

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, JANUARY 4, 2010, AT 9:30 AM

Present: John Naimo, Steven NyBlom and John Krattli

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.
3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).
 - a. Joaquin F. v. Refugio Para Ninos Foster Family Agency, et al.
Los Angeles Superior Court Case No. PC 043 327

This lawsuit concerns allegations of abuse of a minor in foster care.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- b. Erik P. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 400 273

This lawsuit concerns allegations that a minor in the custody of the Probation Department was sexually assaulted by another minor.
(Continued from the December 7, 2009 and the December 21, 2009 meetings.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$93,000.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- c. Michael Jones v. County of Los Angeles
Los Angeles Superior Court Case No. BC 386 849

This lawsuit concerns allegations that the Probation Department failed to accommodate an employee's disability.
(Continued from December 7, 2009 meeting.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$92,500.

Absent: None

Vote: Unanimously carried

- d. Ruben Romero, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. PC 043 490

This medical negligence/wrongful death lawsuit arises from treatment received by a patient while hospitalized at the Olive View Medical Center.

(Continued from the November 16, 2009 meeting.)

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$382,500 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.

Absent: None

Vote: Unanimously carried

[See Supporting Documents](#)

- e. Milton Molina v. County of Los Angeles
Los Angeles Superior Court Case No. BC 392 062

This lawsuit concerns allegations of sexual harassment and retaliation by Fire Department employees.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

- f. Mary Villegas v. County of Los Angeles
Los Angeles Superior Court Case No. BC 388 755

This lawsuit concerns allegations of sexual harassment by Fire Department employees.

Action Taken:

The Claims Board continued this matter.

Absent: None

Vote: Unanimously carried

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. Claims Board Procedures.

No reportable action was taken.

6. Approval of the minutes for the December 21, 2009, regular meeting of the Claims Board.

Action Taken:

The minutes for the December 21, 2009, regular meeting of the Claims Board were approved.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

7. 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.

8. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Joaquin F. v. Refugio Para Ninos Foster Family Agency, et al.
CASE NUMBER	PC 043327
COURT	Los Angeles Superior Court North Valley District - Chatsworth
DATE FILED	7/29/2008
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 35,000
ATTORNEY FOR PLAINTIFF	Michael L. Justice Law Office of Michael L. Justice (818) 593-6323
COUNTY COUNSEL ATTORNEY	Lauren M. Black Social Services Division (213) 974-0695
NATURE OF CASE	Plaintiff alleges he suffered injury as a result of his placement by the Department of Children and Family Services.
PAID ATTORNEY FEES, TO DATE	\$ 89,429
PAID COSTS, TO DATE	\$ 1,875



Summary Corrective Action Plan Department of Children and Family Services



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 24, 2005 through April 25, 2007
Briefly provide a description of the incident/event:	Minor was placed in the home of a non-related caretaker who abused him. Minor never disclosed abuse. Disclosure came through interviews with a separate minor when that minor alleged abuse by the caretaker.

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

The root cause(s) of this claim/lawsuit is (are):

Staff violations of established policies that were adequate and appropriate.



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

Corrective actions to address root cause

The process non-conformance was referred to Performance Management for review and action. All appropriate personnel action will be taken pending civil service proceedings.

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)  Jennifer Lopez, Risk Management Division Chief	Date: 11-17-09
Signature: (Department Head)  Patricia S. Ploehn, Director	Date: 11-24-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Erik P. v. County of Los Angeles
CASE NUMBER	BC 400273
COURT	Los Angeles Superior Court Central District
DATE FILED	October 10, 2008
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 93,000
ATTORNEY FOR PLAINTIFF	Marc Hurd Tiedt & Hurd (951) 549-9400
COUNTY COUNSEL ATTORNEY	Tom Guterres Collins, Collins, Muir & Stewart (626) 243-1100
NATURE OF CASE	<p>This is a case brought by Erik P., a minor, who alleges that he was sexually assaulted by another minor while at Eastlake Juvenile Hall. In his lawsuit, Erik P. contends that Probation Department employees should not have housed him with his assailant.</p> <p>The Probation Department contends that it did not have any notice that the assault would occur</p>

and that the incident was not preventable.

Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$93,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	33,297.50
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PAID COSTS, TO DATE	\$	620.62
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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 17, 2007 at approximately 2:07p.m.
Briefly provide a description of the incident/event:	Plaintiff is a 5'7", 180 lbs., Hispanic Male that was detained on November 17, 2007 for committing an alleged assault. Plaintiff was admitted into Central Juvenile Hall (CJH) at approximately 9:10a.m. Plaintiff was later medically admitted at 12:00p.m., and was assigned Unit "K/L" after his mental health assessment. Plaintiff was interviewed and oriented to the unit and was assigned to room 1 with a 5'6", 130 lbs., African-American Male. Staff conducted a hall check at approximately 2:07p.m., and noticed the plaintiff lying face down on his bunk with his pants and underwear down to his knees. The minor roommate was standing over the plaintiff with his shirt covering his genitals. Plaintiff initially noted that nothing happened between him and the other minor. At approximately 3:10p.m., plaintiff alleged that he had been sodomized. In October 2008, plaintiff filed a complaint alleging general negligence, violation of Civil Rights and violation of State Civil Rights.

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

Root Cause Analysis:

The initial incident **stems from plaintiff's room assignment with a juvenile ward that allegedly violated facility rules prohibiting assaultive and sexual behavior.** A root cause factor analysis was conducted including, but not limited to:

- **Exposure area relates to plaintiff being housed with and allegedly sexually assaulted by a roommate that entered juvenile hall from camp with a temporary behavior chart that did not reflect a history of sexual misconduct.**

Based upon the outcome of the above-referenced root cause analysis the Department has determined root cause factors include:

- **Insufficient information available in the temporary behavior record at the time staff was making the housing decision for a camp minor in juvenile hall.**
- **Minor's non-compliance with policy about assaultive and sexual behavior.**

This matter is being settled as a prudent business decision to mitigate associated costs.

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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 Recommended Corrective Action:

Task #1 Name: Probation Case Management System (PCMS) Development

System Issue: ☒ Process/Procedure
☒ Personnel

Responsible Person: Fred Nazarbegian

Task Description:

1. The Department developed and implemented the Probation Case Management System (PCMS), which is a functional web-based application that contains various modules that handle numerous aspects of Probation's operations. PCMS enables staff to have easy access to and view information that includes, but is not limited to:
 - a. One Juvenile system with the functionality from 11 systems
 - b. Ability to see the complete record for each minor
 - c. Availability of Intake information
 - d. Availability of Detention information
 - e. Ability view minor's history
 - f. Ability to view minor's prior behavior
 - g. Ability to view minor's assessments

This task completed April 2009 and is on-going.

Task #2 Name: PCMS Training

System Issue: ☒ Process/Procedure
☒ Personnel

Responsible Person: Fred Nazarbegian

Task Description:

1. The Department developed and provided staff training on the use of PCMS. Upon completion of training and review of the training manual staff:
 - a. Have an overview of PCMS
 - b. Have a general knowledge of the web application
 - c. Have general knowledge of the application features
 - d. Have familiarity with criminal justice systems and concepts
 - e. Have awareness of Probation processes and guidelines

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County of Los Angeles
Summary Corrective Action Plan

- f. Have asked questions and retain the ability to receive support from the help desk

This task completed May 2009 and is on-going.

Task #3 Name: Bureau Policy Modification associated with PCMS

System Issue: ☒ Process/Procedure/Personnel

Responsible Person: Larry Rubin

Task Description:

1. The Department will modify existing Detention Services Bureau policy associated with Classification, Housing and Double-Bunking to include the use of PCMS. Areas that will be modified relate to but are not limited to:

- a. Areas of PCMS that must be viewed to make housing decisions.

This task will be completed by September 30, 2010.

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)

☐

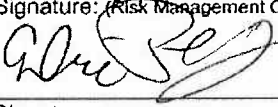
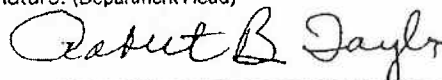
Potentially has County-wide implications.

☐

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: 12-29-09
Signature: (Department Head) 	Date: 12-17-09

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ruben Romero, et al. v. County of Los Angeles
CASE NUMBER	PC 043490
COURT	Los Angeles Superior Court Northeast District
DATE FILED	September 18, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 382,500
ATTORNEY FOR PLAINTIFF	George Royce, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On October 8, 2007, Maria Irazabal, was admitted to Olive View Medical Center complaining of right upper abdominal pain with nausea and vomiting. An ultrasound was performed and the patient was diagnosed with multiple gallstones and inflammation of the gallbladder. Ms. Irazabal underwent laparoscopic cholecystectomy procedure, which proved to be difficult and complicated.</p> <p>On October 17, 2007, Ms. Irazabal was re-admitted to Olive View Medical Center. Another diagnostic procedure was</p>

performed and the patient was suspected of having a tear in her small intestine.

As the patient's condition deteriorated, various medical consultations were requested and the patient was then re-operated on. She was taken to the ICU following surgery and was noted to have multiple organ failure. Despite the resuscitative efforts, she died on October 23, 2007.

Ms. Irazabal's surviving family filed a wrongful death action against the County of Los Angeles, alleging that the staff at Olive View Medical Center negligently treated Maria Irazabal.

The County proposes to settle this case in the amount of \$382,500.

PAID ATTORNEY FEES, TO DATE	\$	35,090.50
PAID COSTS, TO DATE	\$	7,647.79



Summary Corrective Action Plan

Date of incident/event:	October 17, 2007
Briefly provide a description of the incident/event:	On October 8, 2007, Maria Irazabal was admitted to Olive View/UCLA Medical Center complaining of right upper abdominal pain with nausea and vomiting. An ultrasound was performed and Ms. Irazabal was diagnosed with multiple gallstones and inflammation of the gallbladder. Ms. Irazabal underwent a laparoscopic cholecystectomy procedure, which was difficult and complicated. On October 17, 2007, Ms. Irazabal was re-admitted to the hospital and underwent another procedure at which time it was suspected that she may have a perforation in the small intestine. As her condition deteriorated, various medical consultants were requested and Ms. Irazabal was taken back to surgery. Following surgery she was taken to the ICU and was noted to have multiple system organ failure. Despite resuscitative efforts, she died on October 23, 2007.

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

- Misinterpretation of a diagnostic study resulting in a delay in surgery

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Appropriate personnel corrective actions were done
- Resident supervision was monitored system-wide

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) <i>K. McKenzie</i>	Date: 12/23/09
Signature: (Interim Chief Medical Officer) <i>R. Spelman</i>	Date: 12/23/09
Signature: (Interim Director) <i>John F. ...</i>	Date: 12-23-09

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 21, 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: John Naimo, Steven NyBlom, and John F. Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Mary Wickham, Andrea Ross, Millicent Rolon, Steve Morris, Vicki Kozikoujekian, Warren Wellen, Rosa Linda Cruz, Karen Lichtenberg, Narbeh Bagdasarian, Ed Beveniste, and Rich Mason; Office of Affirmative Action: David Kim; Department of Mental Health: Zoe Tractenberg; Department of Public Social Services: Sharon Fisher; Office of Public Safety: Janice Griffin; Fire Department: Michael Kranther; Department of Public Works: Michael Hays, Keith Lehto, and Paul Maselbas; Probation Department: Tracy Jordan-Johnson; Department of Health Services: Dr. Robert Splawn, Dr. William Loos, Kim McKenzie; Outside Counsel: Nohemi G. Ferguson, George Peterson, Sigalit Noureal, and Diana Ratcliff.

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(j) below.

4. Report of actions taken in Closed Session.

At 2:40 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

- a. Pamela Starks v. County of Los Angeles
Los Angeles Superior Court Case No. BC 393 596

This lawsuit concerns allegations that an employee of the Department of Public Social Services was sexually harassed by a fellow employee.

The Claims Board approved settlement of this matter in the amount of \$35,000.

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

- b. Rebecca L. v. Los Angeles Unified School District and the Los Angeles County Department of Mental Health
Case No. N2009060018

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

The Claims Board approved settlement of this matter in the amount of \$39,174.01.

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

- c. Talli W. v. Los Angeles Unified School District and the Los Angeles County Department of Mental Health
Case No. N2009081106

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

The Claims Board approved settlement of this matter in the amount of \$44,849.49.

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

- d. Erik P. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 400 273

This lawsuit concerns allegations that a minor in the custody of the Probation Department was sexually assaulted by another minor; settlement is recommended in the amount of \$93,000.

(Continued from the December 7, 2009 meeting.)

The Claims Board continued this matter.

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

- e. Ericka Lauderdale v. County of Los Angeles
Los Angeles Superior Court Case No. VC 051 914

This lawsuit concerns allegations that the Probation Department failed to engage in an interactive process or provide reasonable accommodation for an employee with disabilities; settlement is recommended in the amount of \$125,000.

The Claims Board continued this matter.

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

- f. Mark Warr and Roberto Fidani v. County of Los Angeles
Los Angeles Superior Court Case No. BC 392 267

This lawsuit concerns allegations of retaliation by two employees of the Fire Department.

(Continued from the November 16, 2009 meeting.)

The Claims Board approved settlement of this matter in the amount of \$98,415.46.

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

- g. Gloria Guadron, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 057 743

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

The Claims Board approved settlement of this matter in the amount of \$21,000.

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

- h. Gary Houston v. County of Los Angeles
Los Angeles Superior Court Case No. BC 249 765

This lawsuit concerns a sewer overflow and the sewer maintenance services provided by the Consolidated Sewer Maintenance District.

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

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

- i. Alameda Corridor Transportation Authority v. County of Los Angeles
Los Angeles Superior Court Case No. BC 389 904

This lawsuit concerns allegations that the Department of Public Works breached a contract when the Department did not accept ownership and maintenance of a storm drain.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$160,000.

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

- j. Jaelyn Mancinas and Claudia Chavez v. County of Los Angeles
Los Angeles Superior Court Case No. PC 044 264

This medical negligence lawsuit arises from treatment received by a patient and her mother at the Olive View Medical Center.
(Continued from the November 9, 2009 and the November 16, 2009 meetings.)

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$5,920,488 plus the assumption of the Medi-Cal lien in the amount of \$80,139.

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

5. Approval of the minutes for the December 7, 2009 meeting of the Claims Board.

The minutes for the December 7, 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 2:45 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza