COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller

Steve Robles
Chief Executive Office

Patrick A. Wu
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, December 1, 2014, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.

2. Opportunity for members of the public to address the Claims Board on items of interest that are 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. Daniel Rodriguez v. County of Los Angeles, et al.
   United States District Court Case No. CV 12-08622

   This lawsuit concerns allegations of federal civil rights violations and the use of excessive force by Sheriff's Deputies; settlement is recommended in the amount of $75,000.

   See Supporting Documents

   b. Farida Kazemi v. Los Angeles County Department of Children and Family Services, et al.
   Los Angeles County Superior Court Case No. BC 507 471

   This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to religious discrimination and a hostile work environment; settlement is recommended in the amount of $63,750.

c. Silvia Pinedo v. County of Los Angeles
Los Angeles County Superior Court Case No. KC 065 429

This lawsuit arises from alleged injuries received from a slip and fall at a Probation Department office; settlement is recommended in the amount of $49,999.

See Supporting Documents

d. South Coast Air Quality Management District v.County of Los Angeles (Department of Health Services, Rancho Los Amigos National Rehabilitation Center)

This matter concerns penalties against the County for alleged violation of State low NOx emission standards regulated by the South Coast Air Quality Management District; settlement is recommended in the amount of $50,000 plus $40 per month until completion of the retrofitting project, estimated at ten months.

See Supporting Documents

e. Alberto Alvarez v. County of Los Angeles, et al.
Orange County Superior Court Case No. 30-2013-00678468; consolidated with Alex Solis v. Alberto Alvarez
Orange County Superior Court Case No. 30-2013-00664043

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Fire Department fire engine; settlement is recommended in the amount of $22,500.

See Supporting Documents

f. Los Angeles County Flood Control District v. PCS/Bella Vita, LLC
Los Angeles Superior Court Case No. BC 516 384

This lawsuit concerns the recovery of unpaid rent, plus late fees by the Los Angeles County Flood District, Department of Public Works, from PCS/Bella Vita, LLC, related to a breach of contract; settlement is recommended whereby the County will receive payment of $300,000.

See Supporting Document

g. Claim of Hasley Canyon Mobile Estates

This claim seeks compensation for real property damage allegedly caused by the malfunction of a water pressure regulator maintained by the Department of Public Works; settlement is recommended in the amount of $55,809.

See Supporting Documents

h. Vicente Perez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 027 184

This lawsuit concerns allegations of medical malpractice by LAC+USC Medical Center that contributed to the death of the plaintiffs' spouse and mother; settlement is recommended in the amount of $1,650,000.

See Supporting Documents

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the November 3, 2014, regular meeting of the Claims Board.

See Supporting Document

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Daniel Rodriguez v. County of Los Angeles, et al.
CASE NUMBER		CV12-08622
COURT		United States District Court
DATE FILED		Complaint filed: October 9, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	75,000
ATTORNEY FOR PLAINTIFF		Thomas E. Beck The Beck Law Firm
COUNTY COUNSEL ATTORNEY		Diane C. Reagan
NATURE OF CASE		Plaintiff Daniel Rodriguez alleges several civil rights violations, including the use of excessive force resulting in injuries, in connection with his January 7, 2011 arrest. The County denies the allegations; however, due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigations costs. Therefore, a full and final settlement of the case in the amount of $75,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	$61,147

PAID COSTS, TO DATE	$	$9,825

Case Name: **Daniel Rodriguez v. County of Los Angeles, et al.**

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:	Friday, January 7, 2011, at approximately 4:20 p.m.
Briefly provide a description of the incident/event:	**Daniel Rodriguez v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-059 On Friday, January 7, 2011, at approximately 4:20 p.m., two uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Century Station, detained the plaintiff for a violation of California Penal Code section 647(f), Disorderly Conduct. They initially detained the plaintiff in the backseat of their patrol vehicle. In attempting to handcuff the plaintiff, a violent confrontation ensued. The two deputy sheriffs used physical force to overcome the resistance and assaultive behavior offered by the plaintiff. The plaintiff was ultimately restrained, handcuffed, and subsequently taken into custody.

