COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller

Steven E. NyBlom
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, November 5, 2012, 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. **Claim of Jitendra Goel**

      This claim seeks compensation for damages to real and personal property caused by a sewer main line blockage and backup; settlement is recommended in the amount of $55,935.90.

      See Supporting Documents

   b. Rogelio Rosas v. County of Los Angeles, et al.
      Los Angeles Superior Court Case No. BC 442 248

      This dangerous condition lawsuit arises from injuries allegedly sustained in a trip and fall accident on a storm drain grate; settlement is recommended in the amount of $50,000.

      See Supporting Documents

c. Claim of Martha Partida

This claim seeks compensation for the wrongful death of a patient allegedly arising from treatment received while hospitalized at Rancho Los Amigos National Rehabilitation Center; settlement is recommended in the amount of $150,000, plus waiver of County's medical bills.

See Supporting Documents

d. Ricardo Rodriguez and Carmen Rodriguez v. County of Los Angeles
Los Angeles Superior Court Case No. BC 446 581

This lawsuit arises from injuries a patient allegedly received undergoing treatment while hospitalized at LAC+USC Medical Center; settlement is recommended in the amount of $3,950,000, plus assumption of the Medi-Cal lien.

See Supporting Documents

e. Prathees Murugesapillai v. Antelope Valley Emergency Medical Association, et al.
United States District Court Case No. 2:09-CV 1514-R(ex)
Los Angeles Superior Court Case No. MS 006 798

This lawsuit concerns the care received by an inmate while in custody at Mira Loma Detention Center; settlement is recommended in the amount of $490,000.

See Supporting Documents

f. Valentina Lagos v. County of Los Angeles
Los Angeles Superior Court Case No. BC 451 832

This lawsuit arises from injuries allegedly sustained by a patient from treatment and hospitalization at LAC+USC Medical Center; settlement is recommended in the amount of $2,950,000, plus assumption of the Medi-Cal lien.

See Supporting Documents

g. Elizabeth Choo v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 467 332

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to disability discrimination and sexual harassment, and that the Department failed to engage in the interactive process and did not provide a reasonable accommodation; settlement is recommended in the amount of $100,000.

h. Arthur Ellerd v. County of Los Angeles
United States District Court Case No. CV 08-4289
(Central District California)

This lawsuit concerns allegations that the Department of Community and Senior Services failed to properly compensate employees for overtime under the Federal Fair Labor Standards Act; settlement is recommended in the amount of $395,000.

i. Hongdao "Cindy" Nguyen v. County of Los Angeles
Los Angeles Superior Court Case No. BC 423 072

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to sexual harassment, gender discrimination, and retaliation; settlement is recommended in the amount of $150,000.

j. Alejandro Alarcon v. County of Los Angeles
Los Angeles Superior County Case No. BC 458 777

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an inmate; settlement is recommended in the amount of $175,000.

See Supporting Documents

k. Harold Shepard v. County of Los Angeles, et al.
United States District Court Case No. CV 11-03165

This lawsuit seeks compensation for alleged unlawful detention, negligence, battery, and violation of civil rights by a Sheriff's Deputy; settlement is recommended in the amount of $100,000

See Supporting Documents

4. Report of actions taken in Closed Session.

5. Approval of the minutes of the October 1, 2012, 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	Claim of Martha Partida
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$150,000, plus waiver of the County's medical bills.
ATTORNEY FOR PLAINTIFF	Mark D. Potter, Esq. Potter Handy, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	On December 16, 2010, Eva Partida was admitted to Rancho Los Amigos National Rehabilitation Center ("Rancho") to undergo surgery. On the same day, the patient underwent the scheduled surgery. During the course of her hospitalization, the patient's condition deteriorated and was eventually placed on life-support. On December 27, 2010, the patient expired. The patient's family served a Claim for wrongful death upon the County of Los Angeles contending that care provided by the staff at Rancho was negligent thereby contributing to the patient's death.

PAID ATTORNEY FEES, TO DATE	$1,098
PAID COSTS, TO DATE	$249

Case Name: Partida, Eva

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 27, 2010
Briefly provide a description of the incident/event:	On December 16, 2010, Eva Partida was admitted to Rancho Los Amigos National Rehabilitation Center ("Rancho") to undergo surgery. On the same day, the patient underwent the scheduled surgery. During the course of her hospitalization, the patient's condition deteriorated and she was eventually placed on life-support. On December 27, 2010, the patient expired. The patient's family served a claim for wrongful death upon the County of Los Angeles contending that care provided by the staff at Rancho was negligent thereby contributing to the patient's death.

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

Respiratory failure and death resulting from pneumonia.

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 taken.
- Educational sessions were held at Rancho regarding the management of pulmonary complications.
- A survey was conducted to determine the process of managing medically compromised patients undergoing surgery at DHS hospitals. All DHS hospitals co-manage these patients by surgical and medical doctors.
- A survey was conducted to determine the accessibility of radiology services on the weekends for those patients in the ICU and step-down units. All DHS hospitals have these radiology services available.

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

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: KMcKenzie	Date: 8/31/12

Name: (Department Head) Mitchell Katz	
Signature:	Date: 9/16/12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature:	Date: 9-4-2012

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Rogelio Rosas vs. County of Los Angeles, et al.
CASE NUMBER		BC 442248
COURT		Los Angeles Superior Court Central District
DATE FILED		July 23, 2010
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	50,000
ATTORNEY FOR PLAINTIFF		Michael R. Rhames Michael R. Rhames & Associates, PC
COUNTY COUNSEL ATTORNEY		Bruce W. Cochran
NATURE OF CASE		Plaintiff Rogelio Rosas alleges that on February 7, 2010, he tripped and fell on a storm drain controlled and maintained by the County of Los Angeles Flood District.
PAID ATTORNEY FEES, TO DATE	$	56,195
PAID COSTS, TO DATE	$	14,404

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:	Rogelio Rosas February 7, 2010
Briefly provide a description of the incident/event:	On February 7, 2010, Mr. Rogelio Rosas (plaintiff) was walking southbound across Vail Avenue near its intersection with Olympic Boulevard, in the City of Montebello, when he tripped on the bent metal crossbars of a Flood Control storm drain grate and fell. As a result, plaintiff severely sprained his right hand and wrist, further aggravating an existing condition of carpal tunnel syndrome. The plaintiff underwent surgery to alleviate a subsequent infection of the injury.

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

Flood Maintenance Division (FMD), maintains the subject storm drain grate located in the roadway of Vail Avenue. According to FMD, the subject storm drain is identified as Catch Basin No. 251, Type No 4, curb grating, and was installed on February 28, 1973. Perpendicular metal crossbars were installed on the existing grate to prevent bicycle tires from falling into the narrow gaps of the grate. Metal bars were installed on existing catch basin grates in the area approximately 15 years ago.

These catch basins are inspected during routine cleaning operations. The cleaning of catch basins is done on the basis of assigned priority levels of A, B, or C. The priority level of a catch basin dictates the cleaning schedule of that catch basin, with priority C being the least in frequency of inspection. Catch Basin No. 251 is a priority C catch basin, which is inspected and cleaned once every year during the dry season (May to September). Any necessary maintenance is performed by FMD based on the inspection results. Inspection and cleaning services for this catch basin have been done by an outside contractor through annual catch basin cleaning contracts. For contract years 2005 through 2007, contractor Ron's Maintenance was awarded and performed work in the area including Catch Basin No. 251. For the years 2008 to the present, contractor J&G Maintenance was awarded and has been performing these inspection and cleaning services. Based on our findings, records for the 2007 cleanout contract indicated that both contractor Ron's Maintenance and a Public Works Inspector from our Construction Division (CON), noted bent protection bars and "grate bar peeling off" for catch basin No. 251. Despite this, there were no subsequent work orders initiating repairs to correct this maintenance problem condition.

According to our records, Catch Basin No. 251 was last inspected approximately 5 months prior to the date of the incident under Catch Basin Cleanout 2009 L.A. River Watershed Contract, Project ID No. FMD0003108. Pursuant to the contract, the contractor is required to inspect each catch basin for maintenance problem conditions, such as bent or missing protection bars or damaged grating, and report such conditions prior to cleaning operations. J&G Maintenance began performing these services on June 22, 2009, and all work performed by J&G Maintenance was accepted by Public Works on September 18, 2009. There are no records of maintenance problem conditions for Catch Basin No. 251

reported by J&G Maintenance for 2009. However, as discussed above, this catch basin grate had not been repaired and the problem condition was allowed to exist.

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

The subject catch basin grate was repaired by May 12, 2011.

By March 2013, CON will amend the reporting procedure in upcoming catch basin cleaning contracts to specify that the contractor report all catch basin maintenance problem conditions to CON's Office Engineer within 48 hours of completing inspection/cleaning services within the affected service area.

On September 18, 2012, CON prepared and sent an e-mail instructing CON's Inspectors and Office Engineer that upon receipt of notifications or reports from the contractor of catch basin maintenance problem conditions, CON will immediately forward such reports electronically to FMD for their review and response.

On September 26, 2012, FMD prepared and sent a memorandum instructing FMD's Office Engineer and area superintendents that upon receipt of the aforementioned reports from CON, the FMD Office Engineer will review them for noted unsafe conditions. If such conditions are noted, FMD will, within 24 hours, generate corresponding work orders instructing maintenance personnel to inspect the site, perform any necessary repairs, or make the area safe until permanent repairs can be made to correct the unsafe conditions.

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: 10/9/2012
Signature: (Director) Gail Farber	Date: 10-22-12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	Date:
Signature:	Date: 10/5/2012

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-Litigated Claim of Jitendra Goel
CASE NUMBER		N/A
COURT		N/A
DATE FILED		March 13, 2012
COUNTY DEPARTMENT		Public Works – Sewer Maintenance District
PROPOSED SETTLEMENT AMOUNT	$	55,935.90
ATTORNEY FOR PLAINTIFF		None
COUNTY COUNSEL ATTORNEY		Jessie Lee Associate County Counsel
NATURE OF CASE		This non-litigated claim involves property damages arising from a sewer back-up at the residence of Jitendra Goel located in Rancho Palos Verdes on March 6, 2012. A County sewer crew investigated the complaint and found that wastewater from a sewer main line entered the home through its lateral line due to a blockage in the sewer main line. The wastewater affected several rooms. The County crew rodded the mainline and relieved a stoppage created by tree roots. The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance

District.

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

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

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/Lawsuit: Date of incident/event:	Jitendra Goel March 6, 2012
Briefly provide a description of the incident/event:	On March 6, 2012, the main sewer line located near 30578 Ganado Drive, in the City of Rancho Palos Verdes, experienced a backup and caused wastewater to flood into the residence. The responding Sewer Maintenance Division (SMD) crew arrived at the location and observed signs of a floodout in the basement, bedrooms, and bathrooms at the residence. The SMD crew also detected a blockage in the main sewer line between Manhole Nos. 84 and 85 of Sewer Maintenance District Map S-1600, which appeared to be caused by the presence of tree roots. The crew broke down the blockage by rodding and hydro cleaning the main sewer line between Manhole Nos. 84 and 85.

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

The cause of the sewer backup was due to heavy roots in the main sewer line.

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

This segment of the main sewer line was placed on a monthly rodder periodic schedule to prevent future blockage and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. It will also continue to be inspected on a semi-annual basis.

As is standard procedure, a copy of the backflow installation notice was delivered to 30578 Ganado Drive, informing the property owner(s) that a backflow valve should be installed at his residence and maintained in a safe and sanitary operating condition.

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

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

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff	August 27, 2012
Signature: (Director)	Date:
Gail Farber	9-12-12.

Chief Executive Office Risk Management Branch

Name:	Date:
LEO COSTANTINO	
Signature:	Date:
	9-13-12

RS:psr
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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Harold Shepard v. County of Los Angeles, et al.
CASE NUMBER		CV11-03165
COURT		United States District Court
DATE FILED		Complaint April 14, 2011 Claim September 30, 2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	$100,000
ATTORNEY FOR PLAINTIFF		Mark R. Pachowicz Law Offices of Mark R. Pachowicz
COUNTY COUNSEL ATTORNEY		Jennifer A.D. Lehman
NATURE OF CASE		Plaintiff Harold Shepard alleges that he was subjected to excessive force and arrested by a Los Angeles County Sheriff's Deputy without probable cause during an incident involving a traffic stop. The Deputy contends that probable cause existed for the arrest and that the force he used was reasonable. However, due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $100,000 is recommended.

PAID ATTORNEY FEES, TO DATE	$	9,989
PAID COSTS, TO DATE	$	903

Case Name: **Harold Shepard v. County of Los Angeles, et al.**

Summary Corrective Action Plan

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Date of incident/event:	Thursday, April 8, 2010; approximately 5:20 p.m.
Briefly provide a description of the incident/event:	**Harold Shepard v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2012-030 On Thursday, April 8, 2010, at approximately 5:20 p.m., an off-duty Los Angeles County deputy sheriff, dressed in full uniform and riding his County-owned, Department-issued motorcycle from his work assignment to his residence in Ventura County, observed a motorist make an unsafe lane change in violation of California Vehicle Code Section 22107, Turning Movements and Required Signals. As the deputy sheriff rode next to the plaintiff's vehicle, the plaintiff expressed his anger to the deputy sheriff and demanded he take enforcement action on another motorist. After a brief discussion, the deputy rode away. The plaintiff followed the deputy sheriff to a red traffic signal and became verbally aggressive. The deputy sheriff directed the plaintiff to the side of the road where he issued the plaintiff a notice to appear for violating California Vehicle Code Section 22107. The plaintiff refused to sign the notice to appear. The deputy, concerned for his safety, utilized his Oleoresin Capsicum spray in an attempt to keep the plaintiff from exiting his vehicle. The plaintiff, however, exited his vehicle and a physical altercation ensued. The plaintiff then re-entered his vehicle. The plaintiff was subsequently arrested by representatives from the Ventura County Sheriff's Department and charged with a violation of California Penal Code section 148(a)(1), Resisting, Delaying, or Obstructing Officer or Emergency Medical Technician.

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

In his lawsuit, the plaintiff alleged negligence, battery, and a violation of his civil rights.

This section intentionally left blank.

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

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

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

This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Malibu/Lost Hills Station. Their review revealed no employee misconduct. Consequently, no administrative action was taken. The employee was counseled and attended appropriate tactical and use of force-related training.

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, Captain Risk Management Bureau	
Signature:	Date: 10/4/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date: 10/09/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature:	Date: 01/22/2012

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Alejandro Alarcon v. County of Los Angeles
CASE NUMBER		Case No. BC 458777
COURT		Los Angeles Superior Court
DATE FILED		Complaint filed May 3, 2011 Claim filed June 25, 2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	175,000
ATTORNEY FOR PLAINTIFF		Darren A. Namibog Manibog & Manibog, LLP
COUNTY COUNSEL ATTORNEY		Edwin A. Lewis
NATURE OF CASE		Plaintiff Alejandro Alarcon alleges that he was subject to excessive force while he was an inmate at the Inmate Reception Center. The Defendant Deputies contend that the force was used to overcome resistance by Mr. Alarcon. Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the

		amount of $175,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	21,468
PAID COSTS, TO DATE	$	1,712

Case Name: **Alejandro Alarcon 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, April 10, 2010; approximately 5:10 a.m.
Briefly provide a description of the incident/event:	**Alejandro Alarcon v. County of Los Angeles** Summary Corrective Action Plan No. 2012-022 On Saturday, April 10, 2010, at approximately 5:10 a.m., the plaintiff was arrested by a member of the California Highway Patrol for a violation of California Vehicle Code section 23152(b), Driving Under Influence of Alcohol or Drugs. He was booked into the Los Angeles County Sheriff's Department's Inmate Reception Center. During the initial search of the plaintiff, he became involved in a physical altercation with two members of the Los Angeles County Sheriff's Department.

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

In his lawsuit, the plaintiff alleged his federal civil rights were violated when he was the subject of excessive force by representatives 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 sufficiently addresses the circumstances which occurred in this incident.

This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. Their investigation revealed no employee misconduct. Consequently, no administrative action was taken and no corrective action measures are recommended nor contemplated.

This section intentionally left blank.

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, Captain Risk Management Bureau	
Signature:	Date: 9/11/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature:	Date: 9/12/12

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature:	Date: 9/27/12

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Valentina Lagos v. County of Los Angeles
CASE NUMBER	BC 451832
COURT	Los Angeles Superior Court - Central District
DATE FILED	December 22, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$2,950,000, plus assumption of the Medi-Cal Lien.
ATTORNEY FOR PLAINTIFF	Shirley K. Watkins, Esq. Michels & Watkins
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	On April 10, 2010, Valentina Lagos, who was 3-months-old at the time, was brought to the emergency department at LAC+USC Medical Center ("LAC+USC") with signs and symptoms that were suggestive of infection. The LAC+USC staff conducted laboratory tests and began treatment for the patient. Later it was determined that the patient had meningitis which caused her to suffer some neurological injuries.

	The patient filed a lawsuit against the County of Los Angeles claiming that the LAC+USC staff delayed her treatment thereby contributing to her injuries
PAID ATTORNEY FEES, TO DATE	$34,596
PAID COSTS, TO DATE	$44,377

Case Name: Lagos, Valentina

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 10, 2010
Briefly provide a description of the incident/event:	On April 10, 2010, Valentina Lagos, who was 3-months-old at the time, was brought to the emergency department at LAC+USC Medical Center ("LAC+USC") with signs and symptoms that were suggestive of infection. The LAC+USC staff conducted laboratory tests and began treatment for the patient. Later it was determined that the patient had meningitis which caused her to suffer some neurological injuries. The patient filed a lawsuit against the County of Los Angeles claiming that the LAC+USC staff delayed her treatments thereby contributing to her injuries.

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

Neurological injury resulting from infection.

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 taken.
- Educational sessions were held discussing the treatment and prevention of complications resulting from meningitis.
- Educational sessions were held discussing documentation in the Emergency Department.
- Educational sessions were held discussing the peritoneal dialysis procedure.
- DHS developed a system-wide guideline for the ordering of peritoneal dialysis solutions.

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

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature:	Date: 7/3/12

Name: (Department Head) Mitchell H. Katz, MD	
Signature:	Date: 8/22/12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature:	Date: 7/12/12

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Prathees Murugesapillai v. Antelope Valley Emergency Medical Association, et al.
CASE NUMBER	2:09-cv-1514-R(ex) - Federal case MS 006798 - State case
COURT	United States District Court - Central District
DATE FILED	October 2, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$490,000
ATTORNEY FOR PLAINTIFF	Conal Boyle, Esq. Willoughby Doyle LLP Thomas M. Dempsey, Esq. Law Offices of Thomas M. Dempsey
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	Prathees Murugesapillai, was placed in civil detention at Mira Loma Detention Center, a facility managed by the County of Los Angeles. In late February 2008, Mr. Murugesapillai began complaining of headaches for which he received care from the health care providers from the Los Angeles County's Department of Health Services. On March 4, 2008, Mr. Murugesapillai was transported to Antelope Valley Hospital, a non-County

	facility. At that facility, Mr. Murugesapillai underwent various diagnostic tests which showed an infection in Mr. Murugesapillai's brain. Mr. Murugesapillai filed a lawsuit against the County of Los Angeles and Antelope Valley Hospital claiming that the care provided to him was negligent.
PAID ATTORNEY FEES, TO DATE	$245,497
PAID COSTS, TO DATE	$87,795

Case Name: Murugesapillia, Prathees

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 4, 2008
Briefly provide a description of the incident/event:	Prathees Murugesapillai, was placed in civil detention at Mira Loma Detention Center, a facility managed by the County of Los Angeles. In late February 2008, Mr. Murugesapillai began complaining of headaches for which he received care from the health care providers from Los Angeles County's Department of Health Services. On March 4, 2008, Mr. Murugesapillai was transported to Antelope Valley Hospital, a non-County facility. At that facility, Mr. Murugesapillai underwent various tests which showed an infection in Mr. Murugesapillai's brain. Mr. Murugesapillai filed a lawsuit against the County of Los Angeles and Antelope Valley Hospital claiming that the care provided to him was negligent.

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

Brain damage resulting from infection.

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 taken.
- A system-wide survey was conducted to determine if any DHS facilities send nurse practitioners (NPs) to provide health care in non-DHS facilities. Currently, NPs are sent only to other County owned facilities.

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.
- X 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) Kim McKenzie	
Signature:	Date: 8/29/12

Name: (Department Head) Christina Ghaly for Mitch Katz	
Signature: for	Date: 9/17/12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature:	Date: 8/28/2012

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ricardo Rodriguez and Carmen Rodriguez v. County of Los Angeles, et al.
CASE NUMBER	BC 446581
COURT	Los Angeles Superior Court - Central District
DATE FILED	November 24, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$3,950,000, plus assumption of the Medi-Cal lien.
ATTORNEY FOR PLAINTIFF	E. Neal Daley, Esq. Dixon & Daley, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	On August 25, 2009, Ricardo Rodriguez, a 47-year-old male, was taken to LAC+USC Medical Center for treatment of his burn injuries. On September 11, 2009, as the patient was under general anesthesia to undergo a skin graft procedure, the patient suffered an arrest, and as a result, he suffered permanent neurological injuries. Mr. Rodriguez brought a medical malpractice action against the County of Los Angeles contending that the anesthesia staff at LAC+USC Medical Center were

	negligent in the management of the anesthesia during the September 11, 2009, surgical procedure, thereby causing permanent injuries to the patient.
PAID ATTORNEY FEES, TO DATE	$62,217
PAID COSTS, TO DATE	$55,771

Case Name: Rodriguez, Ricardo

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:	9/11/09
Briefly provide a description of the incident/event:	On August 25, 2009, Ricardo Rodriguez, a 47-year-old male, was taken to LAC+USC Medical Center for treatment of his burn injuries. On September 11, 2009, as the patient was under general anesthesia to undergo a skin graft procedure, the patient suffered an arrest, and as a result, he suffered permanent neurological injuries. Mr. Rodriguez brought a medical malpractice action against the County of Los Angeles contending that the anesthesia staff at LAC+USC Medical Center were negligent in the management of the anesthesia during the September 11, 2009 surgical procedure, thereby causing permanent injuries to the patient.

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

Brain damage resulting from cardiopulmonary arrest.

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 taken.
- A system-wide survey was conducted to identify the processes in place to supervise certified registered nurse anesthetists (CRNAs). All DHS facilities who utilize CRNAs have a process in place to supervise CRNAs. The DHS facilities who utilize CRNAs, also monitor adherence to their supervision guidelines. DHS is establishing system-wide expectations for the supervision of CRNAs.
- All DHS facilities that administer anesthesia use a standardized patient consent form.
- DHS is in the process of developing a standardized handoff communication tool to be used between anesthesia providers.

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

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: KMcKenzie	Date: 6/29/12

Name: (Department Head) Mitchell H. Katz, M.D.	
Signature:	Date: 6/29/12

Chief Executive Office Risk Management

Name: LEO COSTANTINO	
Signature:	Date: 6-21-2012

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

October 1, 2012

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:27 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Steven NyBlom, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Roger Granbo, Brian Chu, William Birnie, Ruben Baeza and Lauren Black; Sheriff's Department: Lt. Patrick Hunter; Department of Beaches and Harbors: Walter Popoff; Department of Children and Family Services: Michelle Victor; and Outside Counsel: Tom Guterres.

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 9:31 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(d) below.

4. Report of actions taken in Closed Session.

At 10:38 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>National Day Laborer Organizing Network, et al. v. Leroy D. Baca, et al.</u>
Los Angeles Superior Court Case No. BS 132 593

This lawsuit concerns a Public Records Act request of the Sheriff's Department resulting in a claim for attorneys' fees and costs.

<u>Action Taken</u>:

The Claims Board approved settlement of this matter in the amount of $57,500.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

b. **Michael Curtin v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 463 419

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $65,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

c. **Sherry LeTellier v. County of Los Angeles, et al.**
Torrance Superior Court Case No. YC 065 001

This dangerous condition lawsuit arises from injuries sustained in a trip and fall while ascending a County-owned public staircase in Redondo Beach.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $50,000.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

d. **Charlie M., et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. TC 021 812

This lawsuit concerns allegations of abuse of dependent minors while in foster care under the supervision of the Department of Children and Family Services; authority is requested to make a statutory offer.

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: Ayes: 3 - John Naimo, Steven NyBlom, and Patrick Wu

5. **Approval of the minutes of the September 17, 2012, meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steven NyBlom, 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 10:40 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson