

**STATEMENT OF PROCEEDINGS
FOR THE SPECIAL 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, NOVEMBER 8, 2010, AT 9:30 AM**

Present: Chair John Naimo, Laurie Milhiser, Steve 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.

No members of the public addressed the Claims Board.

3. Claims Board Procedures – Alternate members.

Action Taken:

The Claims Board welcomed Laurie Milhiser who has been appointed by the Board of Supervisors as the Chief Executive Office's representative on the Claims Board. For purposes of the November 8, 2010 meeting, the Claims Board recognized Steven E. NyBlom as the alternate Chief Executive Office representative.

Vote: **Ayes:** 2 - John Naimo and John Krattli
 Abstentions: 1 - Steve NyBlom

Absent: None

4. Closed Session – Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Government Code section 54956.9).

- a. Francisco Duarte, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 407 243

This medical negligence lawsuit arises from treatment received by a patient at County health facilities.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$499,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- b. Juan Aguirre v. County of Los Angeles
Los Angeles Superior Court Case No. PC 046 065

This medical negligence lawsuit arises from treatment received by a patient at the Olive View Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$160,000 plus assumption of the Medi-Cal lien in the amount of \$153,387.99 and the Medicare lien in the amount of \$7,740.33.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- c. Jennifer Johnson v. County of Los Angeles
Los Angeles Superior Court Case No. NC 042 847

This medical negligence lawsuit arises from treatment received by a patient at the Harbor UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$275,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- d. Armenui Keshishyan v. County of Los Angeles
Los Angeles Superior Court Case No. BC 410 142

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to discrimination and harassment based on national origin and disability.
(Continued from the special meeting of September 27, 2009.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Vote: Unanimously carried

Absent: None

- e. Cheryl Williams v. County of Los Angeles
Los Angeles Superior Court Case No. BC 393 099

This lawsuit concerns allegations that a County employee was subjected to discrimination and that the County failed to engage in a timely interactive process; settlement is recommended in the amount of \$400,000.

Action Taken:

The Claims Board continued this matter.

Vote: Unanimously carried

Absent: None

- f. Dimitrios Biller v. County of Los Angeles
United States District Court Case No. CV 0903079

This lawsuit concerns allegations that the District Attorney's office failed to engage in an interactive process or provide reasonable accommodations for an employee's disability.

Action Taken:

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

Ayes: 2 - Steve NyBlom and John Krattli

Abstentions: 1 - John Naimo

Absent: None

- g. Ronald Johnson v. County of Los Angeles
United States District Court Case No. CV 09-08252

This lawsuit concerns allegations of excessive force and false arrest by Sheriff's Deputies.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Unanimously carried

Absent: None

- h. Lisa J. Hosey v. County of Los Angeles, et al.
United States District Court Case No. CV 09-09427

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board authorized a statutory offer. The substance of the settlement will be disclosed upon inquiry if the offer is accepted.

Vote: Unanimously carried

Absent: None

- i. Claim of Samantha Industry Plaza

This claim concerns property damage that occurred when a Sheriff's Deputy lost control of his patrol vehicle.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$21,500.79.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- j. Grace G. v. County of Los Angeles
Compton Superior Court Case No. TC 023 081

This lawsuit concerns allegations of sexual assault by an on-duty Sheriff's Sergeant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$245,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- k. Felipe Medina v. County of Los Angeles
Los Angeles Superior Court Case No. TC 022 146

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$950,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

- l. Ara and Georgette Boyajian v. County of Los Angeles
Los Angeles Superior Court Case No. BC 379 922

This lawsuit concerns damage allegedly caused by a sewer back-up.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$500,000.

Vote: Unanimously carried

Absent: None

[See Supporting Documents](#)

5. 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. 4 above.

6. Approval of the minutes of the October 8, 2010, special meeting of the Claims Board.

Action Taken:

The minutes for the October 8, 2010, special meeting of the Claims Board were approved.

Ayes: 2 - John Naimo and John Krattli

Abstentions: 1 - Steve NyBlom

Absent: None

[See Supporting Document](#)

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|--|
| CASE NAME | Francisco Duarte, et al. v. County of Los Angeles, et al. |
| CASE NUMBER | BC 407243 |
| COURT | Los Angeles Superior Court - Central |
| DATE FILED | February 6, 2009 |
| COUNTY DEPARTMENT | Department of Health Services |
| PROPOSED SETTLEMENT AMOUNT | \$499,000 |
| ATTORNEY FOR PLAINTIFF | John D. Rowell, Esq. Cheong, Denove, Rowell & Bennett |
| COUNTY COUNSEL ATTORNEY | Narbeh Bagdasarian |
| NATURE OF CASE | <p>On February 5, 2008, Francisco Duarte, was admitted to LAC+USC Medical Center. He underwent surgery on his spine. He was then transferred to Rancho Los Amigos National Rehabilitation ("Rancho").</p> <p>Mr. Duarte was admitted at Rancho a few times and was treated for his condition. Throughout the course of his treatments, Mr. Duarte developed an infection in his spine.</p> |

He filed a lawsuit against the County of Los Angeles contending that the providers at the two facilities run and operated by the County of Los Angeles failed to adequately treat his infection.

PAID ATTORNEY FEES, TO DATE

\$131,114.50

PAID COSTS, TO DATE

\$74,893.06

Case Name: Duarte, F



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: | April 9, 2008 |
| Briefly provide a description of the incident/event: | On February 5, 2008, Francisco Duarte was admitted to LAC+USC and underwent surgery on his spine. He was transferred to Rancho Los Amigos National Rehabilitation Center (Rancho). Mr. Duarte was admitted and discharged from Rancho a few times and was treated for his condition. Over the course of his treatment, Mr. Duarte developed an infection in his spine. |

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

Misread of 4/9/08 MRI

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

- Appropriate personnel actions were taken

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 an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have Countywide or other department(s) implications.

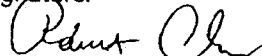
| | |
|---|-------------------------|
| Name: (Risk Management Coordinator) <i>Kimberly McKenrae</i> | |
| Signature: <i>1/mckenrae</i> | Date: <i>8/30/10</i> |

| |
|---|
| Name: (Department Head) <i>John F. Schunhoff</i> |
|---|

County of Los Angeles
Summary Corrective Action Plan

| | |
|--|---------------|
| Signature:  | Date: 9/13/10 |
|--|---------------|

Chief Executive Office Risk Management Branch

| | |
|--|--------------|
| Name: Robert Chavez | |
| Signature:  | Date: 9/7/10 |

I:\Risk Mgt. Inspector General\CAP\SCAP-RECAP/Summary Corrective Action Plan Form 2-01-10 (Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|--|
| CASE NAME | Juan Aguirre v. County of Los Angeles |
| CASE NUMBER | PC 046065 |
| COURT | Los Angeles Superior Court - North Valley District |
| DATE FILED | August 3, 2009 |
| COUNTY DEPARTMENT | Department of Health Services |
| PROPOSED SETTLEMENT AMOUNT | \$160,000 plus the assumption of the Medi-Cal lien (\$153,387.99) and Medicare lien (\$7,740.33). |
| ATTORNEY FOR PLAINTIFF | Benjamin Fogel, Esq. |
| COUNTY COUNSEL ATTORNEY | Narbeh Bagdasarian |
| NATURE OF CASE | <p>On December 19, 2008, Juan Aguirre presented to Olive View Medical Center ("OVMC") to undergo surgery.</p> <p>On December 31, 2008, the OVMC staff placed a naso-gastric tube in Mr. Aguirre's stomach. The tube caused injuries to Mr. Aguirre's lungs. Mr. Aguirre was fully treated and was discharged home.</p> <p>Mr. Aguirre filed a medical malpractice action against the County of Los Angeles claiming that due to the placement of the</p> |

naso-gastric tube, he suffered injuries and was forced to stay at the hospital for an unnecessarily prolonged time.

PAID ATTORNEY FEES, TO DATE

\$65,927

PAID COSTS, TO DATE

\$17,241.59

Case Name: Aguirre, Juan



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: | December 31, 2008 |
| Briefly provide a description of the incident/event: | On December 19, 2008, Juan Aguirre presented to Olive View/UCLA Medical Center to undergo surgery. On December 31, 2008, the hospital staff placed a nasogastric tube in Mr. Aguirre's stomach. The tube caused injuries to Mr. Aguirre's lungs. Mr. Aguirre was fully treated and was discharged home. |

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

Radiologist did not identify misplaced tube resulting in prolonged hospitalization.

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

- Facility policy for the insertion of feeding tubes was revised to include radiologic evidence of correct tube placement.
- Query of UHC hospitals found various acceptable practices to verify nasogastric tube placement. There is no standard approach to verifying placement.
- Policies for the insertion of feeding tubes were revised system-wide to include radiographic evidence of correct tube placement.

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 an implication 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(s) implications.

County of Los Angeles
Summary Corrective Action Plan

| | |
|---|-------------------------|
| Name: (Risk Management Coordinator) <i>Kimberly McKenzie</i> | |
| Signature: <i>Kimberly McKenzie</i> | Date: <i>9/22/10</i> |

| | |
|--|--------------------------|
| Name: (Department Head) <i>Carol Meyer for John Schunhoff</i> | |
| Signature: <i>Carol Meyer</i> | Date: <i>10/15/10</i> |

Chief Executive Office Risk Management Branch

| | |
|------------------------------------|-------------------------|
| Name: <i>Robert Chavez</i> | |
| Signature: <i>Robert Chavez</i> | Date: <i>9-23-10</i> |

I:\Risk Mgt. Inspector General\CAP\SCAP-RECAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|--|
| CASE NAME | Jennifer Johnson v. County of Los Angeles, et al. |
| CASE NUMBER | NC 042847 |
| COURT | Los Angeles Superior Court - South District |
| DATE FILED | July 2, 2009 |
| COUNTY DEPARTMENT | Department of Health Services |
| PROPOSED SETTLEMENT AMOUNT | \$275,000 |
| ATTORNEY FOR PLAINTIFF | Marc Lazarus, Esq. Russell & Lazarus |
| COUNTY COUNSEL ATTORNEY | Narbeh Bagdasarian |
| NATURE OF CASE | <p>On June 20, 2008, Jennifer Johnson was involved in an automobile accident. She was transferred to Harbor UCLA Medical Center ("HUMC") for treatment of her injuries.</p> <p>In August 2008, Ms. Johnson presented to a non-County facility with complaints to her left shoulder. In November 2008, Ms. Johnson underwent surgery on her left shoulder in a non-County hospital.</p> |

Ms. Johnson filed a medical malpractice action against the County of Los Angeles claiming that in June 2008, the HUMC staff did not adequately treat her left shoulder injuries.

PAID ATTORNEY FEES, TO DATE

\$71,772.75

PAID COSTS, TO DATE

\$11,483.60

Case Name: Johnson, Jennifer



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: | 6/20/08 |
| Briefly provide a description of the incident/event: | On June 20, 2008, Jennifer Johnson was involved in a vehicle accident. She was transferred to Harbor/UCLA Medical Center for treatment of her injuries. In August 2008, Ms. Johnson presented to a non-County facility with complaints in her left shoulder. In November 2008, Ms. Johnson underwent surgery on her left shoulder in a non-County hospital. |

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

Non-treatment of a shoulder injury resulting in a delay in repair.

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

- Appropriate personnel actions were taken
- Education was provided to facility clinicians for identification of musculoskeletal injuries.

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 an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have Countywide or other department(s) implications.

County of Los Angeles
Summary Corrective Action Plan

| | |
|-------------------------------------|----------------------|
| Name: (Risk Management Coordinator) | |
| <i>Kimberly McKenzie</i> | |
| Signature: <i>Kimberly McKenzie</i> | Date: <i>9/28/10</i> |

| | |
|---------------------------------------|-----------------------|
| Name: (Department Head) | |
| <i>Carol Meyer for John Schunhoff</i> | |
| Signature: <i>Carol Meyer</i> | Date: <i>10/15/10</i> |

Chief Executive Office Risk Management Branch

| | |
|---------------------------------|----------------------|
| Name: | |
| <i>Robert Chavez</i> | |
| Signature: <i>Robert Chavez</i> | Date: <i>9/29/10</i> |

i:\Risk Mgt. Inspector General\CAP-SCAP\RECAP\Summary Corrective Action Plan Form 2-01-10.(Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|---|
| CASE NAME | Claim of Samantha Industry Plaza |
| CASE NUMBER | N/A |
| COURT | N/A |
| DATE FILED | N/A |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 21,500.79 |
| ATTORNEY FOR PLAINTIFF | N/A |
| COUNTY COUNSEL ATTORNEY | |
| NATURE OF CASE | On November 5, 2008, a Los Angeles County Sheriff's deputy was driving to a burglary in progress and lost control of his vehicle while in the process of turning his vehicle. The vehicle went over the curb at 15425 Valley Boulevard and crashed into the east facing wall. |
| PAID ATTORNEY FEES, TO DATE | \$ N/A |
| PAID COSTS, TO DATE | \$ N/A |

Case Name: Claim of Samantha Industry Plaza



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: | Wednesday, November 5, 2008, 4:43 a.m. |
| Briefly provide a description of the incident/event: | <p><u>Claim of Samantha Industry Plaza</u> Summary Corrective Action Plan #2010-014</p> <p>On Wednesday, November 5, 2008, at approximately 4:43 a.m., an on-duty Los Angeles County deputy sheriff was driving a county-owned, standard black and white patrol vehicle west on Valley Boulevard, west of Proctor Avenue, City of Industry, when the vehicle he was driving collided with the claimant's vacant commercial property.</p> |

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

The County of Los Angeles is liable for damages proximately caused by an act or omission of an employee within the course of his or her employment if the act or omission would have given rise to a cause of action against that employee.

The claimant alleged that as a result of this traffic collision, damage to a vacant commercial building occurred.

The patrol vehicle the deputy was driving at the time of the incident, a 2003 Ford Crown Victoria, California License Number 1149359, 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 the incident.

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

This traffic collision was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department. Their investigation determined that the deputy sheriff caused the traffic collision by violating California Vehicle Code Section 22350, Unsafe Speed.

County of Los Angeles
Summary Corrective Action Plan

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

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)

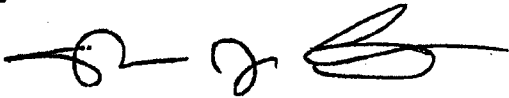
- ☒ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Shaun J. Mathers, Acting Captain
Risk Management Bureau

Signature:



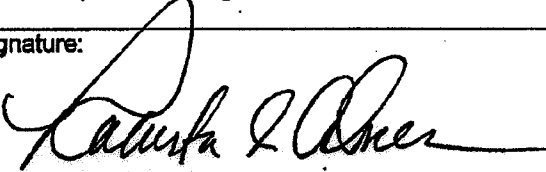
Date:

6/1/10

Name: (Department Risk Manager)

Roberta A. Abner, Chief
Leadership and Training Division

Signature:



Date:


6/1/10

Chief Executive Office Risk Management Branch

Name:

Robert Chavez

Signature:



Date:

07-02-10

\\Risk Mgt. Inspector General\CAP-SCAP-RCAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|--|
| CASE NAME | Grace G. vs. County of Los Angeles |
| CASE NUMBER | TC 023081 |
| COURT | Los Angeles Superior Court, Compton Branch |
| DATE FILED | May 22, 2009 |
| COUNTY DEPARTMENT | Sheriff |
| PROPOSED SETTLEMENT AMOUNT | \$ \$245,000 |
| ATTORNEY FOR PLAINTIFF | Ben Shahramzad |
| COUNTY COUNSEL ATTORNEY | Ruben Baeza, Jr. |
| NATURE OF CASE | Plaintiff alleges that she was sexually assaulted by an on-duty Sheriff's Deputy. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$245,000 is recommended. |
| PAID ATTORNEY FEES, TO DATE | \$ 94,509. |
| PAID COSTS, TO DATE | \$ 4,952. |

Case Name: Grace G. v. County of Los Angeles



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: | Saturday, May 24, 2008; 2:50 a.m. |
| Briefly provide a description of the incident/event: | <p><u>Grace G. v. County of Los Angeles</u> (Summary Corrective Action Plan No. 2009-027)</p> <p>The plaintiff alleges that on May 24, 2008, at approximately 2:50 a.m., she was sexually assaulted by a member of the Los Angeles County Sheriff's Department during and following the execution of a traffic enforcement stop in the city of Paramount.</p> |

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

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

The root cause of this lawsuit is an allegation of sexual assault committed by an on duty member of the Los Angeles County Sheriff's Department.

The plaintiff seeks relief for assault, battery, false imprisonment, negligence, intentional infliction of emotional distress, and a violation of her civil rights under 42 U.S.C., 1983.

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 procedure/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.

Appropriate administrative action was taken.


This summary corrective action plan does not appear to have Countywide or other department(s) implications (see #3 below).

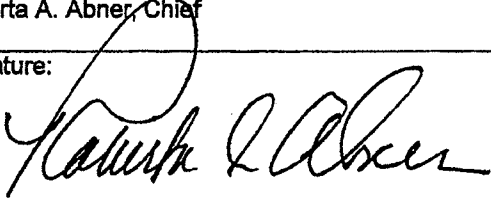
County of Los Angeles
Summary Corrective Action Plan

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 Countywide implications.
- ☐ Potentially has an implication 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(s) implications.

Los Angeles County Sheriff's Department

| | |
|---|------------------|
| Name: (Risk Management Coordinator) | |
| Shaun J. Mathers, Acting Captain | |
| Signature:  | Date: 7/26/10 |

| | |
|---|------------------|
| Name: (Department Risk Manager) | |
| Roberta A. Abner, Chief | |
| Signature:  | Date: 7/29/10 |

Chief Executive Office Risk Management Branch

| | |
|---|-----------------|
| Name: Robert Chavez | |
| Signature:  | Date: 9/9/10 |

I:\Risk Mgt. Inspector General\CAP-SCAP-REGAP\Summary Corrective Action Plan Form 2-01-10 (Final).docx

* RMIG approval is based on information available to RMIG staff during review.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|---|
| CASE NAME | Felipe Medina v. County of Los Angeles, et al. |
| CASE NUMBER | TC022146 |
| COURT | Los Angeles County Superior Court South Central District |
| DATE FILED | July 2, 2008 |
| COUNTY DEPARTMENT | Mental Health |
| PROPOSED SETTLEMENT AMOUNT | \$ 950,000.00 |
| ATTORNEY FOR PLAINTIFF | Banafsheh, Danesh & Javid, APLC |
| COUNTY COUNSEL ATTORNEY | Vicki Kozikoujekian Principal Deputy County Counsel (213) 974-8208 |
| NATURE OF CASE | <p>On December 20, 2007, a Department of Mental Health employee, while in the course and scope of his employment, rear-ended plaintiff's vehicle.</p> <p>Plaintiff claims that the Department of Mental Health employee negligently rear-ended into his vehicle, because he was following too closely and driving at an unsafe speed. The County claims that the plaintiff abruptly stopped for the slowing traffic which made it difficult for the Department of Mental Health Services employee to stop in time and avoid rear-ending the</p> |

plaintiff's vehicle.

Due to the risks and uncertainties of litigation, the Department of Mental Health proposes a full and final settlement of the case in the amount of \$950,000.

| | | |
|-----------------------------|----|------------|
| PAID ATTORNEY FEES, TO DATE | \$ | 121,524.50 |
|-----------------------------|----|------------|

| | | |
|---------------------|----|-----------|
| PAID COSTS, TO DATE | \$ | 52,256.62 |
|---------------------|----|-----------|



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: | December 20, 2007 |
| Briefly provide a description of the incident/event: | On December 20, 2007, Department of Mental Health (DMH) employee, Willie Duckworth, Light Vehicle Driver, at approximately 3:00 p.m., was transitioning from the 710 freeway south to the 105 freeway west in the number four (4) lane when he rear-ended another vehicle causing a chain reaction accident involving three (3) other vehicles. |

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

The police report states that the cause of the collision was determined to be Mr. Duckworth's violation of section 22350 of the Vehicle Code (VC), unsafe speed.

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

As a result of this accident, the following actions were taken:

- On October 30, 2008, Mr. Duckworth completed a comprehensive defensive driver training course, which included classroom and on-the-road training. Responsible party: Scott Hanada.
- On April 6, 2009, the Department emailed a memo and Policy and Procedure Number 802.1: Vehicle Control to all Departmental employees and highlighted areas of importance. Responsible party: Joseph Simoneschi.
- On September 30, 2009, the Department emailed a memo and the "Safety Bulletin: Preventing Rear End Collisions" to all Department of Mental Health employees. Responsible party: Joseph Simoneschi.
- On January 11, 2010, the Department began conducting driver safety awareness training for Clinic Driver and Light Vehicle Driver classifications. Responsible party: Joseph Simoneschi
- On June 14, 2010, Mr. Duckworth was discharged from his position with the Department of Mental Health. Responsible party: Joseph Simoneschi

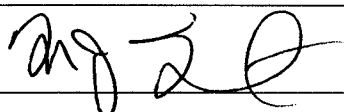
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

☒ Potentially has County-wide implications.

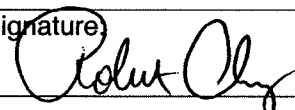
☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).

☐ Does not appear to have County-wide or other department implications.

| | |
|---|-------------------|
| Name: (Risk Management Coordinator) Margo Morales | |
| Signature:  | Date: 06/29/10 |

| | |
|---|------------------|
| Name: (Department Head) Marvin J. Southard, D.S.W. | |
| Signature:  | Date: 6-29-10 |

Chief Executive Office Risk Management

| | |
|---|-------------------|
| Name: Robert Chavez, M.A., ARM-P | |
| Signature:  | Date: 06-22-10 |



Corrective Action Plan

1. General Information

| | |
|--------------------------------------|--|
| Date CAP document prepared: | June 17, 2010 |
| Department: | Department of Mental Health |
| Name of departmental contact person: | Margo Morales |
| • title: | Administrative Deputy |
| • phone number: | (213) 738-2891 |
| • e-mail: | mamorales@dmh.lacounty.gov |

2. Incident/Event Specific Information

| | |
|---|--|
| Date of incident/event: | December 20, 2007 |
| Location of incident/event: | West Bound 105 Freeway East of Long Beach Boulevard, City of Lynwood |
| Event contact person: | Joseph Simoneschi, Administrative Support Bureau |
| • phone: | (213) 738-4639 |
| • e-mail: | jsimoneschi@dmh.lacounty.gov |
| Claim adjuster: <small>(Third Party Administrator or County Counsel)</small> | Yumi Higa, Carol Warren & Company |
| • phone number: | (818) 247-2206 ext. 6757 |
| If claim is in litigation, please complete the following: | |
| County Counsel Attorney: | Vicki Kozikoujekian, Principal Deputy County Counsel |
| • phone number: | (213) 974-8208 |

3. Incident/Event Description:

| | |
|--|--|
| Nature of incident/event: | <p>On December 20, 2007, Department of Mental Health (DMH) employee, Willie Duckworth, Light Vehicle Driver, at approximately 3:00 p.m., was transitioning from the 710 freeway south to the 105 freeway west in the number four (4) lane when he rear-ended another vehicle causing a chain reaction accident involving three (3) other vehicles.</p> <p>There were physical injuries to three adults and property damages were incurred. The police were called to the scene and DMH advised Carl Warren and Company of the accident.</p> |
| Provide a brief description of the incident/event: | <p>According to the Los Angeles Police Department's (LAPD) report, weather conditions on the day of the accident were clear; lighting was daylight; roadway surface was dry and that there were no unusual conditions. The report also indicates that there were no traffic control devices; the type of collision was rear end; there were other motor vehicles involved; and no pedestrians were involved. The report states that the movement preceding the accident was: Mr. Duckworth's (vehicle one [1]) movement was proceeding straight, and vehicles two (2), three (3), and four (4) were stopped. In addition, the report states that no one, including Mr. Duckworth, was using a cell phone nor was there any evidence of drinking.</p> |

- ☐ Include a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

| |
|---|
| <p>Provide a written narrative of the incident/event problem statement:</p> <p>The County of Los Angeles can be held liable for any resulting damages to third parties when an employee driving a County vehicle causes such damage during the course and scope of their County employment.</p> |
|---|

5. Root Cause Analysis

| | |
|--------------------------------|---|
| Root Cause Analysis tool used: | Police report. |
| Incident/event root causes: | <p>List incident/event root causes.</p> <p>The police report states that the cause of the collision was determined to be Mr. Duckworth's violation of section 22350 of the Vehicle Code (VC), unsafe speed.</p> |

- ☐ Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

6. Corrective Action Plan Steps

| | |
|---------------------------|--|
| Task number: | 1 |
| Task name: | Defensive Driving Class. |
| System issue: | <input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel |
| Schedule start date: | October 30, 2008 |
| Schedule completion date: | October 30, 2008 |
| Responsible person: | Scott Hanada |
| Task description: | Attended and completed a class course in defensive driving, which included driving instructions, related films, and behind-the-wheel training. The following topics were covered: <ul style="list-style-type: none">• Defensive driving.• Time-space management.• Lateral driving maneuvers.• Signs.• Signals.• Roadway markings. |

| | |
|---------------------------|--|
| Task number: | 2 |
| Task name: | Memo to all Department of Mental Health employees regarding Policy and Procedure Number 802.1: Vehicle Control. |
| System issue: | <input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel |
| Schedule start date: | April 6, 2009 |
| Schedule completion date: | Annually. |
| Responsible person: | Joseph Simoneschi |
| Task description: | Emailed memo and Policy and Procedure Number 802.1: Vehicle Control to all Departmental employees and highlighted areas of importance. |

| | |
|---------------------------|--|
| Task number: | 3 |
| Task name: | Safety Bulletin: Preventing Rear End Collisions. |
| System issue: | <input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel |
| Schedule start date: | September 27, 2009 |
| Schedule completion date: | September 29, 2009 |
| Responsible person: | Joseph Simoneschi |
| Task description: | Emailed memo and "Safety Bulletin: Preventing Rear End Collisions" to all Department of Mental Health employees. |

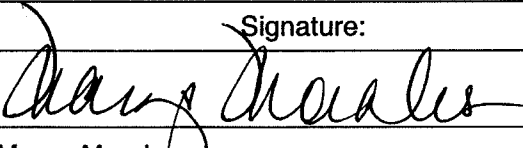

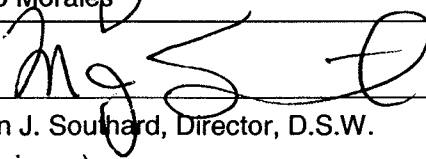
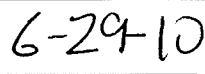
| | |
|---------------------------|--|
| Task number: | 4 |
| Task name: | Conduct driver safety awareness training for Clinic Driver and Light Vehicle Driver classifications. |
| System issue: | <input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel |
| Schedule start date: | January 11, 2010 |
| Schedule completion date: | Ongoing |
| Responsible person: | Joseph Simoneschi |
| Task description: | Provided video classes on defensive driving to Clinic Drivers and Light Vehicle Drivers that included courses in "Think-N-Drive," "Driving on Freeways," "Road Rage," "Driving Under the Influence," and "Winter Driving." |

| | |
|---------------------------|--|
| Task number: | 5 |
| Task name: | Administrative action. |
| System issue: | <input type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel |
| Schedule start date: | September 28, 2009 |
| Schedule completion date: | June 14, 2010 |
| Responsible person: | Human Resources Bureau |
| Task description: | Notice of Intent to Discharge and a subsequent Discharge was provided to Mr. Duckworth. |

* If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

| | | |
|--|---|--|
| Review and authorization steps: | Signature: | Date: |
| Document reviewed by department Risk Management Coordinator: |  Margo Morales |  6-23-10 |
| Document reviewed by department head or designee. |  Marvin J. Southard, Director, D.S.W. (or designee) |  6-29-10 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|--|
| CASE NAME | Ara and Georgette Boyajian v. County of Los Angeles |
| CASE NUMBER | BC379922 |
| COURT | Los Angeles Superior Court |
| DATE FILED | 10/30/2007 |
| COUNTY DEPARTMENT | Public Works - Sewer Maintenance District |
| PROPOSED SETTLEMENT AMOUNT | \$ 500,000 |
| ATTORNEY FOR PLAINTIFF | Joel Castro, Esq. |
| COUNTY COUNSEL ATTORNEY | Brian T. Chu Principal Deputy County Counsel |
| NATURE OF CASE | On April 8, 2005, Ara and Georgette Boyajian returned home from an extended trip to find the first floor of their home covered by sewer water. A sewer maintenance crew from the County's Department of Public Works responded to the scene and observed a high waste water level at a nearby manhole. The crew rodded a portion of the sewer main line and cleared a blockage caused by tree roots. The Boyajians were later advised to install a backflow valve to prevent future occurrences. |

As a result of the sewer back-up, walls, flooring, associated baseboards, cabinetry and personal property were damaged in the dining room, living room, kitchen, family room and ground level bathroom and bedroom.

The Boyajians filed a lawsuit against the County alleging inverse condemnation, private and public nuisance, negligence and trespass.

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 with the plaintiff.

| | | |
|-----------------------------|----|---------|
| PAID ATTORNEY FEES, TO DATE | \$ | 125,845 |
| PAID COSTS, TO DATE | \$ | 20,738 |



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 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.

| | |
|--|---|
| Claim: Date of incident/event: | Ara Boyajian April 8, 2005 |
| Briefly provide a description of the incident/event: | <p>This is a sewage backup that occurred at a residence located at 6650 Locklenna Lane in the City of Rancho Palos Verdes in 2005. The wastewater overflowed into the plaintiffs' residence damaging the interior of their home as well as their personal property.</p> <p>Public Works responded and the crew confirmed the existence of a mainline blockage created by tree roots between Manhole Nos. 103 and 104. The crew rodded the sewer line and broke down a heavy root stoppage. The main sewer line was left flowing normally.</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 sewer line. Public Works provides semi-annual inspections of the main sewer line. The last semi-annual inspection prior to the incident was carried out on September 16, 2004, or 6 1/2 months prior to the incident date.

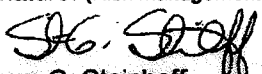

County of Los Angeles Department of Public Works
Summary Corrective Action Plan

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

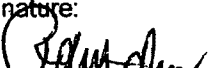
- 1 This segment of the main sewer line was placed on a quarterly rodding schedule in 2005 and to this day continues to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program.
- 2 A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 6650 Locklenna Lane, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.
3. On June 18, 2010, Sewer Maintenance Division (SMD) scheduled a Closed Circuit Television (CCTV) inspection of the main sewer line between Manhole Nos. 103 and 104 to assess the existing condition and determine if the offending tree could be identified and removed. Based on the CCTV inspection, light roots can be seen in many of the joints along the entire length of the main sewer line; however, the roots are not impeding sewer flow. Roots are also present in an inactive wye connection about 20 feet downstream of the lateral connection at 6658 Locklenna Lane. It is evident that SMD's periodic maintenance program has been effective over the last 5 years at keeping the main sewer line free of root masses that could impede the flow and function of the main sewer line. The specific offending tree could not be located with certainty for removal.
- 4 On July 13, 2010, a sewer lateral root intrusion notice letter was sent to 6658 Locklenna Lane, informing the property owner(s) that they must keep their lateral free of tree roots.

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)  Steven G. Steinhoff | Date: 7/26/10 |
| Signature: (Director)  Gail Farber | Date: 8-2-10 |

Chief Executive Office Risk Management Branch

| | |
|---|-------------------|
| Name: Robert Chavez | Date: |
| Signature:  | Date: 08-04-10 |

ME:psr
P4:\BOYAJIAN SCAP3

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

LAWSUIT OF: Boyajian, Ara

INCIDENT DATE: April 8, 2005

INCIDENT LOCATION: 6650 Locklenna Lane, City of Rancho Palos Verdes

RISK ISSUE:

The County may be liable in Inverse Condemnation if a public improvement, operating as intended, is a substantial factor in causing damage to private property

INVESTIGATIVE REVIEW:

The main sewer line at this location is owned by the City of Rancho Palos Verdes and maintained by the County as part of the Consolidated Sewer Maintenance District (CSMD)

On April 8, 2005, the main sewer line located at 6650 Locklenna Lane in the City of Rancho Palos Verdes became blocked, which caused wastewater to backup and overflow into plaintiffs' residence damaging the interior of their home as well as their personal property

Sewer Maintenance Division (SMD) was notified and a SMD crew responded to the location. Upon arrival, the SMD crew observed that the wastewater level in Manhole No. 104 in Locklenna Lane was high, but not overflowing. The crew rodded the main sewer line between Manhole Nos. 103 and 104, and broke down a heavy root stoppage. The main sewer line was left flowing normally.

Public Works provides semi-annual inspections of the main sewer line. The last semi-annual inspection prior to the incident was carried out on September 16, 2004, or 6 1/2 months prior to the incident date

There have been no reported incidents of prior sewage backups at this location.

POLICY ISSUES:

The Consolidated Sewer Maintenance District's maintenance program consists of regular semi-annual inspections of the sewer system and appurtenances, combined with periodic cleaning, repair, and related work as necessary to keep the collection system operating as designed


**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CORRECTIVE ACTION:

- 1 This segment of the main sewer line was placed on a quarterly rodding schedule in 2005 and to this day continues to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be on a semi-annual inspection program.
2. A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 6650 Locklenna Lane, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition
3. On June 18, 2010, Sewer Maintenance Division (SMD) scheduled a Closed Circuit Television (CCTV) inspection of the main sewer line between Manholes Nos. 103 and 104 to assess the existing condition and determine if the offending tree could be identified and removed. Based on the CCTV inspection, light roots can be seen in many of the joints along the entire length of the main sewer line; however, the roots are not impeding sewer flow. Roots are also present in an inactive wye connection about 20 feet downstream of the lateral connection at 6658 Locklenna Lane. It is evident that SMD's periodic maintenance program has been effective over the last 5 years at keeping the main sewer line free of root masses that could impede the flow and function of the main sewer line. The specific, offending tree could not be located with certainty for removal.
- 4 On July 13, 2010, a sewer lateral root intrusion notice letter was sent to 6658 Locklenna Lane, informing the property owner(s) that they must keep their lateral free of tree roots.

Reviewed & Recommended


Approved



Diego Cadena
Deputy Director

7/28/10

Date



John Kelly
Deputy Director

7/28/10

Date

ME:psr
P4:BOYAJIAN CAP3



COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

October 8, 2010

1. Call to Order.

This Special meeting of the County of Los Angeles Claims Board was called to order at 8:33 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 and John Krattli. Steven NyBlom was absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Andrea Ross, Richard Kudo, Mary Wickham, Rose Belda, Joyce Aiello, and Manuel Valenzuela, Jr.; Department of Mental Health: Zoe Trachtenberg; Fire Department: Daryl L. Osby and Kathleen Zelenski; Department of Public Social Services: Sherise McDowell-English; Office of Affirmative Action: David Kim; Outside Counsel: Calvin House.

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 8:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(c) below.

4. Report of actions taken in Closed Session.

At 9:40 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Ryley E. v. Westside Union Elementary School District and Department of Mental Health

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

The Claims Board approved settlement of this matter in the amount of \$30,183.10.

The vote of the Claims Board was unanimous with Steven NyBlom being absent.

- b. London Jones v. County of Los Angeles
Los Angeles Superior Court Case No. VC 052 718

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Fire Department.
(Continued from the special meeting of September 27, 2010.)

The Claims Board approved settlement of this matter in the amount of \$27,200.

The vote of the Claims Board was unanimous with Steven NyBlom being absent.

- c. Sandra Laguerre v. County of Los Angeles
Los Angeles Superior Court Case No. BC 413 948

This lawsuit concerns allegations that the Department of Public Social Services violated the California Family Rights Act.

The Claims Board approved settlement of this matter in the amount of \$87,000.

The vote of the Claims Board was unanimous with Steven NyBlom being absent.

5. Approval of the minutes of the September 27, and the September 29, 2010, special meetings of the Claims Board.

The minutes of the September 27, and the September 29, 2010, special meetings of the Claims Board were approved.

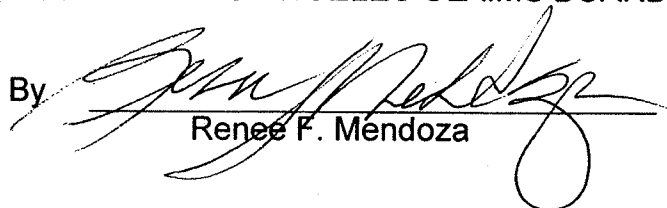
The vote of the Claims Board was unanimous with Steven NyBlom being absent.

6. Adjournment.

The meeting was adjourned at 9:45 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza