

**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, APRIL 4, 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. Catherine Nazarian v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 350 613

This lawsuit concerns allegations of false arrest and illegal seizure of property by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- b. Linda Williams-Theule, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 045 530

This lawsuit arises from injuries sustained in a traffic collision involving an employee of the Department of Public Works.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$82,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- c. Audit of Charter Communications Cable Franchise Agreements

This matter concerns cable franchise payments owed to the County by Charter Communications, Inc.

Action Taken:

The Claims Board approved settlement of this matter whereby the County will receive \$17,000.

Vote: Unanimously carried

Absent: None

[See Supporting Document](#)

- d. Ramiro Polanco and Ana Linares v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 046 592

This lawsuit concerns the care provided to a patient at the Olive View Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$198,000 plus assumption of the Medi-Cal lien in the amount of \$8,894.79.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- e. Rachel Alexander v. County of Los Angeles
Los Angeles Superior Court Case No. BC 432 022

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to disability discrimination, failure to accommodate, and failure to engage in the interactive process.
(Continued from the Special Meeting of February 10, 2011.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$50,500.

Vote: Unanimously carried

Absent: None

f. Claim of Joel Gordon

This claim concerns allegations that an employee of the Office of Public Safety 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 \$200,000.

Vote: Unanimously carried

Absent: None

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 21, 2011, meeting of the Claims Board.

Action Taken:

The minutes of the March 21, 2011 meeting of the Claims Board were approved as follows:

Vote: Unanimously carried

Absent: None

[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	Catherine Nazarian v. County of Los Angeles, et al.
CASE NUMBER	BC350613
COURT	Los Angeles County Superior Court , Central District
DATE FILED	November 7, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Vicki Roberts, Esq.
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty, Deputy County Counsel
NATURE OF CASE	<p>Plaintiff Catherine Nazarian alleges that a Sheriff's Deputy illegally seized her property and falsely arrested her in the execution of a warrant.</p> <p>The Sheriff's Deputy contends that Ms. Nazarian's search and arrest was in the lawful execution of a warrant.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the</p>

amount of \$50,000 is
recommended.

PAID ATTORNEY FEES, TO DATE \$ 73,836

PAID COSTS, TO DATE \$ 1,287

Case Name: Catherine Nazarian v. County of Los Angeles, et al.



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:	Friday, October 17, 2003
Briefly provide a description of the incident/event:	<p><u>Catherine Nazarian v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2011-007</p> <p>On Thursday, October 16, 2003, members of the Los Angeles County Sheriff's Department obtained a search warrant commanding them to search the plaintiff's residence for evidence of marijuana cultivation. On Friday, October 17, 2003, the warrant was executed and marijuana was seized. On Thursday, December 11, 2003, felony charges were filed against the plaintiff and a warrant for her arrest was issued. On Saturday, May 22, 2004, the plaintiff was arrested and taken into custody.</p>

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

A public entity and its employees may be held liable under the Federal Civil Rights Act when the employees illegally seize property and make a false arrest.

On Thursday, April 28, 2005, during the plaintiff's criminal proceedings, the warrant commanding the deputies to search the plaintiff's residence and seize items of evidentiary value was invalidated by a different magistrate. Criminal prosecution of the plaintiff was subsequently abandoned.

In her lawsuit, the plaintiff alleged the Los Angeles County Sheriff's Department illegally seized her property and falsely arrested her.

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.

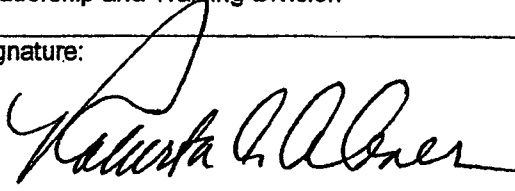
County of Los Angeles
Summary Corrective Action Plan

No employee misconduct is alleged. Consequently, no corrective action measures are contemplated nor recommended.

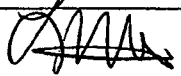
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- 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: 3/15/11

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 3/15/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 3/23/11

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Linda Williams-Theule, et al. v. County of Los Angeles, et al.
CASE NUMBER	PC045530
COURT	Los Angeles County Superior Court North Valley District
DATE FILED	May 29, 2009
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 82,000
ATTORNEY FOR PLAINTIFF	Law Office of Larry H. Parker
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On June 16, 2008, a Department of Public Works ("DPW") employee, while in the course and scope of his employment, caused an automobile collision while distracted by an object on Sand Canyon Road.</p> <p>Plaintiffs claims that the DPW employee negligently collided with their vehicle. The County claims that the DPW employee could not regain control of the vehicle in time.</p> <p>Due to the risks and uncertainties of litigation, DPW proposes a full and final settlement of the case in the amount of \$82,000.</p>
PAID ATTORNEY FEES, TO DATE	\$ 22,153.50
PAID COSTS, TO DATE	\$ 12,568.30



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.

Lawsuit:	Mark and Linda Theule
Date of incident/event:	June 16, 2008
Briefly provide a description of the incident/event:	On June 16, 2008, a Public Works Temporary Laborer in our Flood Maintenance Division was driving a County vehicle southbound on Sand Canyon Road when an animal ran across the roadway, which caused him to swerve into the northbound lane where he subsequently collided with the plaintiffs' vehicle. The plaintiffs sustained serious injuries as a result of the incident.

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

Our employee appeared before Public Works' Automotive Safety Committee on July 10, 2008. The committee reviewed the circumstances, evidence, and heard testimony from Mr. Williams. The committee determined that the incident was caused by Mr. Williams' lack of control due to his inattention to driving. The committee therefore ruled that the incident was preventable.

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

The matter was referred to the Performance Management Section of our Human Resources Division and disciplinary action was taken in which the employee was suspended for 2 days without pay and was required to attend non-commercial driver training on August 21, 2008. The driver was also reminded of Public Works' expectations that employees are to maintain proper and reasonable conduct while operating County vehicles and/or equipment.

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	<i>SG Steinhoff</i>	Date: 10/07/10
Signature: (Director) Gail Farber	<i>Gail Farber</i>	Date: 11-8-10. <i>MP</i>

Chief Executive Office Risk Management Branch

Name: Robert Chavez	Date: 10-06-10
Signature: <i>Robert Chavez</i>	Date:

ME:psr
 P4:THEULE SCAP1

10/6/10

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ramiro Polanco and Ana Linares v. County of Los Angeles, et al.
CASE NUMBER	PC 046592
COURT	Los Angeles Superior Court - North Valley District
DATE FILED	October 6, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$198,000 and assumption of the Medi-Cal lien in the amount of \$8,894.79.
ATTORNEY FOR PLAINTIFF	Robert J. McCulloch, Esq. Law Offices of Robert J. McCulloch
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian - Senior Deputy County Counsel
NATURE OF CASE	<p>On September 17, 2008, Ramiro A. Polanco was admitted to the psychiatric unit at Olive View Medical Center.</p> <p>On September 26, 2008, in an attempt to escape, Mr. Polanco jumped out of a window. As a result, Mr. Polanco suffered injuries to his head.</p> <p>Mr. Polanco filed a lawsuit against the County of Los Angeles and another entity. As to the County of Los Angeles, Mr. Polanco contended that the staff at</p>

Olive View Medical Center failed to adequately supervise him and failed to prevent him from jumping out of the window.

PAID ATTORNEY FEES, TO DATE

\$100,347

PAID COSTS, TO DATE

\$46,261.81

Case Name: Polanco, Ramiro



Summary Corrective Action Plan

Date of incident/event:	September 26, 2008
Briefly provide a description of the incident/event:	On September 17, 2008, Ramiro Polanco was admitted to a medical unit at Olive View/UCLA Medical Center. On September 26, 2008, in an attempt to escape, Mr. Polanco broke through and jumped out a window. As a result, Mr. Polanco suffered injuries to his head.

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

- Lack of clear guidelines on appropriate care setting for patients with behavioral issues resulting in patient jumping out of the window.

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

- In January 2009, a policy was developed to outline the management of psychiatric patients on non-psychiatric units.
- In December 2008, windows were made "psychiatric safe" with reinforced windows in specified medicine rooms.
- In 2008 and 2010, education was provided to nursing staff on medicine units regarding behavioral assessments.
- In October 2008, the sitter policy was revised to include RN signature on nursing attendant documentation.
- In 2008 and 2010, the hand-off communication policy was reviewed with nursing staff.
- In October 2008, the consent policy was reviewed with the Department of Medicine physician staff.
- In April 2009, DHS verified that each acute care hospital has a policy for caring for the psychiatric patient in a non-psychiatric setting.
- In December 2010, DHS verified that each acute care facility that provides care to psychiatric patients in a non-psychiatric setting has procedures for communicating changes in behavior to appropriate staff.
- In December 2010, DHS confirmed with the acute care hospitals that provide care to psychiatric patients in a non-psychiatric setting that each has reinforced or break resistant windows.

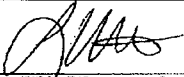
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- 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.

Name: (Risk Management Coordinator)
Kimberly McKenzie
 Signature: *Kimberly McKenzie* Date: 1/10/11

Name: (Department Head)
Mitchell Katz
 Signature: *Mitchell Katz* Date: 1/12/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 2/11/11

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Audit of Charter Communications Cable Franchise (2004-2007)
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Chief Executive Office
PROPOSED SETTLEMENT AMOUNT	Accept \$17,000 Settlement Offer
ATTORNEY FOR PLAINTIFF	Kenneth A. Brunetti, Esq. Miller and Van Eaton
COUNTY COUNSEL ATTORNEY	Grace V. Chang
NATURE OF CASE	This is a proposed settlement of a County audit of five franchise agreements held by Charter Communications for the operation of cable television systems within the unincorporated County. The audit showed a total of \$59,278 owed to the County for 2004 through 2007, inclusive, consisting of \$30,327 in underpaid franchise fees, plus late fees, interest, and audit reimbursement fees.
PAID ATTORNEY FEES, TO DATE	\$ 18,772.10 (Outside Counsel Fees)
PAID COSTS, TO DATE	\$ 2,653.88 (Outside Counsel Costs)

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

March 21, 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: Joanne Nielsen, Brian Chu, Andrea Ross, and Mary Wickham; Sheriff's Department: Pat Hunter; Department of Public Works: Keith Lehto; Department of Mental Health: Zoe Tractenberg; Department of Children and Family Services: Michelle Victor and Lynne Condon; Office of Affirmative Action: David Kim; Outside Counsel: Conrad Kohrs.

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 9:38 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. Report of actions taken in Closed Session.

At 11:14 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

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

- 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

- 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

- 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

- 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

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

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 11:20 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

A handwritten signature in black ink, appearing to read "Renee F. Mendoza", is written over a horizontal line. The signature is cursive and somewhat stylized.

Renee F. Mendoza