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, MAY 18, 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. <u>Yvette Larkin v. County of Los Angeles, et al.</u>
Los Angeles Superior Court Case No. BC 462 597

This lawsuit alleges negligence on the part of a Sheriff's Deputy driving a jail bus, which allegedly caused a DASH bus to stop suddenly, thereby causing injuries to Plaintiff.

<u>Action Taken</u>:

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

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

<u>See Supporting Document</u>

b. <u>Cutberto Pineda, et al. v. County of Los Angeles, et al.</u>
Los Angeles Superior Court Case No. BC 507 501

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

<u>Action Taken</u>:

The Claims Board approved settlement of this matter in the amount of $22,500.

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

<u>See Supporting Documents</u>

c. **Adela Chavez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 520 505

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $45,000.

See Supporting Document

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

d. **Elyse D. Bryant v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 517 021

This lawsuit concerns allegations of false imprisonment, intentional infliction of emotional distress and civil rights violations by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $72,500.

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 May 4, 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		Yvette Larkin v. County of Los Angeles, et al.
CASE NUMBER		BC 462597
COURT		Los Angeles Superior Court
DATE FILED		6/30/2011
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	25,000
ATTORNEY FOR PLAINTIFF		Barry S. Zelner, Esq
COUNTY COUNSEL ATTORNEY		Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE		On September 21, 2010, Plaintiff was a passenger on a DASH bus that nearly collided broad-sided into a Sheriff's Department jail bus that was completing its left turn into the Clara Shortridge Foltz Criminal Justice Center jail bus entrance on North Spring Street near the intersection with Temple Street. The DASH bus allegedly applied his brakes and caused Plaintiff to hit her left side of her body against a pole support, resulting in soft tissue injuries to her neck, back, and right knee. Veolia Transportation Services, Inc., the operator of the DASH bus lines, responded and investigated the accident, but did not report the incident to law enforcement nor did it seek to identify the jail bus driver while at the incident scene. Plaintiff contends that the jail bus driver, the DASH bus driver, or both, were negligent in the operation of their buses. Due to the risks and uncertainties of litigation, a full and final settlement of this case is recommended in the amount of $25,000. Veolia Transportation Services, Inc. has agreed to match the County's settlement contribution.
PAID ATTORNEY FEES, TO DATE	$	238,828
PAID COSTS, TO DATE	$	44,631

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Cutberto Pineda, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC507501
COURT		Los Angeles County Superior Court
DATE FILED		May 1, 2013
COUNTY DEPARTMENT		Sheriff's
PROPOSED SETTLEMENT AMOUNT	$	$22,500
ATTORNEY FOR PLAINTIFF		Robert Ryan of the Law Offices of Volodar S. Kuzyk
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arises out of a "side-swipe" vehicle collision that occurred on East Avenue O in unincorporated Los Angeles County when a Sheriff's Department vehicle driven by a Sheriff's Deputy crossed over the solid, double, center lines and collided into the driver's side of plaintiff Cutberto Pineda's Jeep Cherokee, which was traveling in the opposite direction. Plaintiff Dioselina Pineda was seated in the right, front passenger seat. Mr. and Mrs. Pineda claim to have sustained 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	$	16,554
PAID COSTS, TO DATE	$	7,018

Case Name: **Cutberto Pineda, et al. 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:	Wednesday, October 10, 2012; approximately 3:30 a.m.
Briefly provide a description of the incident/event:	**Cutberto Pineda, et al. v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-055 On Wednesday, October 10, 2012, at approximately 3:30 a.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Community Oriented Policing Services Bureau, was driving a standard black and white, County of Los Angeles-owned patrol vehicle east on Avenue O, east of 152nd Street East, Unincorporated Los Angeles County, when the vehicle he was driving collided with the plaintiff's vehicle.

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

This traffic collision was thoroughly investigated by representatives from the California Highway Patrol and the Los Angeles County Sheriff's Department's Community Oriented Policing Services Bureau. The investigation concluded the deputy sheriff caused the traffic collision by violating California Vehicle Code section 21460(a), Double Lines.

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.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. As a result, appropriate administrative action was imposed upon one member of the Los Angeles County Sheriff's Department.

This section intentionally left blank.

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: 4-21-15

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature:	Date: 04-21-15

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: 4/23/2015

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Adela Chavez v. Jennifer Valenzuela, et al.
CASE NUMBER		BC520505
COURT		Los Angeles County Superior Court Case No. BC520505
DATE FILED		September 6, 2013
COUNTY DEPARTMENT		Sheriff's
PROPOSED SETTLEMENT AMOUNT	$	45,000
ATTORNEY FOR PLAINTIFF		Gregory G. Rizio Rizio & Nelson
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a vehicle collision that occurred on July 31, 2012, at the intersection of El Segundo Boulevard and Broadway in the unincorporated area west of the City of Compton. The accident occurred when a vehicle driven by a Sheriff's Deputy collided with a vehicle driven by Adela Chavez. Ms. Chavez 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	$	15,919
PAID COSTS, TO DATE	$	2,399

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Elyse D. Bryant v. County of Los Angeles, et al.
CASE NUMBER		BC 517021
COURT		Los Angeles County Superior Court
DATE FILED		July 31, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	72,500
ATTORNEY FOR PLAINTIFF		Cheryl Konell Ruggiero
COUNTY COUNSEL ATTORNEY		Stephen Niwa
NATURE OF CASE		This case is based upon claims against the County stemming from Plaintiff's arrest by Sheriff's Department Deputies for alleged check fraud. Due to the risks and uncertainties of 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 $72,500 is recommended.
PAID ATTORNEY FEES, TO DATE	$	29,748
PAID COSTS, TO DATE	$	1,352

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

MAY 4, 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: Chair John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Brian Chu, Narbeh Bagdasarian, Wendy Sha, Millicent Rolon, and Joseph Langton; Sheriff's Department: Lt. Patrick Hunter, Sgt. Albert Schauberger, Sgt. Pauline Panis, Chief David Fender and Lt. Victor Allende; Department of Health Services: Dr. Arun Patel; and Outside Counsel: Nohemi Gutierrez Ferguson.

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 9:33 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(g) below.

4. Report of actions taken in Closed Session.

At 11:23 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Teodora Pleitez, et al. v. County of Los Angeles</u>
Los Angeles Superior Court Case No. BC 548 853

This medical malpractice lawsuit alleges that Olive View-UCLA Medical Center staff were negligent in performing a medical procedure, which caused injuries to Plaintiff.

<u>Action Taken</u>:

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

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

b. **Derrick Livingston-Bell v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. YC 068 550

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $87,500.

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

c. **Katherine Voyer and Nicholas Rampone v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 508 686

This lawsuit concerns allegations that two employees of the Sheriff's Department were subjected to employment discrimination and retaliation, and that the Department failed to take corrective action.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $109,500.

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

d. **Nathan McDonald, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 498 394

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $99,999.

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

e. **Alexis Torres v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-5373 AB (PJw)

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $39,000.

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

f. **Kenneth Coulter v. Leroy Baca, et al.**
United States District Court Case No. CV 13-06090

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $70,000.

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

g. **Kelly Carrington v. County of Los Angeles, et al.**
United States District Court Case No. EDCV 13-01060

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

Action Taken:

The Claims Board approved settlement of this matter in the amount of $85,000.

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

5. **Approval of the minutes of the April 20, 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 11:30 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson