

STATEMENT OF PROCEEDINGS

FOR THE REGULAR MEETING OF THE LOS ANGELES COUNTY CLAIMS BOARD

HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,

500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON MONDAY, APRIL 20, 2015, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Patrick Wu

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

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

- a. **Claim of Los Angeles County Flood Control District v. TMW Corporation, dba Aero Chrome Plating**

This claim seeks reimbursement from TMW Corporation, dba Aero Chrome Plating, for cleanup efforts expended by the Los Angeles County Flood Control District due to a hazardous chemical runoff that entered a flood control channel as a result of L.A. City firefighting efforts at a commercial building fire that erupted at the Aero Chrome Plating facility.

Action Taken:

The Claims Board approved settlement of this matter wherein the County will receive payment in the amount of \$30,000.

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

[See Supporting Document](#)

b. **Los Angeles County Flood Control District San Gabriel Invert Repair – Administrative Civil Liability Complaint (Los Angeles Regional Water Quality Control Board Administrative Proceeding)**

This matter involves a potential regulatory enforcement action by the Los Angeles Regional Water Quality Control Board against the Los Angeles County Flood Control District for alleged violations of water quality standards in connection with the San Gabriel River invert repair project.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$99,000.

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

[See Supporting Documents](#)

c. **Rosisela Rubalcava v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-01183 R (JCx)

This wrongful death lawsuit concerns allegations of excessive force arising out of a shooting by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$600,000.

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

[See Supporting Document](#)

d. **Dulce Castillo v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 498 418

This medical malpractice lawsuit concerns allegations that LAC+USC Medical Center staff were negligent in performing a medical procedure, which caused further injuries and the need for future medical treatment.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,500,000, plus assumption of the Medi-Cal lien in the estimated amount of \$94,280.

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

[See Supporting Document](#)

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the April 6, 2015, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

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

[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.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-litigated claim of Los Angeles County Flood Control District ("District") against TMW Corp. dba Aero Chrome Plating ("Aero Chrome")
CASE NUMBER	N/A
COURT	N/A
DATE FILED	December 17, 2013
COUNTY DEPARTMENT	Public Works-Flood Maintenance
PROPOSED SETTLEMENT AMOUNT	\$ 30,000
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Liliana Campos
NATURE OF CASE	This non-litigated claim against Aero Chrome arises from the cleanup efforts expended on the part of the District in response to contaminated waters entering its storm drains as a result of firefighting efforts of the City of Los Angeles Fire Department that erupted at the Aero Chrome facility on August 21, 2013. Due to the risks and uncertainties of litigation, acceptance of the settlement offer is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Los Angeles County Flood Control District San Gabriel Invert Repair – Administrative Civil Liability Complaint
CASE NUMBER	None
COURT	Los Angeles Regional Water Quality Control Board Administrative Proceeding
DATE FILED	July 2, 2014 (draft complaint received)
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 99,000
ATTORNEY FOR PLAINTIFF	Vanessa Young State Water Resources Control Board, Office of Enforcement
COUNTY COUNSEL ATTORNEY	Erik J. Conard Deputy County Counsel
NATURE OF CASE	<p>This is a proposed regulatory enforcement action threatened by the Regional Water Quality Control Board ("Regional Board") against the Los Angeles County Flood Control District ("District") for violations of water quality standards in connection with the San Gabriel River Invert Repair Project ("Project") in late 2012.</p> <p>The Regional Board provided the District with a draft Administrative Civil Liability Complaint setting forth various water quality violations and seeking penalties totaling \$192,720. The District has engaged in prolonged settlement discussions about the proposed penalties. Due to the risks and uncertainties of litigating this matter, settlement of this matter is recommended by paying the sum of \$99,000.</p>
PAID ATTORNEY FEES, TO DATE	\$ 22,609.98
PAID COSTS, TO DATE	\$ 0



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	November 21, 2012
Briefly provide a description of the incident/event:	<p>As part of a channel inspection program, various deficiencies were identified at the confluence of the San Gabriel River and Coyote Creek. An emergency project was initiated for the construction of a new invert and subdrain system, installation of a new sheet pile and cap, replacement of damaged riprap, and repairing the scouring between the concrete-lined channel and the earthen-bottom channel of the San Gabriel River at the confluence with Coyote Creek. The Flood Control District obtained the required environmental permits and began emergency repairs at the subject location.</p> <p>An unanticipated leak under the concrete channel allowed water to inundate the work area during each tidal cycle. The Flood Control District applied to the Regional Water Quality Control Board ("Regional Board") for an amendment to its 401 Certification to permit the injection of grout underneath the concrete lined channel to seal the leak. Due to a delayed response from the Regional Board and safety concerns because of the impending storm season, grouting was completed without securing the required 401 Certification amendment.</p> <p>On November 14, 2012, the Regional Board completed a field inspection, during which it discovered that the Flood Control District had proceeded with the grouting work without the amended 401 Certification. On November 21, 2012, the Regional Board issued a Notice of Violation, citing this and other violations of the Clean Water Act and the requirements of the 401 Certification. On July 2, 2014, the State Water Resources Control Board's Office of Enforcement issued a draft Administrative Civil Liability Complaint.</p>

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

The Flood Control District did not: 1) report noncompliance; 2) adequately keep the work area free of trash and debris; 3) adequately implement best management practices; 4) obtain an amended 401 Certification prior to grouting; and 5) submit an adequate Surface Water Diversion Plan.

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

In response to this incident, Public Works has and will implement the following corrective action measures:

1. The Flood Control District will:
 - A) By April 16 2015, will instruct staff by written memorandum to: (a) promptly notify the Regional Board staff when additional repairs beyond the scope of the permit have to be performed during the course of construction; and (b) implement the additional repairs only upon approval by the Regional Board staff. In addition, the memorandum will instruct staff that prior to the start of construction to: (a) review all the permit conditions with the assigned inspectors and the contractor; (b) instruct inspector to take corrective actions when permit conditions are not met; and (c) instruct inspector to inform Flood Control District staff when permit condition are not met by the contractor.
 - B) By November 2, 2015, complete a review with findings and recommendations of its environmental permitting application and implementation program for maintenance and repair work.
2. Within six months of the date of this Summary Corrective Action Plan the Flood Control District will develop a Water Diversion Plan and Water Quality Monitoring Plan to streamline the permitting/amendment process for future channel maintenance projects. The Plans will be submitted to the Regional Board for review and approval and are described in additional detail below.

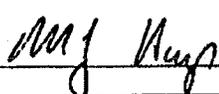
The Water Diversion Plan will set forth the usual methods and standard operating procedures that the Flood Control District follows when deploying water or stream diversion when executing projects permitted under the Clean Water Act (CWA) Section 401 water quality certifications. Plans for water diversion activities undertaken for future projects permitted under CWA Section 401 certifications may refer to the methods established in the Water Diversion Plan, improving communication between the Regional Board and the Flood Control District, and simplifying plan preparation for the Flood Control District.

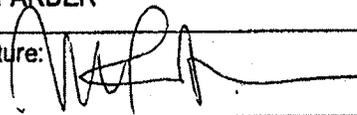
The Water Quality Monitoring Plan will set forth the usual methods and standard operating procedures that the Flood Control District follows when conducting water quality testing in compliance with requirements of a CWA Section 401 certification. Plans for water quality sampling undertaken for future projects permitted under CWA Section 401 certifications may refer to the methods established in the Sampling Plan Guide, improving communication between the Regional Board and the Flood Control District and simplifying plan preparation for the Flood Control District.

County of Los Angeles
Summary Corrective Action Plan

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: 4/8/15

Name: (Department Head) GAIL FARBER	
Signature: 	Date: 4/9/15

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department	

Name: (Risk Management Inspector General) 	
Signature: 	Date: 4/9/2015

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Rosisela Rubalcava v. County of Los Angeles, et al.
CASE NUMBER	CV14-0183
COURT	United States District Court
DATE FILED	February 14, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 600,000
ATTORNEY FOR PLAINTIFF	Dale K. Galipo Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>Plaintiff Rosisela Rubalcava alleges that her minor son was subjected to excessive force when he was fatally shot on January 10, 2013.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$600,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 19,140

PAID COSTS, TO DATE \$ 2,267

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Dulce Castillo v. County of Los Angeles
CASE NUMBER	BC 498418
COURT	Los Angeles Superior Court - Central District
DATE FILED	January 7, 2013
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$1,500,000, plus assumption of the Medi-Cal lien in the estimated amount of \$94,280
ATTORNEY FOR PLAINTIFF	Peter McNulty, Esq. McNulty Law Firm
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>On October-31, 2011, Dulce Castillo, underwent a laparoscopic procedure at LAC+USC Medical Center to remove her gallstones.</p> <p>The procedure became complicated, and Ms. Castillo suffered bleeding. Trauma surgeons were summoned and repaired the bleeding site.</p> <p>As a result of the complications, Ms. Castillo will need additional future treatment.</p> <p>Dulce Castillo filed a medical malpractice action against the County of Los Angeles contending that the staff at LAC+USC Medical Center were negligent in performing the laparoscopic procedure thereby causing her to suffer further injuries.</p>
PAID ATTORNEY FEES, TO DATE	\$243,229
PAID COSTS, TO DATE	\$87,234

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

APRIL 6, 2015

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: Lindsay Yoshiyama, Jonathan McCaverty, Joseph Langton and Lauren Black; Department of Public Works: Michael Hays and Daniel J. Lafferty; Probation Department: Jacklin Injijian; Sheriff's Department: Sgt. Albert Schauburger and Sgt. Chastity Phillians; Department of Children and Family Services: Karla Hernandez; and Outside Counsel: Avi Burkwitz.

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.

Yvette Madrid addressed the Claims Board on Item 3.d, outlined below. Her counsel, Nathan Verbiscar-Brown, from the Hornberger Law Corporation, was also present.

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

At 9:40 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(f) below.

4. Report of actions taken in Closed Session.

At 11:30 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Mohammad and Rahat Zaidi

This claim seeks compensation from the Department of Public Works for real and personal property damages allegedly caused from a backflow of sewage due to a sewer mainline blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$36,234.40.

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

b. Claim of Ben and Lori Hutchinson

This claim seeks compensation from the Department of Public Works for real and personal property damages allegedly caused from a backflow of sewage due to a sewer mainline blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,176.24.

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

**c. Charles Lee v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 14K04048**

This lawsuit concerns allegations of negligence by the Probation Department and the Sheriff's Department regarding the mishandling of a check for restitution.

Action Taken:

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

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

**d. Gabriel Gonzales, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 485 178**

This lawsuit concerns allegations of excessive force, negligence, and emotional distress by Sheriff's Deputies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$340,000.

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

**e. Daniel Johnson v. County of Los Angeles, et al.
United States District Court Case No. CV 14-00368**

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies; settlement is recommended in the amount of \$200,000.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$200,000.

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

f. **Robert Dominguez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. YC 066 945

This lawsuit alleges a breach of mandatory duties by the Department of Children and Family Services, which contributed to the death of a minor

Action Taken:

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

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

5. **Approval of the minutes of the March 16, 2015, 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.**

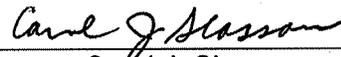
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 11:35 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Carol J. Slosson