

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, OCTOBER 5, 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 Christopher P. Sweasey and Dawn M. Sweasey in their individual capacities and as trustees to the Christopher P. and Dawn M. Sweasey Revocable Trust**

This claim seeks compensation from the Department of Public Works for real and personal property damage 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 \$61,084.87.

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

[See Supporting Document](#)

b. **Darryl Takahashi, et al. v. County of Los Angeles, et al.**
MTA v. County of Los Angeles (Complaint in Intervention)
Los Angeles Superior Court Case No. BC 486 931

This lawsuit concerns the complaint in intervention filed by the Los Angeles County Metropolitan Transportation Authority (MTA) for reimbursement of workers' compensation benefits to one of its employees who was involved in a vehicle accident with an employee of the Los Angeles County Public Defenders' Office.

Action Taken:

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

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

[See Supporting Document](#)

c. **Obie Steven Anthony, III v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-7224

This lawsuit alleges the County of Los Angeles and the District Attorney's Office violated Plaintiff's civil rights by maintaining policies, practices, and customs of failing to disclose exculpatory evidence to criminal defendants and presenting fabricated evidence that resulted in Plaintiff's conviction and incarceration; settlement is recommended in the amount of \$890,000.

Action Taken:

The Claims Board continued this item to October 19, 2015.

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

[See Supporting Document](#)

d. **Steven J. Ipsen v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 551 594

This lawsuit alleges retaliation, wrongful termination and breach of contract by the Los Angeles County District Attorney's Office.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

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

e. **Niesha Kinard v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 549 941

This lawsuit concerns allegations of retaliation resulting in the wrongful discharge of a relief nurse by the Department of Health Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$850,000.

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

f. **Richard Garberg v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 518 104

This lawsuit concerns allegations by a contract employee for the Department of Health Services for disability discrimination, retaliation, failure to accommodate and failure to engage in the interactive process.
(Continued from the meeting of September 21, 2015.)

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$48,000.

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

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 September 21, 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 Christopher P. Sweasey and Dawn M. Sweasey in their individual capacities and as trustees to the Christopher P. Sweasey and Dawn M. Sweasey Revocable Trust
CASE NUMBER	N/A
COURT	N/A
DATE FILED	April 21, 2015
COUNTY DEPARTMENT	Department Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 61,084.87 (sum included payment already made of \$12,152.16)
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Liliana Campos
NATURE OF CASE	This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimants' residential property damaging its structure and personal property. 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 SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Darryl Takahashi, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 486931
COURT	Los Angeles County Superior Court
DATE FILED	June 19, 2012
COUNTY DEPARTMENT	Public Defender
PROPOSED SETTLEMENT AMOUNT	\$ 50,000
ATTORNEY FOR PLAINTIFF	Jamie Beth Fox Stockwell, Harris, Woolverton & Muehl
COUNTY COUNSEL ATTORNEY	Richard K. Kudo
NATURE OF CASE	The Los Angeles County Metropolitan Transportation Authority ("MTA") intervened in a lawsuit involving an automobile accident between plaintiff Darryl Takahashi, an on duty MTA employee, and a County employee. Mr. Takahashi claims injuries as a result of the accident and obtained workers' compensation benefits for the medical expenses he incurred and the loss of earnings he claims to have sustained and will sustain in the future. The MTA paid those benefits and seeks reimbursement for the amounts paid. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 128,635
PAID COSTS, TO DATE	\$ 25,812

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Obie Steven Anthony, III v. County of Los Angeles, et al.
CASE NUMBER	13-CV7224
COURT	United States District Court
DATE FILED	September 30, 2013
COUNTY DEPARTMENT	District Attorney's Office
PROPOSED SETTLEMENT AMOUNT	\$ 890,000
ATTORNEY FOR PLAINTIFF	Ronald Kaye, Esq. Kaye, McLane, Bednarski & Litt, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$890,000, the lawsuit filed by Plaintiff Obie Anthony, III, against the County of Los Angeles and the District Attorney's Office for allegedly maintaining policies, practices, and customs of failing to disclose exculpatory evidence and presenting deliberately fabricated evidence that resulted in Mr. Anthony's murder conviction for which he spent 17 years in jail.</p> <p>The County denies the allegations; however, 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 \$890,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 377,124
PAID COSTS, TO DATE	\$ 57,277

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

SEPTEMBER 21, 2015

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:33 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: Chair John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Liliana Campos, Jessie Lee, Millicent Rolon Jonathan McCaverty, and Eduardo Montelongo; Department of Public Works: Daniel Lafferty and Craig Cline; Probation Department: Jacklin Injijian; Department of Mental Health: Margo Morales, Karen Streich, and Mary Ann O'Donnell; Sheriff's Department: Lt. Patrick Hunter, Sgt. Pauline Paris, Sgt. Kevin Pearcy, Commander Ralph Ornelas, and Sgt. April Carter; and Department of Health Services: Karen White.

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 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(j) below.

4. Report of actions taken in Closed Session.

At 12:27 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Tracy May

This claim seeks compensation from the Department of Public Works for real and personal property damage 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 \$38,856.55.

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

b. Claim of James and Gail Wells

This claim seeks compensation from the Department of Public Works for real and personal property damage 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 \$51,257.54.

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

c. Claim of Bruce and Lady Spence

This claim seeks compensation from the Department of Public Works for real and personal property damage 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 \$21,692.21

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

d. Claim of Fielding Maxwell Norman

This claim seeks compensation from the Department of Public Works for real and personal property damage 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 \$21,227.33.

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

e. **N.G., a minor, by Rosa Maria Murillo v. County of Los Angeles, et al.**

United States District Court Case No. CV 13-04985

This lawsuit concerns allegations of civil rights violations by a juvenile ward against the Probation Department and the Department of Mental Health arising from physical and sexual abuse by other juvenile wards.

Action Taken:

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

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

f. **Aaron Beierschmitt v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 480 772
(Consolidated with Mark Lewis v. County of Los Angeles
Los Angeles Superior Court Case No. BC 504 042, and
Donald Deltiempo and Andrew Macaluso v. County of Los Angeles
Los Angeles Superior Court Case No. BC 483 077)

This lawsuit alleges injuries and civil rights violations arising out of a shooting by an off-duty Sheriff's Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,499,998.

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

g. **Troy Dunnavant v. County of Los Angeles**
United States District Court Case No. CV 13-00837 DMG (CWx)

This lawsuit alleges Sheriff's Department personnel were deliberately indifferent to the medical needs of an inmate after he suffered an injury.

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

**h. Joshua Rice v. County of Los Angeles, et al.
United States District Court Case No. 15 CV-0249 SVW**

This lawsuit concerns allegations of excessive force by Sheriff's Deputies arising out of an arrest.

Action Taken:

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

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

**i. Kelvin Gant, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV-08-5756 SVW**

This lawsuit alleges federal civil rights violations when Plaintiff was wrongfully arrested and held in County jail on a warrant that was for someone else.

Action Taken:

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

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

**j. Richard Garberg v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 518 104**

This lawsuit concerns allegations by a contract employee for the Department of Health Services for disability discrimination, retaliation, failure to accommodate and failure to engage in the interactive process; settlement is recommended in the amount of \$48,000.

Action Taken:

The Claims Board continued this item to October 5, 2015.

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

5. Approval of the minutes of the August 17, 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

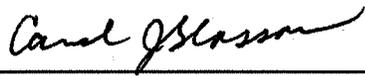
6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting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

No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 12:32 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By 
Carol J. Slosson