

**STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, JANUARY 9, 2012, AT 10:30 AM**

Present: Chair John Naimo, Laurie Milhiser, and Patrick Wu

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. **Matthew Harris v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 432 939**

This lawsuit seeks compensation for injuries received by an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$95,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

[See Supporting Documents](#)

**b. Simeon Juan Espinosa v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 447 309**

This lawsuit arises from injuries sustained in a vehicle versus pedestrian accident involving an employee of the Department of Probation.

Action Taken:

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

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

[See Supporting Documents](#)

**c. Gary Aalberts v. County of Los Angeles
Los Angeles Superior Court Case No. BC 412 940**

This lawsuit concerns allegations that an employee of the Fire Department was subjected to reverse racial discrimination and retaliation.

Action Taken:

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

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

**d. Katherine Olszewski v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 461 036**

This lawsuit concerns allegations that an employee of the Public Defender's Office was subjected to sexual harassment.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$81,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

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 December 19, 2011, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

[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	Matthew Harris v. County of Los Angeles, Matthew Ahrari, Paulie Tufano, Robert Sandoval, Nicole Johnson, Yvette Veal and Maria Chen
CASE NUMBER	BC432939
COURT	SUPERIOR COURT
DATE FILED	March 8, 2010
COUNTY DEPARTMENT	LASD
PROPOSED SETTLEMENT AMOUNT	\$ \$95,000
ATTORNEY FOR PLAINTIFF	DENNIS CHANG
COUNTY COUNSEL ATTORNEY	JOSEPH A. LANGTON
NATURE OF CASE	<p>Plaintiff alleges that his civil rights were violated when his jaw was broken by two inmate trustees at Twin Towers Correctional Facility. He claims that Deputies facilitated the assault and failed to protect him.</p> <p>The Deputy who was present contends that he was uninvolved in plaintiff's assault and that plaintiff was the source of his own injuries.</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 amount of \$95,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	\$55,976.41
PAID COSTS, TO DATE	\$	\$22,836.45

Case Name: **Matthew Harris 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:	Sunday, September 13, 2009; between 5:00 a.m. and 1:00 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Matthew Harris v. County of Los Angeles, et. al.</u> Summary Corrective Action Plan No. 2011-027.1</p> <p>On Sunday, September 13, 2009, all inmates incarcerated in the Los Angeles County Sheriff's Department's Twin Towers Correctional Facility were instructed to return to their cells. During the process, the plaintiff, an inmate at the facility, refused to comply with the deputy sheriff's instructions. He became verbally abusive before finally returning to the cell he shared with another inmate. The plaintiff was informed that disciplinary proceedings would be initiated against him.</p> <p>On Monday, September 14, 2009, the plaintiff advised a deputy sheriff that on Sunday, September 13, 2009, between 5:00 a.m. and 1:00 p.m., he had been assaulted by two inmate workers. The plaintiff was immediately escorted to the facility clinic, evaluated by members of the medical staff, and subsequently transported to the Los Angeles County/University of Southern California Medical (LCMC) for treatment.</p>

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

The plaintiff received treatment at the Los Angeles County/University of Southern California Medical Center for a broken jaw.

The plaintiff alleges he was assaulted by two inmate workers. He further alleges deputy sheriffs facilitated the assault by providing the inmate workers access to his cell and did nothing to stop it. Finally, the plaintiff alleges he was denied medical care for the injury he sustained in the assault.

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 procedures/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.

The Los Angeles County Sheriff's Department's administrative review revealed no employee misconduct.

A closer review of available documents by a concerned employee during the investigation of the lawsuit may have prevented the misidentification of a witness to this incident. Consequently, the Los Angeles County Sheriff's Department will work more closely in the future with representatives from the Office of the Los Angeles County Counsel to enhance the orderly review and transmittal of documents deemed relevant and necessary to the successful defense of the County of Los Angeles.

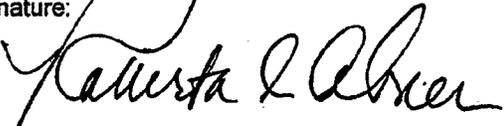
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- 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.

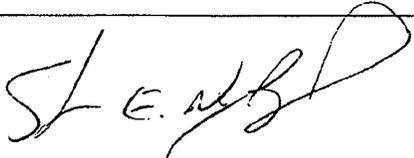
This section intentionally left blank.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 1/4/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 01/06/12

Chief Executive Office Risk Management Branch

Name: Steven E. NyBlum	
Signature: 	Date: 1-8-12

I:\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	Simeon Juan Espinosa v. County of Los Angeles, et al.
CASE NUMBER	BC447309
COURT	Los Angeles County Superior Court Central District
DATE FILED	October 12, 2010
COUNTY DEPARTMENT	Probation
PROPOSED SETTLEMENT AMOUNT	\$ 100,000.00
ATTORNEY FOR PLAINTIFF	Law Offices of Steinbrecher & Associates
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On February 3, 2010, a Probation employee, while in the course and scope of his employment, was driving a van from LAC+USC Medical Center to Eastlake Junenvile Hall when he collided with Plaintiff, a pedestrian, as he was making a left turn from State Street onto Marengo Street.</p> <p>Plaintiff claims that the Probation employee negligently made a left turn at the intersection, without yielding the right-of-way. The County claims that the Probation employee entered the intersection slowly while making the turn. Moreover, Plaintiff should have</p>

seen the Probation van, since there were no other vehicles on the road. But for Plaintiff being inattentive, the incident could have been avoided.

Due to the risks and uncertainties of litigation, the Probation Department proposes a full and final settlement of the case in the amount of \$100,000.

PAID ATTORNEY FEES, TO DATE	\$	19,681.00
PAID COSTS, TO DATE	\$	1,897.50

Case Name: S. ESPINOSA V. COLA



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:	February 3, 2010 at approximately 10:30p.m.
Briefly provide a description of the incident/event:	On February 3, 2010 at approximately 10:30p.m., a Probation Group Supervisor Nights-Officer (GSN) was driving a county owned 9-Passenger 2006 Ford E-150 Van on State Street at the intersection of Marengo Street. The officer was traveling southbound on State Street when he stopped at the red light and waited to make a left turn onto eastbound Marengo Street. When the light turned green the officer proceeded to safely negotiate his left turn onto eastbound Marengo Street when he suddenly hit something. The officer noticed that he had hit a pedestrian (plaintiff) and immediately stopped the vehicle to render aid. Plaintiff was transported LAC-USC Medical Center for evaluation and treatment. Plaintiff's injuries consisted of a ruptured spleen, left rib fractures, knee injuries, back injuries, hip injuries and abrasions to his skull. In July 2010, plaintiff filed a Tort Claim and in October 2010, plaintiff filed a lawsuit alleging negligence.

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

Root Cause Analysis:

The initial incident stems from plaintiff being struck by a COLA Vehicle. A root cause factor analysis was conducted including, but not limited to:

- **Exposure area relates to a COLA Driver in course and scope of duties driving a COLA Vehicle that hit a pedestrian in a marked cross-walk.**
- **Compounding factors include:**
 - Extent of plaintiff's injuries despite the low speed impact.
 - Weather was "Clear".
 - Roadway was "Dry" with "No unusual conditions".
 - Traffic controls were working properly.
 - Street lights were working properly.
 - COLA Vehicle was inspected prior to incident and was working properly.

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- **COLA Driver's deviation from Department Policies, related to:**
 - Operation of a COLA Vehicle
 - Obey all traffic laws

This matter is being settled to mitigate associated legal costs and to avoid a potentially adverse verdict associated with the root cause factors.

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

ROOT-CAUSE Recommended Corrective Action:

Task #1 Name: Policy Reinforcement

System Issue: Process/Procedure/Personnel

Responsible Person: Larry Rubin

Task Description:

1. The Department DSB **reinforced policy** in Probation Department Policy Manual (PDPM) Section 1100 related to County Vehicle Operation as a form of training. Reinforcement was done by using at least one of the following: (1) Discussion in staff meetings, (2) Individual staff review with supervisors, (3) Posted in an area frequented by staff, or (4) Electronic distribution. The policy includes, but is not limited to the following information:
 - a. Employees who drive in the course of County service **must** obey all traffic laws in accordance with the California Vehicle Codes.
 - b. All vehicle accidents involving Probation Department personnel driving a vehicle owned by COLA or driving their personal vehicle as an authorized mileage permittee shall be investigated.
- This task was completed by the end of September 2010.

Task #2 Name:	Employee Limited Prohibition of Driving a COLA Vehicle
System Issue:	<input checked="" type="checkbox"/> Process/Procedure/Personnel
Responsible Person:	Larry Rubin
Task Description:	<p>1. The Department DSB prohibited the employee from driving a COLA vehicle during course and scope of duties for a limited period of time-1 year as a form of administrative corrective and preventive action. This task was initiated in August 2010 and completed by the end of August 2011.</p>

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) DANNY ACEVES	
Signature: D. Aceves	Date: 10/4/11

Name: (Department Head) Donald H. Blevins	
Signature: Donald H. Blevins	Date: 10/6/11

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature: [Signature]	Date: 9/19/11

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 19, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:33 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, Laurie Milhiser, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu and Roger Granbo; Sheriff's Department: Patrick Hunter; Chief Executive Office – Office of Emergency Management: Ron Wade and Michael Hooper; Department of Public Works: Michael Hays.

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 items listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 11:20 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Matthew Harris v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 432 939**

This lawsuit seeks compensation for injuries received by an inmate while in the custody of the Sheriff's Department; settlement is recommended in the amount of \$95,000.

Action Taken:

The Claims Board continued this item.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

b. **Marjorie Durazo v. County of Los Angeles**
Los Angeles Superior Court Case No. LC 094 446

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$475,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

c. **Elizabeth O'Donnell v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 439 872

This dangerous condition lawsuit arises from injuries received from a trip and fall on an elevated hallway at a County facility.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$340,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

d. **Claim of AT&T**

This claim seeks compensation for damages for the repair of an underground phone duct and cable damaged by an employee of the Department of Public Works.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,380.92.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

5. **Approval of the minutes of the December 5, 2011, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and Patrick Wu

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.**

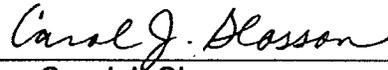
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 11:25 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Carol J. Slosson