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

In his lawsuit, the plaintiff alleged he was subjected to an unreasonable search, seizure, and excessive physical force committed by members of the Los Angeles County Sheriff's Department.

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 addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Century Station. Their investigation found that the use of physical force and the options exercised by the deputy sheriffs was objectively reasonable and justified

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

On September 11, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau published Field Operations Support Services Newsletter 14-19, *Seated and Backseat Investigative Detentions*, designed to remind members of options and factors to consider when using seated investigative detention tactics and, specifically, the backseat detention.

3. Are the corrective actions addressing department-wide system issues?

☐ Yes – The corrective actions address department-wide system issues.

☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature: | Date: 11-19-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature: | Date: 11/20/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature: | Date: 11/20/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Silvia Pinedo v. County of Los Angeles.
CASE NUMBER		KC065429
COURT		Los Angeles County Superior Court
DATE FILED		January 16, 2013
COUNTY DEPARTMENT		ISD and Probation
PROPOSED SETTLEMENT AMOUNT	$	49,999
ATTORNEY FOR PLAINTIFF		Edor G. Anderson Sarajian Law Group
COUNTY COUNSEL ATTORNEY		Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a slip and fall that occurred on January 26, 2012, at the Probation Department office located on the 3rd Floor of the El Monte Courthouse. The plaintiff Silvia Pinedo slipped and fell in a puddle of vomit in the hallway of the Probation Department Offices. Ms. Pinedo claims injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	38,805
PAID COSTS, TO DATE	$	10,266

Case Name: PINEDO, Silvia vs COLA

Summary Corrective Action Plan

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Date of incident/event:	January 26, 2012
Briefly provide a description of the incident/event:	On January 26, 2012 at 10:29 am, a private citizen visiting the third floor offices of the Los Angeles County Probation Department (in the El Monte Courthouse), slipped and fell in clear liquid (vomit).

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

1. Probation employee and ISD custodian did not follow-up with each other to ensure the vomit had been cleaned up.
2. Probation employee did not take immediate action to block off the area where the vomit was located.
3. ISD custodian advised defense counsel that he routinely cleans the facility, however he was not able to clearly state the duties established in the service level agreement between ISD and Probation.

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

1. ISD custodial staff will log, including date, time of request, and name of requestor, calls for service to address hazardous conditions (i.e., overflowing toilet, water on floors, etc.). ISD custodial staff will confirm completion of clean-up service with customer representative by obtaining a written receipt/confirmation. Custodial section manager responsible party to audit the log/receipts on a monthly basis.

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
- ☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Mark A. Colton	
Signature: Mark A. L	Date: 11/18/14

Name: (Department Head) Jim Jones	
Signature: Jim Jones	Date: NOV 19 2014

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- ☒ Yes, the corrective actions potentially have County-wide applicability.
- ☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 11/17/2014

Case Name: Pinedo v. County of Los Angeles; et al.

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:	January 26, 2012
Briefly provide a description of the incident/event:	On January 26, 2012 at approximately 12:30 p.m. at the El Monte Courthouse, the plaintiff Pinedo was taking her son to the Probation Office located at the Courthouse, when she slipped and fell on vomit in from of the Probation office. The plaintiff claims that the County failed to keep the common hallway safe and created a dangerous condition and failed to warn despite having awareness and knowledge of the hazard. The third floor of the El Monte Courthouse is being leased by the Probation Department for both adult and juvenile probation offices. Although the leaseholder of the third floor is the Probation Department, the custodial and janitorial services of the third floor are being provided by the Internal Services Department (ISD). The investigations related to this matter indicated that the Probation Department receptionist informed the Head Clerk of the vomit in the hallway; and the Head Clerk in turn contacted ISD to have janitorial services for the clean-up. ISD janitor Trevino found vomit in the women's restroom and cleaned it up; however, Mr. Trevino did not locate vomit in the third floor hallway directly in front of the adult probation office. A Deputy Probation Officer observed Ms. Pinedo in the hallway; Ms. Pinedo was lying in the middle of the hallway and claiming injury to her left shoulder, left knee, and right hand.

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

The following are primary root causes that will (or have been) addressed in connection with this lawsuit:

- Lack of proper cordoning or blocking of the area where there is a potential hazard/spillage while waiting for custodial/janitorial services to conduct clean-up.
- Lack of proper documentation of the call for service to ISD and to follow-up with the service request.
- Inability to properly describe and identify the affected area where the hazard is to custodian/janitor.
- Lack of proper follow-up with the service request to ensure that the job has been completed and has been recorded as "complete".

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

The corrective action plan will consist of a two-step process:

1. Protocol will be developed to ensure that calls for service to ISD custodial services are being documented
   - A log has been developed to record the calls for service and to track the progress and completion of the call.
   - The log will capture, detail and track the progress and completion of the call, which includes the Probation Department's effort in cordoning off the affected area where there is a hazard/spillage, the details of notification/call for service to ISD for custodial services as well as the follow-up and documentation for the completion of service.
2. The Probation Director of the area office/facility will communicate with all Probation staff regarding the protocol set forth and this information will be placed in a common area of the office and accessible by all Probation staff. The Probation Director will ensure that all Probation staff has been properly informed of the protocol by retaining a sign-off sheet, indicating the staffs' acknowledgement and receipt of information.
   - Due Date – The Litigation Manager of the Los Angeles County Probation Department is currently working with the Senior Probation Director of the El Monte Courthouse Probation Office to conduct an office staff meeting to discuss the protocol and to implement the immediate usage of the calls for service log. This process is expected to be completed by November 3rd, 2014.

3. Are the corrective actions addressing department-wide system issues?

☐ Yes – The corrective actions address department-wide system issues.

X No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) JACKLIN INJIJIAN	
Signature: Jacklin Injijian	Date: 11/12/14
Name: (Department Head) Chief Jerry E. Powers	
Signature:	Date: 11-17-14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☒ Yes, the corrective actions potentially have County-wide applicability.

☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 11/12/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Penalties Assessed by South Coast Air Quality Management District ("SCAQMD") against County of Los Angeles (Department of Health Services, Rancho Los Amigos National Rehabilitation Center)
CASE NUMBER	N/A
COURT	N/A
DATE FILED	January 1, 2012
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$ 50,000 plus $40 per month until completion of the retrofitting project (estimated at ten months)
ATTORNEY FOR PLAINTIFF	Ruby R. Fernandez, Senior Deputy District Counsel, SCAQMD
COUNTY COUNSEL ATTORNEY	Patrice Salseda, Senior Deputy County Counsel
NATURE OF CASE	This case involves the proposed assessment of penalties against the County for alleged violation of State low NOx emission standards regulated by SCAQMD. The assessment of non-compliance penalties resulted from the alleged failure of a County contractor, SR&B Boilers Inc. dba Heat Transfer Solutions, to perform under a April 27, 2011 purchase order to retrofit three boilers at Rancho Los Amigos National Rehabilitation Center to meet State emission standards. The purchase order with the contractor was terminated and a new vendor

was selected to complete the retrofitting project at the County facility. In order to proceed with the project, an Order of Abatement and settlement of the non-compliance penalties is required before the SCAQMD and the United States Equal Protection Agency will approve a Permit to Construct for project.

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

Case Name: County of Los Angeles v SR&B Boiler dba Heat Transfer Solutions

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:	**March 2011 to November 5, 2014**
Briefly provide a description of the incident/event:	South Coast Air Quality Management District (SCAQMD) emissions regulations require compliance with emissions limits on or before January 1, 2012. In accordance with these regulations the Department of Health Services (DHS) submitted a compliance plan to retrofit the three of the four boilers at Rancho Los Amigos National Rehabilitation Center (Rancho) to SCAQMD on December 23, 2009. Through competitive solicitations, ISD awarded a contract to SR&B Boilers, Inc. dba Heat Transfer Solutions Inc. (HTS) for the fabrication and installation of three low emissions burners at Rancho on April 27, 2011. After several months of working on boiler No. 2, HTS was unable to obtain compliance with County contract specifications. Thereafter, on June 4, 2012, HTS was removed from the project. In consultation with County Counsel, CEO and DHS, in October 2012, ISD declared HTS in breach of contract, and moved to access HTS' Performance Bond for Rancho. The Surety company that provided the Bond took over responsibility, and was to complete the entire project within 180 days of the contract date. However, the Surety failed to meet the contract completion deadline. Due to the inability of HTS to achieve emissions compliance under the awarded contract by January 1, 2012, SCAQMD has imposed non-compliance penalties. To date the penalties total $50,000, which include a $1,000 fine for each month the boilers were out of compliance. SCAQMD requires the County to settle these penalties prior to issuing the County a new Permit to Construct to complete the retrofitting project. In addition, SCAQMD will impose a penalty of $50.00 per month until the project is complete.

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

Causes:
HTS confirmed in writing, as did the manufacturer of the burners, that the County specification could/would be met. HTS was not able to meet the required County specifications.

Due to the inability of HTS to perform under the awarded contract, the project has been delayed and the County has not been able to achieve compliance with SCAQMD's regulations. As a result, SCAQMD has assessed the County fine of $50,000 for non-compliance.

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

New Solicitation: On July 1, 2014, the Board of Supervisors authorized the Purchasing Agent to issue a new solicitation to complete the project. The solicitation process commenced on July 2, 2014 and was completed on July 8, 2014. The project was re-solicited and awarded based on new specifications. The solicitation was evaluated by ISD and DHS personnel and awarded to the most qualified bidder. The responsible party is Gerald Plummer, Division Manager, ISD Purchasing.

Permit to Construct: A Permit to Construct must be obtained from SCAQMD and the Environmental Protection Agency (EPA). On October 21, 2014, DHS submitted an application to SCAQMD for the Permit to Construct along with the application fee. However, SCAQMD hearing Board must approve a settlement ($50,000) and Order of Abatement prior to approving the Permit to Construct. The responsible party is Michael Lear, Director, Facilities Management, Rancho Los Amigos National Rehabilitation Center.

SCAQMD Compliance: Once the retrofitting is complete, the boilers will be Source Tested to contract and SCAQMD requirements. Once the boilers achieve compliance, SCAQMD will cease imposing a monthly $50 fee. The retrofitting is estimated to be complete within twelve months of commencement of the project. The responsible party is Ed Freeman, Project Manager.

3. Are the corrective actions addressing department-wide system issues?

☐ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) David Yamashita	
Signature:	Date: 11-6-14

Name: (Department Head) Jim Jones	
Signature: Jim Jones	Date: 11-6-14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☒ Yes, the corrective actions potentially have County-wide applicability.

☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 11/6/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Alberto Alvarez v. County of Los Angeles; et al.
CASE NUMBER		30-2013-00678468
COURT		Orange County Superior Court
DATE FILED		September 30, 2013
COUNTY DEPARTMENT		Fire
PROPOSED SETTLEMENT AMOUNT	$	22,500
ATTORNEY FOR PLAINTIFF		Richard Sailer, Esq. SAILER LAW FIRM
COUNTY COUNSEL ATTORNEY		Joanne Nielsen Principal Deputy County Counsel
NATURE OF CASE		This case involves an automobile accident between Plaintiff's vehicle and a fire engine in an intersection. The fire engine had its lights and sirens activated. Plaintiff claims he sustanied injuries and damages as a result of the accident.
PAID ATTORNEY FEES, TO DATE	$	32,870
PAID COSTS, TO DATE	$	711

Case Name: Alvarez v. COLA, et al

Summary Corrective Action Plan

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Date of incident/event:	October 4, 2012
Briefly provide a description of the incident/event:	Three vehicles (ambulance, paramedic squad, and fire engine), were traveling Code 3 southbound on Beach Boulevard in the City of Buena Park in Orange County transporting a trauma patient from the scene of an accident to the University of California, Irvine Medical Center. The engine was following the ambulance and squad Code 3 in the event the trauma patient required additional support during transport. If this occurred, the only paramedic remaining in the squad would need to move to the ambulance, which in turn would require Rubio's passenger, Captain Alex Solis, to drive the paramedic squad. The vehicles approached the intersection with Stage Road; the ambulance and paramedic squad proceeded through with a green light, but before the engine reached the intersection, the light cycled to red. The Firefighter Specialist driving the engine slowed down; he observed that all other traffic was stopped and the intersection was clear. When the fire engine was over halfway through the intersection, Plaintiff Alvarez entered the intersection traveling eastbound on Stage Road and collided with the engine. The Firefighter Specialist was completely unaware of Alvarez until the engine was struck.

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

- The plaintiff failed to observe three emergency vehicles passing through the intersection he was about to enter.
- The Firefighter Specialist proceeded through a red light at an intersection without assuring that all crossing traffic had yielded.

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

1. The Firefighter Specialist was given a letter of reprimand. – 10/4/13 – Deputy Chief Montoya.
2. The Captain was given a Notice of Suspension for a three day suspension (Enforcement of the discipline was suspended pending the outcome of this lawsuit) – 10/4/13 – Deputy Chief Montoya.
3. The relevant Department policy on Emergency Vehicle Response (Volume D-Chapter 4-Subject 5) will be updated to direct that there will be no Code 3 follow-up by additional apparatus (Engines, Quints, USAR, Haz-Mat, etc.), other than the handling Paramedic Squad or Engine – 12/31/14 – BC Alkonis, Training Division.

3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Michael Kranther, Division Chief	
Signature: Michael Kranther	Date: 10/25/14

Name: (Department Head) Fire Chief Daryl L. Osby	
Signature:	Date: 10/27/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- [x] Yes, the corrective actions potentially have County-wide applicability.
- [ ] No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:	Date:
Destiny Castro	10/15/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Los Angeles County Flood Control District v. PCS/Bella Vita, LLC
CASE NUMBER		BC 516384
COURT		Los Angeles County Superior Court, Stanley Mosk Courthouse
DATE FILED		July 25, 2013
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	300,000
ATTORNEY FOR DEFENDANT		Robert A. Gookin Russ, August, & Kabat, LLP
COUNTY COUNSEL ATTORNEY		Erik J. Conard Senior Associate County Counsel
NATURE OF CASE		This action involves a lease by defendant PCS/Bella Vita, LLC ("PCS") of property owned by the Los Angeles County Flood Control District ("District"). PCS breached the lease when it stopped making payments in August of 2011. PCS claims it relied on the District's promises that the Lease would be terminated due to the development of a park on the leased property when it distrubuted all its assets and stopped paying rent. PCS is now an insolvent corporation with nominal assets from which any judgment could be paid. Due to the risks and uncertainties of litigation and collection efforts, settlement of this case by accepting the sum of $300,000 from PCS is recommended.
PAID ATTORNEY FEES, TO DATE	$	16,077
PAID COSTS, TO DATE	$	2,070

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-litigated claim of Hasley Canyon Mobile Estates
CASE NUMBER		N/A
COURT		N/A
DATE FILED		August 20, 2013
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	55,809
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Jessie Lee
NATURE OF CASE		This non-litigated claim arises from malfunctions in the water pressure regulator owned and operated by the County. The malfunctions caused pressure surges resulting in ruptures and leaks in the claimant's water lines. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	$	0
PAID COSTS, TO DATE	$	0

Case Name: HASLEY CANYON MOBILE ESTATES

Summary Corrective Action Plan

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Date of incident/event:	March 11, April 4, and April 5, 2013
Briefly provide a description of the incident/event:	This is a claim involving a pressure regulator that failed at 30000 Hasley Canyon Road in the unincorporated Castaic area on March 11, April 4, and April 5, 2013. As a result, the water pressure in Hasley Canyon Mobile Estates increased causing damage to the plumbing throughout the mobile home park. We have received a total of 6 claims filed by Hasley Canyon Mobile Estates, Manuel Rangel, Ernie Looney, Noemi Ramirez, Joe Elias, and Richard Picket for this incident. The total amount for the 6 claims is $72,094.37. The claimants' sustained damages to the roadways, concrete surfaces, plumbing fixtures, sprinkler valves, and subsurface leaks. On March 11, 2013, Waterworks Division (WWD) personnel were notified of a leak at 30000 Hasley Canyon Road. WWD personnel arrived at the location that day and determined that the 6-inch pressure-reducing valve failed because a compression fitting holding the 3/8-inch copper control line for the 6-inch pressure-reducing valve had cracked. Upon further investigation, WWD personnel discovered that the 6-inch pressure-reducing valve failure eliminated the ability to control pressure and flow to the area. Additionally, the pressure relief valve failed to open fully as intended. As a result, many valves, piping, fixtures, and surface areas within the mobile home park were damaged due to excessive water pressure. WWD personnel made the necessary repairs to the 6-inch pressure-reducing valve and restored the water service to the mobile home park by 6 p.m. On March 12, 2013, WWD personnel returned to the pressure-regulating station to perform a complete restoration of the station, including the pressure reducing and relief valves. On April 4, 2013, WWD personnel inspected the operation of the Hasley Regulating Station and discovered normal operating conditions. That afternoon, WWD personnel received another water leak complaint at the regulating station. Upon arrival, personnel noted water spraying from the pressure-regulating station relief valve. WWD personnel discovered that the 3/8-inch brass nipple from the discharge port of the 2-inch pressure control valve had broken off causing water pressure to rise and water to spray from the relief valve. After replacing the broken 3/8-inch brass nipple and putting the valve back online, vibrations were

	noted when the flow levels were very low. The speed control valve was adjusted to stop the vibration. On April 5, 2013, WWD was notified of another leak at the Hasley Canyon Regulation Station. WWD personnel arrived at the site and discovered normal pressure conditions; however, the 3/8-inch downstream brass nipple on the 2-inch pressure control valve, that was previously replaced, was broken in the same location. The mobile home park plumber stated that the 2-inch pressure control valve had been shaking badly when he would open the customer valve. He further stated that he had been doing this daily to repair the damage from the previous water leak on March 11, 2013. The 2-inch pressure control valve was repaired.

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

Two root causes involving equipment and process were identified for this incident.

The 6-inch pressure-reducing valve and associated pressure relief valves failed. The nature of the 6-inch pressure-reducing valve failure was unique and apparently related to metal fatigue. The nature of the failure of the pressure relief valve was likely related to the modification of protocols for routine maintenance. WWD personnel did periodically exercise the relief valve but did not open the valve fully during inspections to avoid roadway erosion caused by the release of large volumes of water.

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

On April 8, 2013, the 2-inch pressure control valve was disassembled and inspected. After reassembly, the valve was put on-line for testing and the vibrations were still present in low-flow situations. An additional speed control valve was installed to slow down the closing speed of the valve. After installation of the additional speed control valve, the vibrations were eliminated; which apeared to have caused the 3/8 inch brass nipple failure.

The valve will be fully tested in accordance with typical maintenance routines. The Division will consider constructing a drain for the relief valve to redirect flows and avoid roadway erosion.

3. Are the corrective actions addressing department-wide system issues?

☒ Yes - The corrective actions address Department-wide system issues.

☐ No - The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Michael J. Hays	
Signature:	Date: 6/19/14
Name: (Department Head) Gail Farber	
Signature:	Date: 7/9/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General) Destiny Castro	
Signature:	Date: 6/16/2014

ML:psr
P4:\HASLEY CYN SCAP 3 (REV)

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Vicente Perez, et al. v. Los Angeles County-USC Medical Center
CASE NUMBER	TC 027184
COURT	Los Angeles Superior Court – South Central District
DATE FILED	January 10, 2013
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$1,650,000
ATTORNEY FOR PLAINTIFF	Thomas J. Johnston Johnston & Hutchinson, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	In 2011, Sara Perez was diagnosed with a benign brain tumor. She followed-up at LAC+USC Medical Center where the staff planned to perform a surgery to remove the cancer from Ms. Perez's brain. Due to limited availability, the surgery was postponed. On May 1, 2012, Ms. Perez died as a result of complications of her cancer. Ms. Perez's surviving family brought an action against the County of Los Angeles alleging that the delay in performing the surgery contributed to Ms. Perez's death.
PAID ATTORNEY FEES, TO DATE	$22,494
PAID COSTS, TO DATE	$9,977

Case Name: Perez, Vicente, et al. #3997

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:	May 1, 2012
Briefly provide a description of the incident/event:	In 2011, Sara Perez was diagnosed with a benign brain tumor. She followed-up at LAC+USC Medical Center where the staff planned to perform a surgery to remove the cancer from Ms. Perez's brain. Due to limited availability, the surgery was postponed. On May 1, 2012, Ms. Perez died as a result of complications of her cancer. Ms. Perez's surviving family brought an action against the County of Los Angeles alleging that the delay in performing the surgery contributed to Ms. Perez's death.

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

Death from benign brain cancer resulting from a delay in surgery.

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

- All appropriate personnel corrective actions have been implemented.
- The Neurosurgery Department at LAC+USC developed a process to track patients whose pre-op clearance has expired.
- A new clinic was opened at LAC+USC to treat patient with nervous system tumors.
- New bilingual staff was hired at LAC+USC to assist patients in coordinating and scheduling appointments.
- A group specializing in peri-operative patient services was tasked with improving the management of elective surgical procedures.

3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) ARUN PATEL	
Signature:	Date: 8/29/14

Name: (Department Head) Mitchell Katz	
Signature:	Date: 10/7/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability

☒ No, the corrective actions are applicable only to this department

Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 8/29/2014

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF REGULAR MEETING
November 3, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Joanne Nielsen, Richard Kudo, Millicent Rolon and Joseph Langton; Department of Public Health: Ferdows Rashidian; Fire Department: Michael Kranther; and Sheriff's Department: Lt. Patrick Hunter and Sgt. Albert Schauberger.

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 9:32 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 10:40 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Thomas Ward v. County of Los Angeles, et al.</u>
Los Angeles Superior Court Case No. BC 499 367

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

<u>Action Taken</u>:

The Claims Board approved settlement of this matter in the amount of $40,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

b. **Mark Brandon Anderson v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. SC 113 406

This lawsuit arises from alleged injuries sustained in a Fire Department fire engine collision with a bicyclist.

Action Taken:

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

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

c. **Joel Ruben Fonseca v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. KC 065 323

This lawsuit arises from alleged injuries sustained in a vehicle accident involving a Sheriff's Deputy and a motorcyclist.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $299,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

d. **Aldie Darnell Henry v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-00394

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $450,000.

Vote: Ayes: 2 – John Naimo and Steve Robles
Abstentions: 1 – Patrick Wu

e. **Derek Griscavage v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-10721

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $350,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

5. **Approval of the minutes of the October 20, 2014, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

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 10:45 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson