



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 5, 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. 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; settlement is recommended in the amount of \$650,000.

[See Supporting Documents](#)

- 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; settlement is recommended in the amount of \$70,000.

[See Supporting Document](#)

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; settlement is recommended whereby the County will receive payment in the amount of \$600,000.

[See Supporting Document](#)

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the November 21, 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	Micaela Cortez, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC532848
COURT	Los Angeles Superior Court
DATE FILED	January 9, 2014
COUNTY DEPARTMENT	Sheriff
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo, Esq. Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$650,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by the mother and minor children of decedent Jose Luis Toloza arising out of a November 14, 2012, fatal shooting in the City of Compton following a foot pursuit after decedent was detained for a narcotics investigation.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$650,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 158,380
PAID COSTS, TO DATE	\$ 17,071



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:	November 14, 2012
Briefly provide a description of the incident/event:	<p><u>Micaela Cortez v. County of Los Angeles, et al.</u> Summary Corrective Action Plan 2016-030</p> <p>On November 14, 2012, at approximately 7:43 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to the Operation Safe Streets Bureau's (OSS) - Gang Enforcement Team (GET), were driving a marked black and white patrol vehicle in the area of 4327 East Queensdale Street in the city of Compton. One of the deputies smelled the odor of marijuana in the area and it seemed to be coming from where three male Hispanics were standing on the sidewalk.</p> <p>While still in their vehicle, the deputies drove up to the three males and started a conversation with them. One of the males was the decedent. Shortly thereafter, the decedent turned and walked away from the deputy sheriffs. It appeared the decedent tossed an object toward a nearby gate.</p> <p>At that point, the deputies exited their patrol car and contacted the decedent, who was found to be in possession of marijuana. The deputies escorted the decedent back to their patrol vehicle to ascertain if the decedent had any more marijuana on his person, which the decedent claimed he did not.</p> <p>The decedent advised the deputy sheriffs that he lived in a trailer at the house they were in front of at 4327 East Queensdale Street, Compton. The decedent denied having any additional marijuana but consented to a search of his trailer.</p> <p>The first deputy sheriff stayed as security with the decedent, who was detained outside of the patrol vehicle with his hands on the hood. The second deputy sheriff walked onto the property through an opened gate and had a brief conversation with the property's homeowner about the decedent, his occupation, and his residence. The deputy sheriffs were in radio contact with each other via a direct frequency (used for short distance communication so as not to occupy the local dispatch channel). The second deputy sheriff entered the decedent's trailer and found large quantities of controlled substances, including methamphetamine, cocaine and marijuana.</p> <p>At that time, the second deputy sheriff inside the trailer advised, via radio, to the first deputy sheriff that they were "10-15" (a radio code for prisoner in custody). The first deputy sheriff grabbed the decedent's elbow and reached for his handcuffs. The decedent broke free from the first deputy sheriff's grasp and instantly sprinted eastbound on East Queensdale Street, running down the middle of the roadway.</p>

	<p>The first deputy sheriff broadcasted using his radio (direct), "He's running eastbound." The first deputy sheriff chased the decedent on foot and saw him discard his sweater on the ground.</p> <p>The first deputy sheriff continued to chase the decedent, and after about 100 feet, he heard a noise behind him that he believed to be his partner. The first deputy sheriff closed the distance between himself and the decedent. When close enough, the first deputy sheriff grabbed the decedent by his shirt collar, but the decedent spun around and slapped the deputy sheriff's hand away. The foot chase continued about the length of two properties, when the first deputy sheriff was able to grab hold of the decedent's shirt. The decedent quickly stopped. Due to the first deputy sheriff's momentum, he could not stop before passing the decedent and losing the grip of his shirt.</p> <p>The decedent scaled a three to four foot chain-link gate at 12828 Cookacre Avenue, Compton, and ran into the southeast portion of the property's front yard. The first deputy sheriff quickly scaled the gate and attempted to broadcast emergent radio traffic over the local dispatch frequency. Even though there was no response from a dispatcher, the first deputy sheriff continued on with the foot chase.</p> <p>Finally, the first deputy sheriff caught up with the decedent and grabbed him by his pant leg as he was climbing a fence. The first deputy sheriff gave the decedent commands to stop and get down from the fence. The decedent refused the first deputy sheriff's orders and replied, "I'm not going back to jail!" The first deputy sheriff was able to pull the decedent away from the fence. The deputy sheriff fell onto his back, his hips and legs were tangled in rose bushes and his head was lower than his hips. The decedent landed on his feet, facing the deputy sheriff and straddled him. The decedent began stomping on the first deputy sheriff's chest while he exclaimed, "I'm not going back to jail. I'm going to kill you!"</p> <p>The first deputy sheriff had thought his partner was right behind him during the chase, but now realized his partner was not with him and that his partner might not even know where he and the decedent were. The first deputy sheriff surmised at that point he was alone with the decedent. The first deputy sheriff was then in fear for his life.</p> <p>The first deputy sheriff was able to knock the decedent off balance. While face-to-face, the decedent lunged and reached with both hands for the first deputy sheriff's holstered firearm. The first deputy sheriff was able to push the decedent backward slightly and then, in fear for his life, the first deputy sheriff drew his duty firearm and fired three rounds, fatally striking the decedent.</p> <p>Immediately following the shooting, the first deputy sheriff realized his radio was missing and yelled for his partner deputy, who had just run up and arrived. The first deputy sheriff then told his partner to broadcast that a deputy involved shooting had taken place.</p> <p>A security guard for a nearby business partially witnessed the incident. The decedent was provided with emergency medical treatment but succumbed to his injuries and was pronounced dead at the scene.</p>
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1. Briefly describe the root cause(s) of the claim/lawsuit:

A **Department** root cause of this incident was that deputies failed to communicate and/or coordinate a tactical plan prior to contacting the decedent.

Another **Department** root cause was that deputies failed to communicate and/or coordinate a tactical plan prior to searching the decedent's trailer; and/or failed to properly secure the decedent prior to the search of his residence; and/or failed to utilize and/or request Department resources and/or personnel to assist with the detention of the decedent.

Another **Department** root cause was that deputies separated and/or lost visual sight of each other while the search of the decedent's residence occurred; and/or failed to utilize and/or request Department resources and/or personnel prior to entering and/or clearing an unsecured residence, and/or conducting a search of a residence.

Another **Department** root cause was that a deputy took independent action by initiating a foot pursuit of the decedent without communicating and/or coordinating his intentions with his partner.

Another **Department** root cause was that a deputy placed himself in a tactical disadvantage while engaging in a single-deputy foot pursuit by closing the distance to apprehend the decedent.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of a Los Angeles County deputy sheriff. The suspect broke free from a deputy's grasp while taking him into custody, physically assaulted the deputy, and attempted to take the deputy's firearm after threatening to kill the deputy.

A **non-Department** root cause in this incident was the portable radio fell out of the radio holder during the foot pursuit, and the portable speaker-microphone had been separated from the radio. The loss of the portable radio removed any means of communication from the deputy sheriff and Department resources.

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

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department, the Los Angeles County Coroner's Office, and the Los Angeles County District Attorney's Office to determine the extent (if any) to which one or more members of the Los Angeles County Sheriff's Department engaged in criminal misconduct.

The results of their investigations were presented to members of the Los Angeles County District Attorney's Office. On July 24, 2013, the Los Angeles County District Attorney's Office's Justice System Integrity Division concluded that the deputy involved in the shooting acted lawfully in self-defense, and that the District Attorney's Office would not take any action related to this case.

This incident was investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau. Results of the investigation were presented to an Executive Force Review Committee for evaluation. A review of the incident revealed employees were in violation of Department policy. As a result, appropriate administrative action has been taken.

The Los Angeles County Sheriff's Department is evaluating products for retention of the microphone and portable radio that are attached to the current Department-issued portable radio and radio holster.

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)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



Date:

11-8-16

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards Division

Signature:



Date:

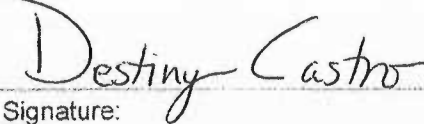
11-10-16

Chief Executive Office Risk Management Inspector General USE ONLY

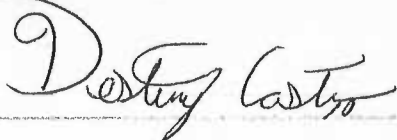
Are the corrective actions applicable to other departments within the County?

- ☐ 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:



Date:

11/15/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Diane Zepeda v. County of Los Angeles, et al.
CASE NUMBER	BC584329
COURT	Los Angeles Superior Court
DATE FILED	June 5, 2015
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 70,000
ATTORNEY FOR PLAINTIFF	Gregory S. Chudacoff Chudacoff, Simon, Cherin & Friedman, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	This lawsuit arises out of a trip and fall accident involving plaintiff Diane Zepeda that occurred in front of the property located at 16030 Sharonhill Drive in Whittier. Ms. Zepeda claims to have suffered injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 58,257
PAID COSTS, TO DATE	\$ 4,523

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of County of Los Angeles Against HMC Architects
CASE NUMBER	Not Applicable
COURT	Not Applicable
DATE FILED	Not Applicable
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 600,000
ATTORNEY FOR PLAINTIFF	Not Applicable
COUNTY COUNSEL ATTORNEY	Talin Halabi Senior Deputy County Counsel
NATURE OF CASE	Claim by the County against HMC for compensatory damages resulting from HMC's performance of architectural-engineering services in connection with the refurbishment of the Los Angeles County Department of Medical Examiner-Coroner's Crypt Building Addition and Tenant Improvement Renovation Project.
PAID ATTORNEY FEES, TO DATE	\$ 85,532
PAID COSTS, TO DATE	\$ 2,950

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

NOVEMBER 21, 2016

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

Other persons in attendance at the meeting were: Office of the County Counsel: Jonathan McCaverty, Michael Gordon, and Richard Kudo; Sheriff's Department: Comm. Henry Romero, Kevin Percy, and Dominic Dannan; Department of Public Works: Marty Moreno and David Gonzalez; Department of Mental Health: Margo Morales; and Department of Public Health: Ferdows Rashidian.

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 9:32 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 10:01 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Michael Garcia v. County of Los Angeles, et al
United States District Court Case No. CV 09-8943**

This class action lawsuit brought under the federal Individuals with Disabilities Education Act alleges the Sheriff's Department failed to provide eligible inmates with special education classes during their incarcerations.

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 Roger Granbo

b. Non-Litigated Claim of Devon and Dawni Sawa

This claim seeks compensation from the Department of Public Works for real and personal property damage allegedly caused from a backflow of sewage due to a sewer mainline blockage.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$67,335.53 (includes pre-payment of \$11,079.53)

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

**c. Ricardo Guardado Rocha v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 545 785**

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee from the Department of Mental Health.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$63,300.

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

**d. Kevin Losoya v. Michele Ann Williams, et al.
Los Angeles Superior Court Case No. BC 583 282**

This lawsuit arises from alleged injuries sustained in a vehicle versus mini-bike accident involving an employee from the Department of Public Health.

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 Roger Granbo

5. Approval of the minutes of the November 7, 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

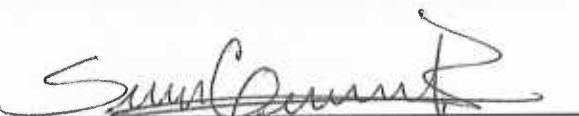
6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:05 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Sandra C. Ruiz