



COUNTY OF LOS ANGELES
CLAIMS BOARD
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Steve Robles
Chief Executive Office
Roger H. Granbo
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, December 19, 2016, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. 1957 Delamo, LLC aka 1957 Del Amo, LLC v. County of Los Angeles, et al
Los Angeles Superior Court Case No. BC 588 817

This lawsuit alleges that the Treasurer and Tax Collector wrongly cancelled Plaintiff's existing County business licenses resulting in the closing of Plaintiff's business and loss of income; settlement is recommended in the amount of \$99,999.

[See Supporting Document](#)

- b. Veronica Barragan v. County of Los Angeles
Los Angeles Superior Court Case No. MC 020 485

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a single-vehicle accident in the unincorporated area of the County; settlement is recommended in the amount of \$3,000,000.

[See Supporting Documents](#)

- c. Chedmond Lee v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 533 093

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department utility truck; settlement is recommended in the amount of \$400,000.

[See Supporting Document](#)

- d. Lorae Bermudez and Thomas Kim v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 564 012

This lawsuit arises from damages and injuries sustained when Plaintiff was run over by a Fire Department Lifeguard's vehicle; settlement is recommended in the amount of \$1,700,000.

[See Supporting Documents](#)

- e. Kathryn Stocks v. County of Los Angeles
Los Angeles Superior Court Case No. BC 585 399

This lawsuit concerns allegations that an employee of the Fire Department was subjected to disability discrimination, retaliation, and failure to reasonable accommodation; settlement is recommended in the amount of \$300,000.

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the December 5, 2016, regular meeting of the Claims Board.

[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.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	1957 Delamo, LLC aka 1957 Del Amo, LLC v. County of Los Angeles
CASE NUMBER	BC588817
COURT	Los Angeles Superior Court - Central District
DATE FILED	July 29, 2015
COUNTY DEPARTMENT	Treasurer and Tax Collector
PROPOSED SETTLEMENT AMOUNT	\$ 99,999
ATTORNEY FOR PLAINTIFF	John J. Gulino
COUNTY COUNSEL ATTORNEY	Sayuj Panicker Deputy County Counsel
NATURE OF CASE	Plaintiff, 1957 Delamo, LLC aka 1957 Del Amo, LLC ("Plaintiff"), alleges that in November 2014, the Treasurer and Tax Collector wrongly cancelled Plaintiff's existing County business licenses for public eating and adult entertainment. As a result, Plaintiff claims that it was unable to operate its business for close to three months. Plaintiff filed a complaint against the County seeking damages for loss of income for the three months it did not operate, and for loss of clientele after Plaintiff resumed its business in January 2015.
PAID ATTORNEY FEES, TO DATE	\$ 65,569.72
PAID COSTS, TO DATE	\$ 16,725.51

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Veronica Barragan v. County of Los Angeles
CASE NUMBER	MC020485
COURT	Los Angeles Superior Court
DATE FILED	May 29, 2009
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 3,000,000
ATTORNEY FOR PLAINTIFF	Donald G. Liddy, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon Senior Associate County Counsel
NATURE OF CASE	<p>On the evening of April 12, 2007, Veronica Barragan was driving eastbound on Palmdale Avenue, west of 230th Street East, in the unincorporated County area, when she realized she was driving in the wrong direction. She then made a U-turn and returned in the westbound direction. For an unknown reason, Ms. Barragan lost control of her vehicle and ran off the road, causing her vehicle to roll and land on the road's dirt shoulder. She received significant injuries resulting in paralysis. She contends that the road existed as a dangerous condition and the County denies that there were any deficiencies in the road.</p> <p>Due to the inherent risks and uncertainties involved in a trial, and the potential liability and exposure to an adverse verdict, the County proceeded with settlement negotiations and eventually developed this recommended settlement.</p>
PAID ATTORNEY FEES, TO DATE	\$ 542,552
PAID COSTS, TO DATE	\$ 154,004

Veronica Barragan



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:	April 12, 2007
Briefly provide a description of the incident/event:	On April 12, 2007, at approximately 9:00 p.m., Ms. Veronica Barragan was severely injured (quadriplegia) in a vehicle collision near a curved segment of Palmdale Boulevard, 3,037 feet west of 230th Street East.

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

Ms. Barragan admitted to being distraught and consumed two alcoholic beverages in the hour before the incident. She made an unsafe turning movement, which resulted in the incident collision.

At the time of the incident, standard curve warning and advisory speed signs were in place in advance of both directions through the incident curves. Traffic & Lighting Division performed a Traffic Study that found 14 collisions in the prior five-year period. The collision patterns at the incident curves indicated that additional roadway signage would enhance traffic safety.

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

Traffic & Lighting Division recommended installing chevrons through the incident curves to provide additional emphasis and guidance for the change in horizontal alignment. In December 2010, Operational Services Division installed 20 chevron signs for east and west traffic directions.

In 2013, based on a subsequent review of the incident curve:

- The existing curve warning signs and advisory speed signs were relocated to be 325 feet in advance of the subject curve in both directions.
- Recessed pavement markers were installed along the centerline of the subject curve.
- Four additional chevron signs were installed for eastbound traffic.

It was alleged that the shoulder slope was too steep. The two foot wide paved shoulders were designed to have the same 2 percent slope as the adjacent twelve foot paved traffic lanes. Therefore the paved shoulders are well within the American Association of State Highway and Transportation Officials (AASHTO) recommended 5 percent maximum slope.

The pavement edge drop off is rolled and not excessive in accordance with standards.

The graded dirt embankment next to the paved shoulder is not part of the roadway and is not a shoulder. The measured embankment slopes along Palmdale Boulevard are less than 25 percent and therefore compliant with AASHTO's Roadside Design Guidelines (RDG) for road-side embankments.

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.

Name: (Risk Management Coordinator)
Michael J. Hays

Signature:

Michael J. Hays

Date:

6/8/14

Name: (Department Head)
Gail Farber

Signature:

Gail Farber

Date:

6/21/16

FAP
6/12/16
MR
6/20/16

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?

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

Name: (Risk Management Inspector General)

Signature:

Destiny Castro
Destiny Castro

Date:

6/9/2016

MH:psr

P4:BARRAGAN SCAP (04132016)

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Chedmond Lee v. County of Los Angeles, et al.
CASE NUMBER	BC 533093
COURT	Los Angeles Superior Court
DATE FILED	January 13, 2014
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	David Olan, Esq. Olan Law Firm
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a vehicle collision that occurred on December 28, 2012, on Palos Verdes Drive North in the City of Rancho Palos Verdes, when Plaintiff Chedmond Lee was rear-ended by a utility truck driven by a Fire Department employee. Mr. Lee claims injuries as a result of the accident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 76,790
PAID COSTS, TO DATE	\$ 43,213

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lorae Bermudez and Thomas Kim v. County of Los Angeles, et al.
CASE NUMBER	BC 564012
COURT	Los Angeles Superior Court
DATE FILED	November 17, 2014
COUNTY DEPARTMENT	Fire Department Special District - Lifeguard Services
PROPOSED SETTLEMENT AMOUNT	\$ 1,700,000
ATTORNEY FOR PLAINTIFF	Kevin Boyle, Esq.
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	<p>On September 15, 2014, an on-duty Ocean Lifeguard Specialist assigned to Venice Beach, driving a Fire Department-owned light sport utility vehicle, ran over Lorae Bermudez, who was sunbathing on the beach. As a result, she sustained injuries and damages. Her husband, Thomas Kim, claims loss of consortium damages.</p> <p>Due to the risks and uncertainties of a trial, a full and final settlement of the case for the amount of \$1,700,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 86,535
PAID COSTS, TO DATE	\$ 26,740

Case Name: Bermudez v. 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:	September 15, 2014
Briefly provide a description of the incident/event:	An individual was run over by a Lifeguard vehicle while lying on the beach.

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

The OLS did not see the plaintiff lying on the sand when she drove the Department vehicle up over a berm onto a flat area of the beach.


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

1. Replacement of Lifeguard Vehicles – January 2016 - Lifeguard Chief Steve Mosely
2. Review actions of OLS for possible discipline – July 2015 – Fire Chief Daryl L. Osby – 15 day suspension
3. Daily Vehicle Checks – May 2015 – Lifeguard Chief Steve Mosely
4. Driver training – New vehicles and recurring safety training – July 2016 & Recurring – Lifeguard Chief Steve Mosely
5. Alternative vehicles for beach driving – FY 2016-2017 – Lifeguard Chief Steve Mosely
6. Changes to Lifeguard Division Policies and Procedures regarding beach driving – September 12, 2016 – Lifeguard Chief Steve Mosely

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.

Name: (Risk Management Coordinator) Michael Kranther, Division Chief	
Signature: 	Date: 11/21/16

Name: (Department Head) Fire Chief Daryl L. Osby	
Signature: 	Date: 11/21/16

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input checked="" 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) 	
Signature: 	Date: 11/29/2016

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

DECEMBER 5, 2016

1. Call to Order.

This 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: Chair John Naimo, Steve Robles, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Jonathan McCaverty, Richard Kudo, and Talin Halabi; Sheriff Department: Matthew Burson, Dominic Dannan, and Kevin Pearcy; Department of Public Works: Niall Moynihan, Dominic Osmena, and David Gonzalez; and Chief Executive Office: David Howard.

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(c) below.

4. Report of actions taken in Closed Session.

At 10:08 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Micaela Cortez, et al. v. County of Los Angeles, et al Los Angeles Superior Court Case No. BC 532 848

This lawsuit seeks compensation for four minor children and mother for their decedent's alleged wrongful death and federal civil rights violations caused by a Sheriff's Deputy.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$650,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

- b. **Diana Zepeda v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 584 329

This dangerous condition lawsuit arises from an alleged trip and fall on a County-maintained sidewalk.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$70,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

- c. **Claim of County of Los Angeles Against HMC Architects**

This matter concerns the recovery of money from HMC Architects arising from their performance of architectural and engineering design services in connection with the refurbishment project at the Department of Medical Examiner-Coroner's Facility.

Action Taken:

The Claims Board recommended to the Board of Supervisors the acceptance of payment in settlement of this matter in the amount of \$600,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

5. **Approval of the minutes of the November 21, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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 10:09 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Michelle Ramelet
Michelle Ramelet