

**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, JUNE 17, 2013, AT 9:30 AM**

Present: Chair John Naimo, Steve Robles, 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. **Adrian McKoy v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 462 452**

This lawsuit concerns allegations of assault and battery, negligence, and civil rights violations by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

b. **Barbara Batchan for the Estate of Parrish Batchan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 423 702

This wrongful death lawsuit concerns allegations of excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$750,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

c. **Jason Terpstra v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-06354

This lawsuit concerns allegations of false arrest, excessive force, and malicious prosecution by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$479,500.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

4. **Report of actions taken in Closed Session.**

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

5. **Approval of the minutes of the May 20, 2013, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, 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	Adrian McKoy v. County of Los Angeles
CASE NUMBER	LASC Case No. BC462452
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: January 3, 2011 Claim filed: October 2, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 200,000
ATTORNEY FOR PLAINTIFF	Law Offices of Joe C. Hopkins
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	Adrian McKoy alleges that he was subjected to excessive force by Sheriff's Deputies on September 2, 2010. The involved Sheriff's Deputies contend that they used reasonable force in arresting Mr. McKoy. However, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Settlement of this matter in the amount of \$200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 67,710
PAID COSTS, TO DATE	\$ 9,309

Case Name: **Adrian McKoy 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:	Thursday, September 2, 2010; approximately 1:40 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Adrian McKoy v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-007</p> <p>On Thursday, September 2, 2010, at approximately 1:40 p.m., two Los Angeles County deputy sheriffs assigned to the Los Angeles County Sheriff's Department's Altadena Station arrested the plaintiff for a violation of California Penal Code section 69, Obstructing or Resisting Executive Officer in Performance of Their Duties, and a violation of California Health and Safety Code section 11350(a), Possession of a Designated Controlled Substance.</p> <p>During the course of the arrest, the two deputy sheriffs became involved in a violent confrontation with the plaintiff and physical force was necessary to overcome the resistance offered by the plaintiff.</p>

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

In his lawsuit, the plaintiff alleged he was subjected to assault, battery, negligence, and state civil rights violations by members of the Los Angeles County Sheriff's Department.

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 the incident.

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

This incident was thoroughly reviewed by the Los Angeles County Sheriff's Department Executive Force Review Committee. The members of the committee concluded the force used by the two deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

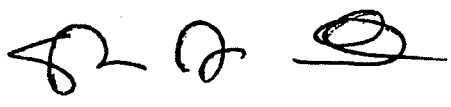
No systemic issues were identified and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.

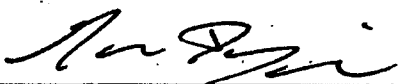
County of Los Angeles
Summary Corrective Action Plan

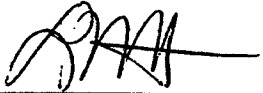
3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 5/15/13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 5/20/13

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) LEO COSTANTINO	
Signature: 	Date: 5/30/13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Barbara Batchan for the Estate of Parrish Batchan v. COLA
CASE NUMBER	LASC Case No. BC423702
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: August 15, 2012 Claim: April 16, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 750,000
ATTORNEY FOR PLAINTIFF	Benjamin Schonbrun, Esq. Michael Seplow, Esq. Aidan C. McGlaze, Esq. Schonbrun Desimone Seplow Harris & Hoffman, LLP John Burton, Esq. Law Offices of John Burton
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	This is a recommendation to settle for \$750,000, the lawsuit and claims filed by Plaintiffs Barbara Batchan on behalf of the Estate of Parrish Batchan and Samund Meyers against the County and two Sheriff's Deputies for the alleged wrongful death of Parrish Batchan. Plaintiffs allege that two Sheriff's Deputies, without probable cause,

confronted decedent and used excessive force in the application of a Taser.

The Deputies contend that they acted reasonably under the circumstances; however, in light of the potential for high exposure, and the uncertainties of litigation, a full and final settlement of the case in the amount of \$750,000 is recommended.

The first Batchan case went to trial as an excessive force case that resulted in a hung jury. When Mr. Batchan died, the case was refiled as the instant wrongful death case.

PAID ATTORNEY FEES, TO DATE	\$	709,549 (for Batchan I and II)
PAID COSTS, TO DATE	\$	353,273 (for Batchan I and II)

Case Name: **Barbara Batchan for the Estate of Parrish Batchan v. COLA**



Summary Corrective Action Plan

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Date of incident/event:	Monday, December 29, 2008; approximately 3:30 p.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><u>Barbara Batchan for the Estate of Parrish Batchan v.</u> <u>County of Los Angeles</u> Summary Corrective Action Plan No. 2013-008</p> <p>On Monday, December 29, 2008, at approximately 3:30 p.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's East Los Angeles Station, received a radio call reporting a disoriented man walking in traffic clothed only in his underwear.</p> <p>When the deputy sheriff contacted the man, the man fled and ran across the center divider and into oncoming traffic. With assistance provided by a second Los Angeles County deputy sheriff and an officer from the Vernon Police Department, a TASER device was deployed. The man was ultimately subdued and taken into custody.</p> <p>The man was treated by paramedics from the city of Vernon and subsequently transported to Los Angeles County/University of Southern California Medical Center.</p> <p>The man remained in a long-term care facility until his death in February, 2012.</p>

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

In her lawsuit, the plaintiff (on behalf of the Estate of Parrish Batchan) alleged wrongful death, assault and battery, excessive force, and a violation of civil rights following her son's contact with members of the Los Angeles County Sheriff's Department.

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 the incident.

County of Los Angeles
Summary Corrective Action Plan

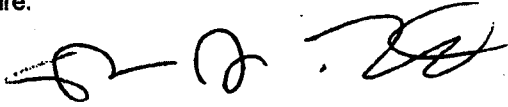
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.


This incident was thoroughly reviewed by the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. As a result, appropriate administrative action was imposed.

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 5/20/13

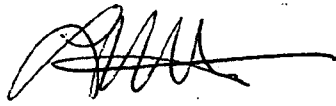
Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 5-23-13

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

Yes, the corrective actions potentially have County-wide applicability.
 No, the corrective actions are applicable only to this department.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	6/4/13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jason Terpstra vs. COLA
CASE NUMBER	CV 12-06354
COURT	United States District Court
DATE FILED	7/24/2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 479,500
ATTORNEY FOR PLAINTIFF	Bradley C. Gage, Esq.
COUNTY COUNSEL ATTORNEY	Karen Joynt
NATURE OF CASE	<p>Plaintiff Jason Terpstra alleges that he was falsely arrested, subjected to the use of excessive force, and maliciously prosecuted by the two Deputies who arrested him.</p> <p>The Deputies contend that probable cause existed for the arrest and prosecution and that only necessary and reasonable force was used to arrest Mr. Terpstra.</p> <p>However, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a settlement of this</p>

matter in the amount of \$479,500
is recommended.

PAID ATTORNEY FEES, TO DATE \$ 52,184.96

PAID COSTS, TO DATE \$ 10,144.03

Case Name: Jason Terpstra v. County of Los Angeles, et al.



Summary Corrective Action Plan

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Date of incident/event:	Saturday, July 23, 2011; approximately 1:58 a.m.
Briefly provide a description of the incident/event:	<p><u>Jason Terpstra v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-010</p> <p>On Saturday, July 23, 2011, two Los Angeles County Deputy Sheriffs assigned to the Los Angeles County Sheriff's Department's Transit Services Bureau, after observing two violations of the California Vehicle Code, initiated an enforcement stop on the vehicle the plaintiff was driving.</p> <p>During the course of the enforcement stop, the plaintiff and one of the deputy sheriffs became involved in a violent struggle for control of the deputy's firearm while inside the vehicle and while the vehicle accelerated uncontrollably down the highway. Even after the plaintiff's vehicle collided with two parked cars, a fight for control of the deputy sheriff's weapon continued. Only after the vehicle came to rest was the deputy able to regain control of his firearm. With the assistance of the second deputy (who had followed the plaintiff's vehicle in a patrol car), the two deputy sheriffs were able to overcome the resistance offered by the plaintiff and subdue him. The plaintiff was finally handcuffed and ultimately taken into custody.</p>

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

In his lawsuit, the plaintiff alleged excessive force, false arrest, and malicious prosecution by members of the Los Angeles County Sheriff's Department.

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 the incident.

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

This incident was thoroughly reviewed by the Los Angeles County Sheriff's Department Executive

County of Los Angeles
Summary Corrective Action Plan

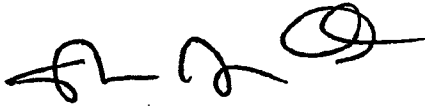
Force Review Committee. The members of the committee concluded the force used by the two deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

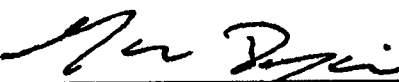
No systemic issues were identified and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken and no other corrective action measures are recommended nor contemplated.

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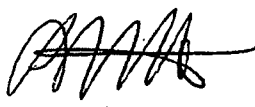
Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 5/23/13

Name: (Department Head) Glen Dragovich, Division Director Administrative and Training Division	
Signature: 	Date: 5/24/13

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County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
LEO COSTANTINO	
Signature:	Date:
	6/3/13

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

May 20, 2013

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Stacey Lee and Brian Chu; Public Library: Yolanda DeRamus, and Lupe Hoxworth; Department of Human Resources: Crystal Lewis; Department of Mental Health: Karen Fullner.

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 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(b) below.

4. Report of actions taken in Closed Session.

At 10:10 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Claim of Marquita Potter
EEOC Charge No. 480-2010-02071**

This matter concerns allegations of sexual harassment by a former temporary employee of the Los Angeles County Public Library.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$55,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

**b. Jorge Perez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 482 493**

This lawsuit arises from injuries sustained in an automobile accident with an employee from the Department of Mental Health. (Continued from the May 6, 2013, regular Claims Board meeting.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$43,750

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

5. Approval of the minutes of the May 6, 2013, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, 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 10:14 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson