MEMORANDUM

April 19, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: JOHANNA M. FONTENOT
Principal Deputy County Counsel
General Litigation Division

LEVY & NOURAFCHAN, LLP
Nazila Y. Levy

RE: **Jason Hovsepian and Maria Larragoitiy v. County of Los Angeles**
Torrance Superior Court Case No. YC 049674

DATE OF INCIDENT: December 25, 2003

AUTHORITY REQUESTED: $180,000

COUNTY DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☑ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on May 8, 2006

HOA.358472.1

SUMMARY

This is a recommendation to settle for $180,000, a lawsuit filed by Jason Hovsepian and Maria Larragoitiy, who were injured in an automobile accident with a Sheriff's Deputy.

LEGAL PRINCIPLE

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On December 25, 2003, a Sheriff's Deputy on patrol in the City of Lomita was driving his patrol car at approximately 30 miles-per-hour westbound on Pacific Coast Highway. He took his eyes off the road to look at his monitor screen, and when he looked up he noticed the vehicle in front of him was stopping for the signal light. The Deputy applied the brakes but was unable to avoid colliding into the rear of the vehicle.

Jason Hovsepian was the driver of the vehicle, and Maria Larragoitiy was a passenger. Mr. Hovsepian and Ms. Larragoitiy sustained injuries to their necks, backs and legs. The subsequent traffic investigation concluded that the Sheriff's Deputy was the cause of the accident.

DAMAGES

Ms. Larragoitiy sustained a cervical sprain. She has isthmic spondylolisthesis, which is a condition in which one vertebra slips over the vertebra below it. Her condition existed prior to the collision, but it was asymptomatic until aggravated by the trauma of the accident. Her doctors recommend back surgery due to the continual pain in her lower back.

As a result, Ms. Larragoitiy has a claim for future medical expenses of $75,000 and $10,000 for future loss of earnings. Ms. Larragoitiy is a cashier at a grocery store.

Jason Hovsepian sustained injuries to his back and neck and has undergone two epidural blocks, which are injections into the lower back, and five months of physical therapy.

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Jason Hovsepian's Medical Expenses	$ 14,950
Jason Hovsepian's Loss Earnings	$ 660
Jason Hovsepian's Pain and Suffering	$ 50,000
Maria Larragoitiy's Medial Expenses	$ 20,500
Maria Larragoitiy's Future Medical Expenses	$ 75,000
Maria Larragoitiy's Future Loss Earnings	$ 10,000
Maria Larragoitiy's Pain and Suffering	$250,000
Total	$421,110

The proposed settlement calls for the County to pay Jason Hovsepian $30,000, and Maria Larragoitiy $150,000 for all of their claims for damages and costs. Mr. Hovsepian's claim for the property damage to his vehicle was previously settled for $3,493.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this action are attorneys' fees of $14,237 and $13,150 in costs.

EVALUATION

This is a case of undisputed liability. The Sheriff's Deputy rear-ended Mr. Hovsepian's vehicle, which was stopping at a red light.

A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the amount of the recommended settlement.

We join with our private attorney, Levy & Nourafchan, LLP, and our third party administrator, Carl Warren and Company, in recommending this settlement in the amount of $180,000. The Sheriff's Department concurs in the recommendation.

APPROVED:

ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

JMF:bh