chiropractor for three months consistently, and with an</p>

orthopedist intermittently for a much longer period. His back continues to cause him pain, and an anterior lumbar interbody fusion surgical procedure was recommended by his physicians. The surgery will result in a loss of future earnings, in addition to Mr. Kazemi's existing medical specials.

A full and final settlement of \$100,000.00 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	17,433.00
PAID COSTS, TO DATE	\$	1,713.00

Case Name: David Kazemi vs. County of Los Angeles



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:	Tuesday, September 15, 2009, at 9:58 a.m.
Briefly provide a description of the incident/event:	<p>David Kazemi vs. County of Los Angeles Summary Corrective Action Plan No. 2011-002</p> <p>On Tuesday, September 15, 2009, at approximately 9:58 a.m., an on duty Los Angeles County Sheriff's Department employee was driving an unmarked, Los Angeles County-owned vehicle west on State Route 60 (Pomona Freeway), west of San Gabriel Boulevard, Unincorporated Los Angeles County, when the vehicle she was driving collided with a vehicle traveling in the same direction.</p>

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

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

As a result of this traffic collision, the plaintiff was transported to a local hospital for treatment of his injuries.

The vehicle the plaintiff was driving, a 2007 Mercedes GL450, California License 5WMZ042, sustained minor damage.

The employee was transported to a local medical facility for treatment of her injuries.

The vehicle the Los Angeles County employee was driving, a 2000 Ford Taurus, California License 1064038, sustained moderate damage.

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 relevant policies and procedure/protocols in effect at the time of this incident.

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

County of Los Angeles
Summary Corrective Action Plan

This traffic collision was thoroughly investigated by representatives of the California Highway Patrol and the Los Angeles County Sheriff's Department. Their investigations concluded that the Los Angeles County employee caused the collision by violating California Vehicle Code Section 21703, Following Too Closely.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

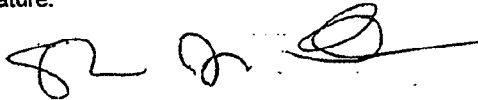
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- 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.

Name: (Risk Management Coordinator)

Shaun J. Mathers, Captain
Risk Management Bureau

Signature:



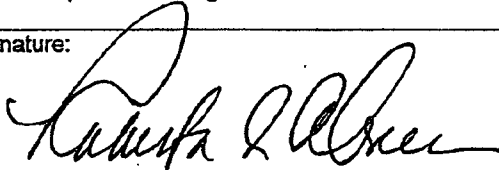
Date:

2/15/11

Name: (Department Head)

Roberta A. Abner, Chief
Leadership and Training Division

Signature:



Date:

2/15/11

Chief Executive Office Risk Management Branch

Name:

LEO COSTANTINO

Signature:



Date:

2/23/11

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Pasadena Unified School District
CASE NUMBER	Non-litigated claim
COURT	N/A
DATE FILED	September 24, 2008
COUNTY DEPARTMENT	Public Works – Branch 5 Sewer Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 99,584.30
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at a school district maintenance facility located in Pasadena. A County sewer crew investigated a complaint of a sewer problem and found that wastewater in a sewer mainline manhole was high but not overflowing. It also observed sewage intruded the facility through the sewer cleanout accesses. The sewage affected the walls, cabinetry and floors. 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, and 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: Date of incident/event:	Pasadena Unified School District September 6, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage back-up incident that occurred at a warehouse of the Pasadena Unified School District located at 740 West Woodbury Road in the unincorporated Altadena area. The wastewater overflowed into the 10,000 square foot facility, causing damage to the walls, filing cabinets, and other personal property.</p> <p>Public Works responded, and a Sewer Maintenance Division crew confirmed the existence of a mainline blockage created by tree roots between Manhole Nos. 39 and 40. The crew rodded the sewer line and broke down the root stoppage. The sewer line was left flowing normally.</p>

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

The cause of the sewer backup was due to a tree root blockage of the sewer main line.



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)

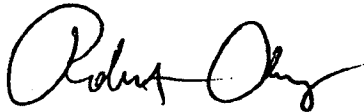
The segment of the sewer main line between Manhole Nos. 39 and 40 was placed on a quarterly rodding schedule to prevent future blockages and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. The mainline will also continue to be inspected under the semi-annual 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 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)  Steven G. Steinhoff	Date: 7-13-09
Signature: (Director) Gail Farber 	Date: 7-17-09

ME:psr
P4:\PASADENA SCAP


Robert Chavez

5/7/10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Karen Nocket & USAA
CASE NUMBER	Non-litigated claim
COURT	N/A
DATE FILED	January 15, 2009
COUNTY DEPARTMENT	Public Works – Branch 5 Sewer Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 22,071.78
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at the residence of Karen Nocket located in Rancho Palos Verdes. A County sewer crew investigated a complaint of a sewer problem and found that wastewater in a sewer mainline manhole was high but not overflowing. However, wastewater intruded the house through drains in the kitchen, bathroom showers and laundry room. The sewage affected the walls, structure and floors and 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, and 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: Date of incident/event:	Karen Nocket December 15, 2008
Briefly provide a description of the incident/event:	This is a sewage backup that occurred at 6724 Via Canada, in the City of Rancho Palos Verdes. The effluent caused damage to the interior of the residence as well as personal property. Public Works responded and the Sewer Maintenance crew confirmed the existence of a main sewer line blockage created by tree roots between Manhole Nos. 53 and 52.

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

The cause of the sewer back up was a tree root blockage of the main sewer line.



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 sewer line was placed on a monthly rodder periodic 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 inspected on a semi-annual basis.

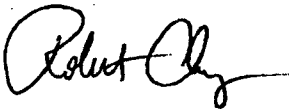
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

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 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)  Steven G. Steinhoff	Date: 10/21/09
Signature: (Director) Gail Farber 	Date: 10-28-09

RS:psr
P4:WOCKET SCAP



Robert Chausz
CEO, R.M.B.

4/30/10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Julia C. v. Beverly Hills Unified School District and Los Angeles County Department of Mental Health
CASE NUMBER	California Special Education Hearing Office (Case No. 2010100871)
COURT	Not applicable
DATE FILED	October 17, 2010
COUNTY DEPARTMENT	Los Angeles County Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$ 79,304.14
ATTORNEY FOR PLAINTIFF	Newman - Aaronson - Vanaman
COUNTY COUNSEL ATTORNEY	Andrea E. Ross
NATURE OF CASE	This case involves a special education student, Julia C., 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 Julia's parents ("Parents") in an amount not to exceed \$75,698.84 and payment of \$3,605.30 in

attorneys' fees. DMH agreed to reimburse Parents in an amount not to exceed \$75,698.84, for the costs of providing residential and psychotherapy services, which costs are DMH's responsibility under applicable law. Beverly Hills Unified School District ("BHUSD") agreed to reimburse Parents for the costs of residential tuition and providing educational services, which costs are the school district's responsibility under applicable law. DMH and BHUSD each agreed to pay \$3,605.30 of the total amount of \$8,146.60 in attorneys' fees.

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:	2009-2010 School Year
Briefly provide a description of the incident/event:	This case involves a special education student, Julia C., 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 Julia's parents ("Parents") in an amount not to exceed \$75,698.84 and payment of \$3,605.30 in attorneys' fees.

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

Julia C., born March 18, 1994, is a student with emotional disturbance. In 2008, DMH assessed Julia and recommended residential placement. Parents declined the recommendation at that time. DMH completed a second assessment in 2009 and appeared at the IEP of August 19, 2009, for the purpose of formalizing the second recommendation of residential placement. Parents conducted their own research into residential programs and declined to place Julia in any program within the DMH network due to Julia's unique and individual needs. Specifically, Julia has great anxiety regarding her appearance which leads to resulting fragility in the area of social relationships. Parents stated that Julia required a very specialized program that was for girls only and that could provide Julia protection from the types of comments that stemmed from her physical appearance. From their research, Parents believed that none of the DMH providers could offer this protection for Julia.


On August 19, 2009, the day after the IEP, Parents unilaterally placed Julia at the Kolob Canyon School in New Harmony, Utah. On August 20, 2009, DMH offered Julia placement at Provo Canyon School, in the girls only program, also located in Utah. Parents declined the Provo Canyon School placement. On or about October 17, 2010, Parents filed a due process complaint alleging a failure on the part of Beverly Hills Unified School District (BHUSD) and DMH to offer Julia a "Free and Appropriate Public Education" (FAPE.) On December 2, 2010, a settlement agreement was entered into between the parties, which resolved Parents due process complaint.


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

None identified. Julia C. suffered a prenatal trauma that impacts her cognitive functioning and her ability to appropriately manage her feelings of anxiety and recurring depression. In addition to her resulting learning disabilities, Julia's appearance has also been a source of distress for her due to comments she has received over the years. It was a difficult decision for her Parents to agree to residential placement and any program selected had to meet the Parent's high standards in terms of assuring them that Julia would be protected. Parents were unwilling to move Julia to the program DMH and BHUSD offered to Julia as her FAPE. Parents felt that the program in which Julia was already enrolled met their standards of emotional safety, as well as being able to provide the appropriate education and treatment.


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) Mary Ann O'Donnell	
Signature: 	Date: 02-23-11

Name: (Department Head) Marvin J. Southard	
Signature: 	Date: 2-24-11

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: 	Date: 3/1/2011

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

March 7, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:34 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, John Krattli and Laurie Milhiser.

Other persons in attendance at the meeting were: Office of the County Counsel: Casey Youn, Rosa Linda Cruz, Karen Lichtenberg, Albert Kelly, Christopher Keosian, Steve Morris, and Donna Koch; Department of Public Works: Bahman Hajialiakbar, Michael Montgomery and Jacob Williams; Sheriff's Department: Pat Hunter; Department of Public Health: Jim Day; Department of Parks and Recreation: David Waage; Office of Affirmative Action: David Kim; Outside Counsel: Scott Patterson, Nohemi G. Ferguson, Sigalit Noureal, and Elizabeth M. Kessel.

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 9:37 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

4 Report of actions taken in Closed Session.

At 12:19 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. County of Los Angeles v. U.S. A. Waste of California, et al.
Los Angeles Superior Court Case No. BC 345 002

This lawsuit concerns the remediation of environmental contamination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$140,000.

Vote: Unanimously carried

Absent: None

b. Claim of Abel Giron, Jr.

This claim concerns landslide damage to a residential property in the unincorporated Hacienda Heights area of the County.

Action Taken:

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

Vote: Unanimously carried

Absent: None

c. Claim of Julie Tran

This claim concerns allegations that an employee of the Department of Public Works was subjected to sexual harassment and retaliation.

Action Taken:

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

Vote: Unanimously carried

Absent: None

d. Robert Lyznick v. County of Los Angeles
Los Angeles Superior Court Case No. BC 393 936

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to sexual harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$900,000.

Vote: Unanimously carried

Absent: None

- e. Steven Dunner v. County of Los Angeles
Los Angeles Superior Court Case No. BC 424 097

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$152,000.

Vote: Unanimously carried

Absent: None

- f. Ana Devis v. County of Los Angeles
Los Angeles Superior Court Case No. BC 399 352

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to sexual harassment; settlement is recommended in the amount of \$75,000.

Action Taken:

The Claims Board continued this matter.

Vote: Unanimously carried

Absent: None

- g. Casandra Edwards v. County of Los Angeles
Los Angeles Superior Court Case No. BC 427 832

This lawsuit concerns allegations that an employee of the Department of Parks and Recreation was subjected to sexual harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$295,000.

Vote: Unanimously carried

Absent: None

5. Approval of the minutes of the February 22, and the March 1, 2011, special meetings of the Claims Board.

Action Taken:

The Claims Board approved the minutes of the February 22, and the March 1, 2011, special meetings as follows.

Vote: Unanimously carried

Absent: None

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.

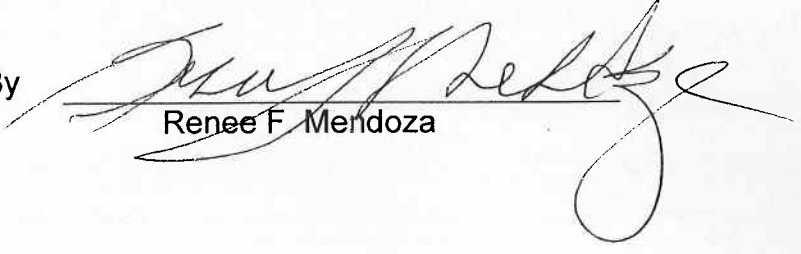
No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 12:25 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza