

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, AUGUST 21, 2017, AT 9:30 A.M.

Present: Chair Steve Robles, Arlene Barrera, and Roger Granbo

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. **Interinsurance Exchange v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 592 008

This lawsuit seeks compensation from the Department of Public Works for property damage allegedly caused by a backflow of a storm drain following a rain storm.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$47,500.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

[See Supporting Document](#)

b. **Luke Pfaffinger, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 599 525

This inverse condemnation lawsuit against the Department of Public Works contends that a main line sewer backed up into Plaintiffs' home.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$87,112.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

[See Supporting Document](#)

c. **J.M.M., a minor by and through his Guardian Ad Litem, Orlanda Cruz v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-06529

This lawsuit concerns allegations that a minor in custody of the Probation Department suffered injuries when he was assaulted by other minors.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$3,900,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

[See Supporting Documents](#)

d. **Amanda Anderson, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 15-CV-05028

This lawsuit alleges Plaintiffs' civil rights were violated when the Sheriff's Department and the Department of Children and Family Services removed their children without consent, exigent circumstances, or a warrant.

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 – Steve Robles, Arlene Barrera, and Roger Granbo

[See Supporting Documents](#)

e. **Beth Silverman, Tannaz Mokayef v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 577 363

This lawsuit concern allegations that an employee from the District Attorney's office was subjected to sexual harassment and discrimination.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$700,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

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 August 7, 2017, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

[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	Interinsurance Exchange v. County of Los Angeles, et al.
CASE NUMBER	BC592008
COURT	Los Angeles Superior Court
DATE FILED	August 20, 2015
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 47,500
ATTORNEY FOR PLAINTIFF	James Aguirre, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, Deputy County Counsel
NATURE OF CASE	<p>On November 30, 2014, Plaintiff's insured's 2004 Ferrari 360 Challenge Stradale sustained water damage from flooding caused when a Flood Control District storm drain system backed up following a rain storm. This is a subrogation action wherein Plaintiff seeks to recover the money it paid for its insured's property damage.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$47,500 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 14,369
PAID COSTS, TO DATE	\$ 2,268

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Luke Pfaffinger, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC599525
COURT	Los Angeles Superior Court
DATE FILED	October 30, 2015
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 87,112, plus the plaintiffs will disable and remove the unpermitted bathroom
ATTORNEY FOR PLAINTIFF	Peter C. Wright Irsfeld, Irsfeld & Younger, LLP
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	Sewage and wastewater flooded the bathroom in the garage of the home of plaintiffs Luke Pfaffinger and Julie Pfaffinger located at 1715 Sinaloa in the neighborhood of unincorporated Altadena. The bathroom was constructed without a permit. Plaintiffs allege that the flooding occurred as a result of a mainline sewer backup. Mr. and Mrs. Pfaffinger claim to have suffered damages from the flooding. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 55,399
PAID COSTS, TO DATE	\$ 6,239

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	J.M.M., a minor by and through his Guardian Ad litem, Orlanda Cruz, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 14-06529
COURT	United States District Court
DATE FILED	September 26, 2014
COUNTY DEPARTMENT	Probation Department and Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 3,900,000
ATTORNEY FOR PLAINTIFF	Vicki I. Sarmiento, Esq. Law Offices of Vicki I. Sarmiento Dale K. Galipo, Esq. Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$3,900,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by J.M.M., through his guardian ad litem, Orlanda Cruz, against the County, former Probation Chief Jerry Powers, four Detention Services Officers, and a non-County Mental Health Therapist alleging various federal and State civil rights claims, negligence, and negligent training and supervision.</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 \$3,900,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 255,516
PAID COSTS, TO DATE	\$ 105,346

Case Name: J.M. #4599



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:	July 23, 2013
Briefly provide a description of the incident/event:	On July 23, 2013, J.M., a 15 year old male detained at Barry J. Nodorf Juvenile Hall was involved in an altercation with another youth. He alleges that Probation failed to protect him from the attack and as a result, suffered permanent brain injury.

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

Permanent brain injury resulting from physical assault.

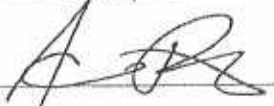

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


- All appropriate personnel actions were taken
- Guidelines for the management of head trauma, including documentation and anticipatory guidance, was reinforced with JCHS physicians.
- The electronic medical record was modified to provide guidance in the assessment, documentation, and provision of patient education and anticipatory guidance of head injuries.
- Probation staff were educated regarding high alert symptoms for head injuries. The information was also incorporated into Probation's new employee and annual training materials.
- JCHS created educational materials on common medical conditions for use as a reference by Probation staff in residential living units.

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.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator)	
ARUN R. PATEL, MD	
Signature:	Date:
	7/20/17
Name: (Department Head)	
Signature:	Date:
	4/20/17

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)	
Destiny Castro	
Signature:	Date:
	4/20/2017

Case Name:



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:	July 23, 2013
Briefly provide a description of the incident/event:	<p>On July 23, 2013, while in a Barry J. Nidorf Juvenile Hall classroom, Plaintiff instigated a fight by rushing and striking another minor because the Plaintiff believed that the minor may have learned about Plaintiff's status as a sex offender. The fight was immediately stopped by Probation staff.</p> <p>During the incident, the minor defended himself by punching Plaintiff twice to the head, which resulted in an injury at which time Plaintiff was immediately referred to the medical unit by Probation staff for evaluation pursuant to Probation Department protocol. The Plaintiff complained about an earache and headache.</p> <p>The supervisor later found the Plaintiff unconscious and unresponsive when he entered the room. Emergency services were summoned and the Plaintiff was transported to a hospital where he underwent surgery. The Plaintiff suffered severe neurological damage and paralysis.</p>

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

Root Cause A:

The Department of Health Services and Probation Department do not have protocols, training or documentation in place on how to address health care guidance for Probation when a youth who may have suffered a head injury is returned to a non-health care living unit.

Root Cause B:

The minor was cleared by health care to return to his living unit after having received a head injury.

Root Cause C:

There were no cameras in the living quarters to verify the frequency of the 15-minute observations by Probation staff.

County of Los Angeles
Summary Corrective Action Plan

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

Root Cause A:

Working with DHS, develop policy, training and post-incident documentation to inform Probation staff of what to look for post-head injury when clinical personnel have cleared a youth to return to general population. Implement Curriculum of Head Trauma Protocol to Staff.

Root Cause B:

We defer to Department of Health Services' Corrective Action Plan.

Root Cause C:

Seek funding to install cameras in living quarters to monitor youth and post incident activity by staff.

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)
Vicky Santana

Signature:

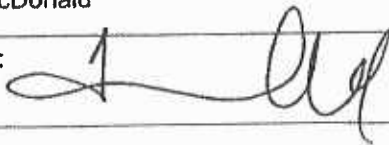


Date:

8/9/17

Name: (Department Head)
Terri L. McDonald

Signature:



Date:

8/9/17

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. *DHS - Probation*
☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:

Destiny Castro

Date:

8/9/2017

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Anderson, Amanda; et al. v. County Of Los Angeles; et al.
CASE NUMBER	2:15-CV-05028
COURT	United States District Court
DATE FILED	July 6, 2015
COUNTY DEPARTMENT	Department of Children and Family Services and Los Angeles Sheriff Department
PROPOSED SETTLEMENT AMOUNT	\$ 400,000 total (\$200,000 by Department of Children and Family Services; \$200,000 by Contract Cities Liability Trust Fund for Sheriff's Department)
ATTORNEY FOR PLAINTIFF	Donnie R. Cox, Esq. Law Offices Of Cox
COUNTY COUNSEL ATTORNEY	Armita Radjabian, Deputy County Counsel Tom Guterres, Esq., Collins Collins Muir + Stewart
NATURE OF CASE	This is a recommendation to settle for \$400,000 the lawsuit filed by Plaintiffs against the County of Los Angeles and other defendants alleging assault, battery, false imprisonment, violation of civil rights, and intentional infliction of emotional distress.
PAID ATTORNEY FEES, TO DATE	\$ 107,605
PAID COSTS, TO DATE	\$ 11,699

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 7, 2017

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:27 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 Steve Robles, Arlene Barrera, and Roger Granbo.

Other persons in attendance at the meeting were: Office of the County Counsel: Richard Kudo, Michael Gordon, Jonathan McCaverty, Jennifer Lehman, Millicent Rolon, Jessie Lee, and Rick Brouwer; Department of Beaches and Harbors: Miriam Oprisan, Stefan Popescu, Kerry Silverstrom, and Michelle Charles; Department of Public Works: Michael Hays; Sheriff's Department: Al Reyes, Jeff Scroggin, Phillip Marquez, Mike Thatcher, Jack Ewen, Holly Perez, Kelley Fraser, Judy Gerhardt, Matt Burson, Brian Yanagi, Henry Arevalo, Les Taller, James Peterson, Kevin Percy, and Dominic Dannan; Probation: Vicky Santana; Department of Children and Family Services: Christina Lee; Department of Medical Examiner/Coroner: Elaine Palaiologos; and Outside Counsel: Tom Guterres.

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 9:30 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(j) below.

4. Report of actions taken in Closed Session.

At 11:23 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **Angiolina Storti v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 552 462

This lawsuit arises from damages and injuries sustained when Plaintiff was run over by a sport utility vehicle driven by a County employee from the Department of Beaches and Harbors.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,400,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

b. **Melissa Veluz-Abraham, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 511 286

This dangerous condition lawsuit against the Department of Public Works arises from the death of a bicyclist in the unincorporated area of Monte Nido in the Santa Monica Mountains.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$800,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

c. **Cindy Esquivias v. Prosport Express, Inc. et al.**
Los Angeles Superior Court Case No. MC 025 664

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in an automobile accident at an intersection in the City of Palmdale.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$25,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

d. **Joe Rivera v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 593 845

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

e. **Claim of Donnell Thompson, Sr.**

This wrongful death claim arises out of the fatal Deputy-involved shooting of Plaintiff's son.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,490,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

f. **Lisa Lopez, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 16-00098

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

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

g. **Claim of Alicia Juarez**

This claim alleges that Plaintiff, who is blind, has been denied access to the Sheriff's Department website in violation of federal disability civil rights laws.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of \$30,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

h. **Julia Graves, et al. v. Sheriff's Department, et al.**
United States District Court Case No. CV 14-08403

This lawsuit alleges that a minor in the custody of the Probation Department was assaulted by a Probation Officer.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

i. **Xavier H. by and through his Guardian Ad Litem, Charlene Peacock v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 524 503

This lawsuit concerns allegations of civil rights violations and breach of mandatory duties by the Department of Children and Family Services when Plaintiff was in a foster home where he was assaulted by another foster youth.

Action Taken:

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

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

j. **Kim Pavsek v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 587 609

This lawsuit concerns allegations that an employee of the Department of Medical Examiner-Coroner was subjected to retaliation and sexual harassment and that the Department failed to prevent harassment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$400,000.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, and Roger Granbo

5. **Approval of the minutes of the July 17, 2017, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – Steve Robles, Arlene Barrera, 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 11:27 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Sandra C. Ruiz