

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 3, 2009, AT 9:30 AM

Present: Rocky Armfield, John Krattli and John Naimo

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

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. Shomari Glass v. County of Los Angeles
Los Angeles Superior Court Case No. MC 108 327

This lawsuit concerns emergency medical treatment provided by Los Angeles County Fire Department paramedics.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

- b. Claims of Mercury Insurance Co., Hovanes Keshishyan, Elizabeth Tchalimian, Maria Keshishyan and Mariam Galfayan

These claims seek compensation for property damage and injuries received in a motor vehicle accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$67,743.29.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Claim of Yitzchok Kornwasser

This claim seeks compensation for property damage caused by a sewer back-up.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$32,555.82.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- d. John Hendricks v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. PC 042 910

This dangerous condition lawsuit concerns injuries sustained when a vehicle collided with a manhole cover that had been flipped into a vertical position.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$36,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- e. Lechuza Villas West, LLC v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BS 112 115

This lawsuit seeks compensation for the construction of a rock wall on private property.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- f. Hydra-Quip Corp. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 400 206

This lawsuit seeks a refund of monies deposited as a condition of approval of a tentative tract map.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

- g. Javier Morales-Hernandez v. County of Los Angeles
Los Angeles Superior Court Case No. BC 376 301

This lawsuit seeks compensation for wrongful imprisonment.

Action Taken:

The Claims Board approved settlement of this matter. The substance of the settlement will be disclosed upon inquiry once the settlement is final.

Absent: None

Vote: Unanimously carried

- h. Drennan Cannon v. County of Los Angeles
Los Angeles Superior Court Case No. BC 391 007

This lawsuit concerns allegations that an employee of the Probation Department was subjected to disability discrimination and retaliation, and that the Department failed to engage in the interactive process.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

- i. Dalton B. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health
Case No. N2009030800

This matter concerns allegations of deprivation of educational rights and related services by the Los Angeles County Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$29,632.08.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- j. Shelby B. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health
Case No. N2009020218

This matter concerns allegations of deprivation of educational rights and related services by the Los Angeles County Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$29,632.

Absent: None

Vote: Unanimously carried

[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 for the June 15, 2009, regular meeting of the Claims Board and the June 29, 2009, special meeting of the Claims Board.

Action Taken:

The Minutes for the June 15, 2009, regular meeting of the Claims Board and the June 29, 2009, special meeting of the Claims Board were approved.

[See Supporting Documents](#)

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	Shomari Glass v. County of Los Angeles
CASE NUMBER	MC 108327
COURT	Los Angeles Superior Court North - Lancaster
DATE FILED	July 10, 2007
COUNTY DEPARTMENT	Los Angeles County Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 550,000 plus the assumption of the remaining Medi-Cal lien in the amount of \$73,376
ATTORNEY FOR PLAINTIFF	Michael D. Weinreb, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>Shomari Glass, a 9-year-old male, had been diagnosed with asthma. On December 17, 2006, Shomari suffered a severe asthma attack. The Los Angeles County Fire Department ("LAFD") paramedics were called.</p> <p>LAFD paramedics arrived at the scene and found Shomari with no respiration and no pulse. The paramedics performed the required resuscitative measures and then transported Shomari to a hospital.</p>

Upon arrival at the hospital, it was determined that Shomari had suffered brain injury due to lack of oxygen.

Shomari Glass and his family filed a lawsuit against several defendants including the County of Los Angeles. As to the County, the plaintiffs contended that on December 17, 2006, LAFD paramedics delayed the resuscitation, thereby contributing to Shomari's brain injury.

Other defendants have settled their case with the plaintiffs. The County proposes to settle this case in the amount of \$550,000, plus the assumption of the remaining Medi-Cal lien in the amount of \$73,376.

PAID ATTORNEY FEES, TO DATE	\$	147,291.05
PAID COSTS, TO DATE	\$	54,872.13

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claims of Mercury Insurance Co. ASO Hovanes Keshishyan, Elizabeth Tchalimian, Mari Keshishyan & Mariam Galfayan
CASE NUMBER	N/A
COURT	N/A
DATE FILED	11/29/2007
COUNTY DEPARTMENT	Sheriff's Department - General Fund
PROPOSED SETTLEMENT AMOUNT	\$ 67,743.29 TOTAL Mercury Insurance Co. ASO Hovanes Keshishyan - \$26,967.29 Elizabeth Tchalimian - \$4,300 Mari Keshishyan - \$26,676 Mariam Galfayan - \$9,800
ATTORNEY FOR PLAINTIFF	Armen Shaghzo, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On September 3, 2007, at approximately 4:00 pm, the claimants were traveling eastbound in the number one lane of Ventura Blvd. west of the intersection with Berry Avenue, in the City of Los Angeles. In the

opposite direction, a Sheriff's deputy driving an unmarked Sheriff's unit prepared to make a left turn west of Berry Avenue to a private driveway. Because of the setting sun, the deputy's vision was blinded and was unable to see the approach of the claimants' vehicle. As a result, the claimants' vehicle collided broad-sided into the Sheriff's unit. The claimants received soft tissue injuries and incurred medical expenses in the cumulative amount of \$24,346 and incurred a vehicle loss in the amount of \$26,967.29.

PAID ATTORNEY FEES, TO DATE	\$	0
PAID COSTS, TO DATE	\$	70

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:	<p><u>Unlitigated Claims of Elizabeth Tchalimian, Mari Keshishyan, and Marian Galfayan</u> (Summary Corrective Action Plan #2009-013)</p> <p>Monday, September 3, 2007; 4:00 p.m.</p>
Briefly provide a description of the incident/event:	<p>On Monday, September 3, 2007, at approximately 4:00 p.m., an on duty Los Angeles County deputy sheriff was driving a county-owned unmarked vehicle west on Ventura Boulevard, west of Berry Avenue, Studio City (city of Los Angeles), when he entered the center median to prepare for a left turn into a driveway.</p> <p>As the deputy sheriff was turning, the vehicle he was driving (a 2003 Nissan Altima, California License Number 5CBW973) was struck by the plaintiff's vehicle (a 2006 Lexus GS300; California License Number SONARAM).</p>

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

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment. This is a case of undisputed liability.

The plaintiffs assert the deputy sheriff was the primary cause of the vehicle collision by making an unsafe turning movement, causing their vehicle to strike the deputy sheriff's vehicle.

As a result of the collision, one plaintiff (Marian Galfayan) complained of pain in her back and neck. She received physical therapy and chiropractic manipulation.

A second plaintiff (Mari Keshishyan) complained of pain in her neck and head. She was transported to a local hospital for treatment and admitted for observation. She received physical therapy and chiropractic manipulation and complains of residual pain in her back and neck.

The third and final plaintiff (Elizabeth Tchalimian, a minor) sustained a laceration to her lip from her orthodontic braces. She received chiropractic treatment for cervical, right trapezium, and right thumb strain/sprain.

The vehicle the plaintiff was driving sustained major damage.

The deputy sheriff was not injured as a result of this incident.

The vehicle the deputy sheriff was driving sustained major damage.

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 this incident.

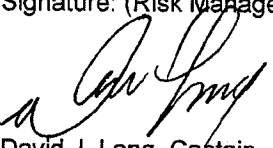
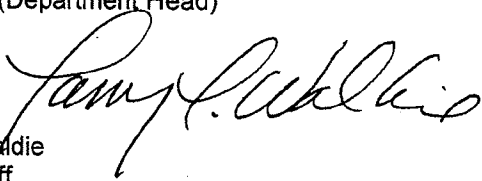
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

This traffic collision was investigated by representatives of the Los Angeles County Sheriff's Department and the Los Angeles Police Department. Their investigations concluded that the deputy sheriff violated established policies and/or procedures. Appropriate administrative action was taken.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 7-15-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 07/16/09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Yitzchok Kornwasser
CASE NUMBER	RMIS #: 08-1058714*002
COURT	N/A
DATE FILED	January 19, 2008
COUNTY DEPARTMENT	Public Works Special District General Liability Trust Fund— Sewer & Drain District
PROPOSED SETTLEMENT AMOUNT	\$ 32,555.82
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian Chu Principal Deputy County Counsel (213) 974-1956
NATURE OF CASE	This non-litigated claim involves property damage arising from a sewer backup at the rental property of Yitzchok Kornwasser located in the City of West Hollywood. A County sewer crew investigated the complaint and found that wastewater from a sewer mainline manhole entered unit 25 and the parking lot. The wastewater affected the structure, cabinetry, the floors, drywall, and plumbing. The County crew rodded the mainline and relieved a stoppage created by tree roots. The sewer mainline is maintained by the County as part of the

Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
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PAID COSTS, TO DATE	\$	0
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Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary, as an 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.

Claim: Date of incident/event:	Dee Soffer January 19, 2008
Briefly provide a description of the incident/event:	<p>This is a sewage back-up that occurred at a residence at 1202 Fuller Avenue, Unit No. 25, City of West Hollywood. The effluent caused damage to the interior of the unit, managed by the claimant.</p> <p>Public Works responded and the crew confirmed the existence of a main line blockage created by tree roots between manhole numbers 135 and 136. Remediation under the Rapid Response Program was initiated.</p>

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


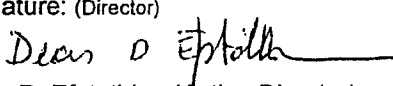
The cause of the sewer backup was a tree root blockage of the main line sewer. Public Works provided semi-annual inspections of the main line. The last inspection was carried out on August 22, 2007.

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

On January 23, 2008, the sewer main was inspected with a closed circuit television and it was placed on a 90-day rodder periodic schedule to prevent future blockages and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. It will also continue to be on a semi-annual inspection program.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  Pat Proano	Date: 11/13/08
Signature: (Director)  Dean D. Efstathiou (Acting Director)	Date: 11/18/08

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	John Henricks vs. County of Los Angeles, et al.
CASE NUMBER	PC042910
COURT	Los Angeles Superior Court North Valley Distirct
DATE FILED	May 27, 2008
COUNTY DEPARTMENT	Department of Public Works-- Sewer Maintenance Division
PROPOSED SETTLEMENT AMOUNT	\$ 36,000
ATTORNEY FOR PLAINTIFF	Scolinos, Sheldon & Nevell
COUNTY COUNSEL ATTORNEY	Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208
NATURE OF CASE	<p>On February 21, 2008, Mr. Hendricks was driving his 1999 Ford Mustang eastbound on Lyons Avenue in the number two lane at Wayman Street in Santa Clarita. He was sixty feet behind a white Audi. As the Audi went over the manhole cover, the lid flipped on its side into a vertical position. The manhole cover hit the middle front of his car, and Mr. Hendricks's vehicle went up into the air and came back down on the ground on all four tires.</p> <p>Mr. Hendricks allges that the property was in a dangerous</p>

condition, because the manhole lid was left unsecure.

A Department of Public Works crew claims that they inspected this manhole one hour prior to the incident and, at that time, did not notice anything unusual about it.

Due to the risks and uncertainties of litigation, the Department of Public Works proposes a full and final settlement of the case in the amount of \$36,000.

PAID ATTORNEY FEES, TO DATE	\$	20,586.36
PAID COSTS, TO DATE	\$	5,553.51



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



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Claim/Lawsuit:	John Hendricks
Date of incident/event:	February 21, 2008
Briefly provide a description of the incident/event:	On February 21, 2008, Mr. John Hendricks was driving a 1999 Ford Mustang on Lyons Avenue when the vehicle in front of him drove over a sewer manhole cover, causing it to rotate within the rim and flip into a vertical position. Mr. Hendricks was unable to avoid contact with the manhole cover, which caused his vehicle to propel into the air and crash. As a result, Mr. Hendricks sustained injuries to his right knee and left shoulder.

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

On February 21, 2008, Sewer Maintenance Division (SMD) personnel inspected Manhole No. 544 of Sewer Maintenance District Map N-1297 on Lyons Avenue as part of the Preventive Maintenance Program. Upon completion of their inspection, SMD personnel failed to ensure the manhole cover was properly secured.


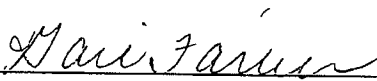
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

By June 30, 2009, all personnel in Sewer Maintenance Division engaged in sewer line inspections will be reminded/instructed by memorandum to verify that all manhole covers are properly secured by inspecting for debris in the manhole rim and cleaning as needed, or placing felt into the rim to prevent the manhole cover from wobbling, and standing on the reset manhole cover to verify that it is secure.

County of Los Angeles Department of Public Works
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has a County-wide implication.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Pat Proano 	5/28/09
Signature: (Director)	Date:
Gail Farber 	6-10-09.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lechuza Villas West, LLC v. County of Los Angeles
CASE NUMBER	BS 112 115
COURT	Los Angeles Superior Court
DATE FILED	11/27/07
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 70,000 and removal of rock wall
ATTORNEY FOR PLAINTIFF	Fred Gaines, Esq. Gaines & Stacey LLP
COUNTY COUNSEL ATTORNEY	Warren R. Wellen Principal Deputy County Counsel Frederick W. Pfaeffle Principal Deputy County Counsel
NATURE OF CASE	In December 2006, Los Angeles County Waterworks District No. 29 ("District") placed a rock wall on a slope on Lechuza Villas, West, LLC ("Lechuza") undeveloped, beachfront Malibu property. The District built the wall as an emergency measure following movement of a large landslide that ruptured the water mains under Pacific Coast Highway and created a sinkhole in the roadway. The Los Angeles County Board of Supervisors (the District's governing body) approved the work based on the opinion of the

District's engineers that the conditions constituted an impending peril to persons and property. The water mains supply water to the Malibu region.

Lechuza filed a lawsuit seeking removal of the rock wall and money damages.

The parties dispute whether the District had permission and legal justification for the construction of the wall on Lechuza's property.

Due to the risks and uncertainties of litigation, the Department of Public Works and County Counsel propose a full and final settlement in the amount of \$70,000. In addition to the payment, the District will remove the wall in the event the property owner obtains permits to develop the property.

PAID ATTORNEY FEES, TO DATE	\$	85,062
PAID COSTS, TO DATE	\$	1,628



Summary Corrective Action Plan

County of Los Angeles Department of Public Works

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Claim:	LECHUZA VILLAS WEST, LLC V. COUNTY OF LOS ANGELES
Date of incident/event:	December 2, 2006
Briefly provide a description of the incident/event:	<p>A 30-inch-diameter water transmission main owned by the Los Angeles County Waterworks District No. 29, Malibu (District) broke at 19652 Pacific Coast Highway due to on-going land movement in the area. The water discharged from the broken water main created a large sinkhole in Pacific Coast Highway, approximately 60 feet long, 45 feet wide, and 30 feet deep. The sinkhole destroyed the two southbound lanes of Pacific Coast Highway and also washed out three 40-foot segments of 10-inch-diameter backup water mains in Pacific Coast Highway. The water mains supply water to two-thirds of the District's customers. Pacific Coast Highway is a primary artery of vehicle traffic in the Malibu region and provides crucial access for private, government, and emergency traffic.</p> <p>The District backfilled and placed riprap on a slope on the plaintiff's undeveloped, beachfront property, with his written consent, to provide necessary lateral support for the water mains. The work was approved and directed by the Board of Supervisors under Government Code Section 866 as an emergency measure to prevent impending peril to persons and property.</p>

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

The root cause of the lawsuit was the movement of a large, deep-seated landslide known as the Las Tunas/La Grande Bulge Slide that ruptured the District's 30-inch-diameter water transmission main. The water discharged from the broken water main created a large sinkhole and required the District to backfill and place riprap on a slope on the plaintiff's private property to provide lateral support for the repaired water main. The plaintiff alleges that his consent was temporary in nature and did not preclude the District's need to compensate the plaintiff for use of his property.


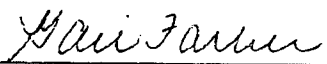
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

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

By Fall 2010, the District will complete the installation of water pressure monitoring devices and electronically-operated valves along the water transmission main east and west of the incident site. We have completed the installation of the easterly pressure device and valve and are preparing for installation of the westerly pressure device and valve. The pressure monitoring devices will be used to detect water main breaks more quickly, and the electronically-operated valves will be closed remotely to stop the discharge of water from a ruptured water main. These actions will reduce the potential damage to public and private property that may result from future land movement in this area.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 6/11/09
Signature: (Director) 	Date: 6-15-09.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Hydra-Quip Corp. v. County of Los Angeles
CASE NUMBER	BC400206
COURT	Los Angeles Superior Court
DATE FILED	October 17, 2008
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 140,000
ATTORNEY FOR PLAINTIFF	Patrick Cain
COUNTY COUNSEL ATTORNEY	Principal Deputy County Counsel Warren R. Wellen
NATURE OF CASE	Hydra-Quip is a developer who seeks a refund of \$169,500 it deposited with the County in 1986 as a condition of approval of a tentative tract map.
PAID ATTORNEY FEES, TO DATE	\$ 16,740
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Dalton B. v. Los Angeles Unified School District and Los Angeles County Department of Mental Health
CASE NUMBER	California Special Education Hearing Office (Case No. N2009030800)
COURT	Not applicable
DATE FILED	March 16, 2009
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$ 29,632.08
ATTORNEY FOR PLAINTIFF	Newman.Aaronson.Vanaman.
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Senior Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Dalton B., in the Los Angeles Unified School District ("LAUSD") who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. Parents requested reimbursement from both LAUSD and the Los Angeles County Department of Mental Health ("DMH") for costs incurred pertaining to expenses parents incurred for unilaterally placing Dalton in a residential

facility. A mediation was held and resolution was reached whereby DMH agreed to reimburse the parents for the costs of the residential placement of Dalton in the amount of \$23,653.00 and pay a portion of plaintiff's attorneys fees in the amount of \$5,979.08.

PAID ATTORNEY FEES, TO DATE	\$	None
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PAID COSTS, TO DATE	\$	None
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Summary Corrective Action Plan

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Date of incident/event:	March 16, 2009
Briefly provide a description of the incident/event:	The case involved Special Education Student Dalton B. in the William S. Hart Union School District (LAUSD) who alleges deprivation, both procedurally and substantively, of (1) his educational rights, and (2) related services to which he was entitled. The case went through administrative mediation, the result of which was a settlement among the plaintiff, the school district, and the Department of Mental Health (DMH) being reached. The settlement is two-pronged. First, DMH agreed to reimburse the parents for the costs of the residential placement of Dalton B. (\$23,653.00). Second, DMH agreed to pay a portion of plaintiff's attorney fees (\$5,979.08).

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

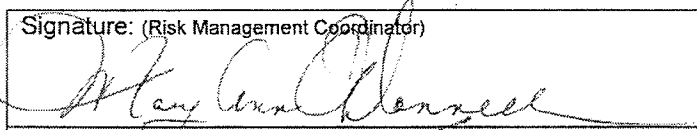

Dalton presented with a confluence of emotional and behavioral symptoms which entitles him under Federal and State laws to appropriate levels of services, including mental health services, in order for Dalton to access and benefit from his special education program. Given the current state of special education laws which support reimbursement, it would have been very difficult for DMH to have prevailed at an administrative hearing and any subsequent court review. Resolving this case prior to an administrative hearing greatly reduced the total compensatory damages and related fees that would have been incurred.

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

There are no recommended corrective actions since this settlement reflects a compromise of the parents' unilateral action.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 6-23-09
Signature: (Department Head) 	Date: 6-23-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Shelby B. v. Bonita Unified School District and Los Angeles County Department of Mental Health
CASE NUMBER	California Special Education Hearing Office (Case No. N2009020218)
COURT	Not applicable
DATE FILED	April 13, 2009
COUNTY DEPARTMENT	Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	\$35,000
ATTORNEY FOR PLAINTIFF	Mark Woodsmall, Esq.
COUNTY COUNSEL ATTORNEY	Andrea E. Ross Senior Deputy County Counsel (213) 787-2310
NATURE OF CASE	The case involves a special education student, Shelby B., in the Bonita Unified School District ("Bonita USD") who alleges deprivation, both procedurally and substantively, of (1) her educational rights, and (2) related services to which she was entitled. Parents requested reimbursement from both Bonita USD and the Los Angeles County Department of Mental Health ("DMH") for costs incurred pertaining to expenses parents incurred for unilaterally placing Shelby in a residential facility. A mediation was held and

resolution was reached whereby DMH agreed to reimburse the parents for the costs of the residential placement of Shelby in the amount of \$25,000 and pay a portion of plaintiff's attorneys' fees in the amount of \$10,000.

PAID ATTORNEY FEES, TO DATE

None

PAID COSTS, TO DATE

None

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:	February, 2008
Briefly provide a description of the incident/event:	<p>The case initially involved Special Education Student Shelby B.'s due process complaint against the Bonita Unified School District (Bonita USD,) which included an allegation that Bonita USD failed to offer her a free and appropriate education because the IEP for the 2007-2008 school year was not based on an accurate reporting of the Shelby's present levels of performance. Specifically, the claim was that District failed to address Shelby's symptoms of obsessive compulsive behavior, which, allegedly, were severe in nature, interfered with Shelby's ability to benefit fully from special education programming, and necessitated her psychiatric hospitalizations. Bonita USD. in turn, filed a motion with the Office of Administrative Hearing to enjoin the Los Angeles Department of Mental Health (DMH) in the matter, as they alleged that if the Student had severe mental health issues, they should be addressed by DMH, not District. At mediation, Shelby's attorney requested in excess of \$50,600 in reimbursement for Shelby's unilateral residential treatment placement. Settlement was reached between Shelby and DMH for \$25,000 in reimbursement for unilateral residential placement and \$10,000 for attorney's fees.</p>

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

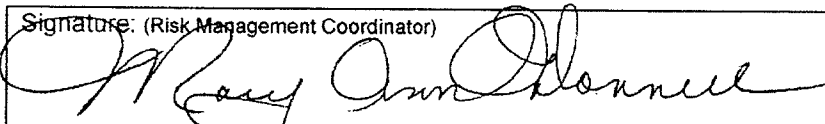
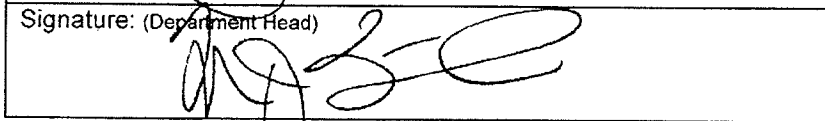
Shelby B. has been a client of DMH, under AB3632, since 1995. DMH had an obligation to advocate for residential treatment for her when it became apparent that she was exhibiting severe emotional symptoms, that posed a danger to herself and others. Given the additional fact that Shelby's own DMH-contracted therapist had recommended to DMH that Shelby be placed in residential treatment, DMH should have made that recommendation at Student's IEP, contingent upon the IEP team finding Student eligible for special education under the category of Emotionally Disturbed. Even if the Bonita USD had continued to resist this change, at least the IEP would have reflected the clinically appropriate DMH recommendation of residential treatment, instead of a recommendation that Shelby receive additional outpatient therapy, which, by that time, was too little too late. It should also be noted that DMH would have been vulnerable had this matter gone to due process hearing because we were in violation of AB3632 timelines (exceeding the AB3632 60-day timeline by about 30 days.) Moreover, given the inclination of the parents to continue to utilize the Westwood Institute, an exorbitantly expensive program, resolving this matter through settlement agreement greatly reduced the total compensatory damages and related costs and fees, including attorneys fees that would have been incurred had the matter proceeded to hearing.

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

- A. By September 1, 2009, the Sector II AB3632 Mental Health Program Head will review existing AB3632 Policies and Procedures and, in consultation with the Program's District Chief, create a written protocols that addresses the following issues:
- i. Making a clinically appropriate recommendation in an evaluation involving a student having a diagnosis along the autism spectrum (Senior CMH Psychologist),
 - ii. Making a clinically appropriate recommendation in an evaluation of a student who, at the time of the AB3632 assessment, is represented by legal counsel due to a pre-existing dispute between the student's parent/guardian and the school district (MHPH),
 - iii. Making a clinically appropriate recommendation at an IEP meeting when new information is introduced by one or more of the IEP participants that may need to be taken into consideration in arriving at the official AB3632 recommendation (MHPH), and
 - iv. Obtaining advice in how to proceed from supervisory staff by requesting an IEP recess and consulting by telephone or rescheduling the IEP meeting (MHPH)
- B. By October, 1, 2009 The Sector II AB3632 Mental Health Program Head, with input from the staff Senior Community Mental Health Psychologist, will discuss these protocols with all staff clinicians. The protocols will be discussed with all new employees in orientation on an ongoing basis.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 7-29-09
Signature: (Department Head) 	Date: 7-29-09

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

June 15, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:50 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: Rocky Armfield, John F. Krattli, and John Naimo.

Other persons in attendance at the meeting were: Office of the County Counsel: Gordon Trask, Ruben Baeza, Jr., Brian Chu, Narbeh Bagdasarian, Richard Mason, and Anita Lee; Department of Public Works: Mike Hayes; Sheriff's Department: Patrick Hunter; Department of Health Services: Dr. William Loos and Kim McKenzie; Department of Mental Health: Marvin Southard, Robin Kay, Lyn Wallensak and Robert Greenless; Outside Counsel: Rollin Ransom of Sidley Austin.

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 9:54 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. Report of actions taken in Closed Session.

At 12:44 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Patricia and Samuel Price, Jr. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 392 861

This lawsuit seeks compensation for a death which occurred while in the custody of the Sheriff's Department; settlement is recommended in the amount of \$250,000.

The matter was continued to the next Claims Board meeting.

The vote of the Claims Board was unanimous with all members being present.

- b. John R. and Jorge R. v. County of Los Angeles
United States District Court Case No. CV 08-00235

This lawsuit concerns allegations of the use of unreasonable force by Sheriff's Deputies; settlement is recommended in the amount of \$32,500.

The Claims Board approved settlement of this matter in the amount of \$32,500.

The vote of the Claims Board was unanimous with all members being present.

- c. Mohammed Elhatoum v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. MC 018 980

This lawsuit seeks compensation for injuries received from a motor vehicle accident involving an employee of the Department of Public Works; settlement is recommended in the amount of \$25,000.

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

The vote of the Claims Board was unanimous with all members being present.

- d. Hermelinda Arcila, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 042 869

This medical malpractice lawsuit arises from treatment received by a patient while hospitalized at the Olive View Medical Center; settlement is recommended in the amount of \$325,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$325,000.

The vote of the Claims Board was unanimous with all members being present.

- e. ENKI Health & Research Systems, Inc. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 341 409
DMH IT Litigation Settlement (18 Plaintiffs, 25 Consolidated Cases)

These lawsuits concern allegations that the Department of Mental Health breached its contracts with 18 mental health service providers; settlement is recommended in the amount of \$10,500,000 plus ancillary payments of \$2,122,000.

The Claims Board recommended to the Board of Supervisors the settlement of these matters in the amount of \$10,500,000 plus ancillary payments of \$2,122,000.

The vote of the Claims Board was unanimous with all members being present.

5. Approval of the Minutes for the May 18, 2009, meeting of the Claims Board.

The Minutes for the May 18, 2009, meeting of the Claims Board were approved.

The vote of the Claims Board was unanimous with all members being present.

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.

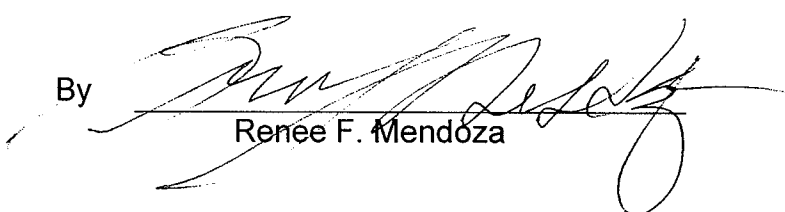
No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 1:00 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

June 29, 2009

1. Call to Order.

This regular meeting of the County of Los Angeles Claims Board was called to order at 9:32 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: Rocky Armfield, John F. Krattli, and John Naimo.

Other persons in attendance at the meeting were: Office of the County Counsel: Roger Granbo, Brian Chu, Stephen Morris; Department of Public Works: Mike Hayes, Keith Lehto, and Sami Kabar; Sheriff's Department: Shaun Mathers; Department of Public Health: Jim Day; Fire Department: Chief P. Michael Freeman; Office of Affirmative Action Compliance: Hayward Harris, Jr.; Outside Counsel: Elizabeth Kessel of Kessel and Associates and Christy O'Donnell of McCune & Harbor.

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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(e) below.

4. Report of actions taken in Closed Session.

At 12:45 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Patricia and Samuel Price, Jr. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 392 861

This lawsuit seeks compensation for a death which occurred while in the custody of the Sheriff's Department; settlement is recommended in the amount of \$250,000.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

The vote of the Claims Board was unanimous with all members being present.

b. Claim of James Lee

This claim seeks compensation from damage caused by a sewer back-up; settlement is recommended in the amount of \$34,178.42.

The Claims Board approved settlement of this matter in the amount of \$34,178.42.

The vote of the Claims Board was unanimous with all members being present.

c. Claim of Diana Cooley

This claim seeks compensation for damage caused by a sewer back-up; settlement is recommended in the amount of \$59,404.10.

The Claims Board approved settlement of this matter in the amount of \$59,404.10.

The vote of the Claims Board was unanimous with all members being present.

d. Claim of Werner Koenig

This claims seeks compensation for damage caused by a ruptured water main line; settlement is recommended in the amount of \$24,625.94

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$24,625.94.

The vote of the Claims Board was unanimous with all members being present.

e. Emma Fredua v. County of Los Angeles

Los Angeles Superior Court Case No. BC 395 133

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to discrimination; settlement is recommended in the amount of \$75,000.

The Claims Board approved settlement of this matter in the amount of \$75,000.

The vote of the Claims Board was unanimous with all members being present.

- f. Gregory Davis v. County of Los Angeles
CSC No. 08-318

This lawsuit concerns allegations that an employee of the Fire Department of was subjected to discrimination and retaliation; settlement is recommended in the amount of \$184,000.

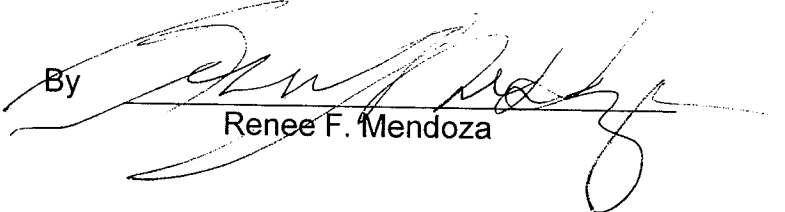
The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$184,000.

5. Adjournment.

The meeting was adjourned at 12:57 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza