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 17, 2016, AT 9:30 A.M.

Present: Chair John Naimo, Steve Robles, and Roger Granbo

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. Luis Arenas, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 575 115

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $28,500.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

b. Alfredo and Rose Gutierrez v. County of Los Angeles
Los Angeles Superior Court Case No. BC 536 921

This dangerous condition lawsuit against the Department of Public works arises from alleged injuries sustained in a trip and fall accident on a displaced section of a sidewalk in the unincorporated area of the County.

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 Roger Granbo

See Supporting Documents

c. **Emma Markosyan, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 545 057

This lawsuit arises from alleged injuries and property damage caused when a Fire Department fire engine rear-ended Plaintiffs' vehicle.

Action Taken:

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

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

d. **Michael and Elizabeth Rieth v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. TC 026 933

This lawsuit arises from alleged injuries sustained in a motorcycle accident involving a Sheriff's Department patrol car driven by an on-duty Sheriff's Deputy.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,300,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

e. **Helen Jones, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 431 634

This lawsuit alleges negligence, wrongful death, and civil rights violations arising out of the death of an inmate while incarcerated at Men's Central Jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $2,000,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

f. **Avean Edwards v. County of Los Angeles, et al.**
United States District Court Case No. CV 15-02553

This lawsuit alleges federal civil rights violations, wrongful death, and infliction of emotional distress arising out of the death of an inmate while incarcerated at Twin Towers Correctional facility.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,250,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

g. **R.D.C., a minor by and through his Guardian Ad Litem, Maria Teresa Penaloza v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-6014

This lawsuit concerns allegations of federal civil rights violations of a minor in the custody of the Probation Department arising from a physical assault by another minor.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $100,000.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Document

h. **Lisa Castillo, et al. v. County of Los Angeles, et al.**
United States District Court Case No. 2:14-CV-07702

This lawsuit concerns allegations of federal civil rights violations and unlawful detention of Plaintiff's two minor children by the Department of Children and Family Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $999,999.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

See Supporting Documents

i. **<u>LaToya Boston v. County of Los Angeles, et al.</u>**
Los Angeles Superior Court Case No. BC 510 537

This lawsuit concerns allegations that a former employee of the Department of Mental Health was subjected to discrimination and harassment and the Department failed to prevent the alleged discrimination and harassment.

<u>Action Taken</u>:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $215,000.

Vote: Ayes: 2 – Steve Robles and Roger Granbo
No: 1 – John Naimo

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 October 3, 2016, regular meeting of the Claims Board.

<u>Action Taken</u>:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

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		Luis Arenas, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 575115
COURT		Los Angeles Superior Court
DATE FILED		March 11, 2015
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	28,500
ATTORNEY FOR PLAINTIFF		Aaron Stiegler, Esq. Carpenter, Zuckerman & Rowley
COUNTY COUNSEL ATTORNEY		Adrian G. Gragas Principal Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a vehicle collision that occurred on March 15, 2013, in which the Plaintiffs were injured when the County vehicle operated by a Public Works employee collided with Plaintiffs' Nissan Altima on Union Pacific Avenue at Record Avenue in East Los Angeles. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	21,909
PAID COSTS, TO DATE	$	972

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Alfredo and Rosa Gutierrez v. County of Los Angeles
CASE NUMBER		BC 536921
COURT		Los Angeles Superior Court
DATE FILED		February 20, 2014
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	200,000
ATTORNEY FOR PLAINTIFF		Anthony Liberatore, Esq.
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE		On March 12, 2013, at approximately 9:00 a.m., Alfredo Gutierrez, while carrying his dog, tripped against a sidewalk slab displacement located near his house at 8512 Duchess Drive in the unincorporated County area of West Whitter, and fell. As a result of his fall, Mr. Gutierrez received a torn right rotator cuff and soft tissue injuries to his neck and lower back. Mr. Gutierrez received corrective surgery for the rotator cuff tear and other medical services for his lower back and neck. He and his wife, Rosa Gutierrez, who claims loss of consortium damages, contend that the sidewalk existed as a dangerous condition of which the County had notice. The County disputes the height of the displacement and contends that the sidewalk did not exist as a dangerous condition. The County further contends that Mr. Gutierrez merely sustained an exacerbation of a prior longstanding injury. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $200,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	88,191
PAID COSTS, TO DATE	$	15,292

Case Name: Alfredo and Rose Gutierrez

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 12, 2013
Briefly provide a description of the incident/event:	On March 12, 2013, Alfredo Gutierrez was walking on the sidewalk near 8512 Duchess Drive when he tripped and fell on an uneven portion of the sidewalk.

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

Mr. Gutierrez was distracted and inattentive as he was walking on the sidewalk while carrying his dog. In addition, he was wearing slippers at the time of the incident.

There was a vertical displacement of at least one inch on the sidewalk at the time of the incident.

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

Road Maintenance Personnel permanently repaired the sidewalk by September 9, 2013, subsequent to the incident.

Public Works implemented the revised Annual Sidewalk Inspection and Repair Guidelines, which were signed and made effective on January 14, 2014. Public Works staff inspect sidewalks, curb and gutter, driveway aprons, and wheelchair ramps for vertical displacements of 3/4 inch or greater and cracks that have gaps of 1/2 inch wide or greater.

The Risk Management Office will conduct risk management training for Road Maintenance Division field offices regarding current Road Maintenance guidelines and practices in addition to discussing risks of sidewalk conditions.

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: MJ Hays	Date: 6/16/16
Name: (Department Head) Gail Farber	
Signature: for	Date: 7/6/16

PAP 7/11/16

Chief Executive Office Risk Management Inspector General USE ONLY

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

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

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

Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 6/17/2016

RM:psr
P4:\GUTIERREZ SCAP1

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Emma Markosyan, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 545057
COURT		Los Angeles Superior Court
DATE FILED		May 8, 2014
COUNTY DEPARTMENT		Fire Department
PROPOSED SETTLEMENT AMOUNT	$	30,000
ATTORNEY FOR PLAINTIFF		Robert Yousefian, Esq.
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE		On May 20, 2013, at approximately 12:22 p.m., a County owned fire truck, operating with red lights and siren and responding to an emergency call, rear-ended a 1999 Lexus sedan driven by Emma Markosyan, in the number one westbound lane of Glenoaks Boulevard, near its intersection with Sonora Avenue in the City of Glendale. The collision caused soft tissue injuries to Ms. Markosyan's neck, low back and shoulders. She contends that the County is vicariously liable for the fire truck driver's negligence. The County denies liability and contends that Ms. Markosyan is comparatively negligent for failing to move to the right side of the lane. Due to the risks and uncertainties of litigation, a settlement is recommended.
PAID ATTORNEY FEES, TO DATE	$	70,998
PAID COSTS, TO DATE	$	14,021

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Michael Rieth, et al. v. County of Los Angeles, et al.
CASE NUMBER		TC026933
COURT		Los Angeles Superior Court
DATE FILED		October 18, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	1,300,000
ATTORNEY FOR PLAINTIFF		Michael Alder, Esq.
COUNTY COUNSEL ATTORNEY		Principal Deputy County Counsel, Richard Kudo
NATURE OF CASE		On June 11, 2012, an on-duty Sheriff's Deputy driving a marked Sheriff's unit, started a lane change in heavy traffic from the number one westbound lane of Interstate 105 Freeway to the high-occupancy vehicle lane ("HOV lane") while intermittently sounding his siren and with overhead rear amber lights flashing. The Deputy was attempting to hold back traffic to allow a convoy of two other Sheriff's Department marked units to move into the HOV lane. At the same time, Michael Rieth, while riding a motorcycle at a high rate of speed between the pair of solid double yellow lines separating the number one lane and the HOV lane, failed to see the Sheriff's unit ahead. Mr. Rieth sideswiped the Sheriff's unit and was ejected from his motorcycle. He sustained a fractured right leg. A jury at trial found that the Deputy and Mr. Rieth shared liability. Due to irregularities in the jury's verdict, a new trial was ordered to determine future damages. Due to the risks and uncertainties of a second trial, a full and final settlement of the case for the amount of $1,300,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	263,803
PAID COSTS, TO DATE	$	74,075

Case Name: Michael Rieth 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:	Monday, June 11, 2012; approximately 7:30 a.m.
Briefly provide a description of the incident/event:	**Michael Rieth v. County of Los Angeles, et al.** Summary Corrective Action Plan 2016-009 An on-duty Los Angeles County Sheriff's Deputy assigned to the Special Enforcement Bureau ("SEB," the Sheriff's Department SWAT unit) was leading a convoy of three patrol vehicles traveling westbound on the 105 freeway from the southbound 710 freeway transition. There was heavy morning-commuter traffic, and the deputy sheriff was clearing lanes of traffic for the convoy to make its way to the High Occupancy Vehicle (HOV) lane by using his overhead rotator lights and intermittently sounding his siren. As the patrol cars moved across the freeway, the other drivers on the road accommodated the convoy and slowed or stopped to allow them to move toward the HOV lane. A sport utility vehicle (SUV) traveling in the westbound HOV lane stopped to accommodate the patrol cars. Seeing the SUV submitting to his movement, the deputy sheriff moved to enter the HOV lane at approximately 5 mph. Simultaneously, the plaintiff was riding his motorcycle in the HOV lane at approximately 50 mph. Seeing the stopped SUV in front of him, the plaintiff swerved to the right of the SUV. The plaintiff drove between the HOV and #1 lane, "splitting lanes" at approximately 50 mph. As the deputy sheriff was entering the HOV lane, he monitored the traffic around him. When the deputy sheriff saw the plaintiff approaching at a high rate of speed, he applied his brakes. The plaintiff struck the driver's side front fender of the patrol car, was ejected from his motorcycle, and he tumbled onto the roadway. The plaintiff was transported to Saint Francis Medical Center where he was treated for a broken right leg. The plaintiff said the SUV had obstructed his view of the patrol vehicle. The California Highway Patrol (CHP) responded, investigated the traffic collision, and determined the plaintiff was at fault for travelling at an unsafe speed for prevailing traffic conditions. The Department conducted a thorough executive review of this incident and determined the plaintiff was at fault for the collision. **Note:** This case was defended in a civil trial which resulted in an adverse verdict against the County of Los Angeles. After trial, jurors refused to advise their reasons for the adverse judgement.

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

The **Department** root cause of this incident was the action of the deputy in crossing over into the HOV lane and into the path of the plaintiff's motorcycle. The deputy performed the maneuver into the HOV lane at a point where access would normally be restricted, due to double yellow lines (21655.8 CVC)

The **non-Department** root cause of this incident was the plaintiff riding his motorcycle too fast for the driving conditions (violation of 22350 CVC, splitting lanes over the double yellow HOV lane lines (violation of 21655.8 CVC), and driving on or across a divider (violation of 21651 CVC).

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

The traffic collision was thoroughly investigated by representatives from the California Highway Patrol. The CHP determined that the deputy's actions were legal and reasonable and the plaintiff was at fault for the accident.

The Department also completed a traffic review of this incident. The review took into account the collision expertise of the on-scene CHP traffic investigators. Based upon the totality of the circumstances as presented to them, executive review of the incident determined that the deputy sheriff was not at fault for this collision and he did not violate Department policy.

2800(a) CVC grants peace officers the authority to direct traffic and 22500 CVC grants peace officers the authority to stop traffic on a roadway, regardless of whether or not they are responding to an emergency. The deputy in this case was directing traffic by utilizing his emergency lights and sounding his siren intermittently, slowing/stopping traffic in order to preserve and protect public safety, which would appear to satisfy the "lawful orders" intent of 2800(a) CVC.

Other traffic was properly yielding. Unfortunately, according to the CHP's guidelines on lane splitting, and the plaintiff's own testimony on his speed, the plaintiff would have been driving too fast to be able to react.

Sections 21053 CVC and 21057 CVC also allow exemptions to rules of the road for public employees working upon the roadways and escorting vehicles. For example, under these exemptions, utilizing their emergency lights to direct traffic, law enforcement can escort Caltrans crews on the freeways, escort vehicles and equipment into position to set up a DUI checkpoint on a highway, escort dignitary motorcades on their way to routine functions, etc. (When not an emergency, dignitary convoys and SEB convoys would rely on the "preservation of life" public safety exception in 21057 CVC.)

This collision occurred in 2012. In 2013, the CHP took an official position on the controversial practice of lane splitting, producing a list of guidelines and posting them to both the CHP and DMV websites. While not explicitly recommending the practice, the agency gave riders guidance on how to do it safely.

The agency said riders should never lane-split at more than 10 mph faster than stopped or slowed traffic; should never lane-split at speeds over 30 mph; should try to split between lanes 1 and 2; and should take extra caution in bad weather or on bad roads (LA Times article July 23, 2014.

In July of 2014, the CHP and DMV removed the guidelines from their websites due to a citizen's complaint that the agency should not be able to create public policy. The DMV replaced them with a notice which currently reads in part:

California law does not allow or prohibit motorcycles from passing other vehicles proceeding in the same direction within the same lane, a practice often called "lane splitting," "lane sharing" or "filtering."

Creating a safer highway environment is the shared responsibility of drivers and motorcyclists alike. This is achieved by staying alert and using common sense and courtesy while on the road. It is also important for motorcyclists to minimize their risks by riding responsibly, always wearing a helmet and other protective gear and to never ride under the influence of alcohol or other intoxicants. Here are other important safety reminders:

- *Watch your speed—a motorcycle collision is highly likely to cause injury or death*
- *Assume people in cars do not see you.*
- *Avoid blind spots in other vehicles, particularly large trucks*

Thus, the finding by the CHP as to the primary cause of this collision was consistent with their guidance. The plaintiff was splitting the lanes at an extremely unsafe speed.

On August 19, 2016, California State Governor Jerry Brown signed Assembly Bill 51, effectively adding a definition of "lane splitting" into the California Vehicle Code (section 21658.1[a] CVC) and enabling the CHP to develop guidelines to ensure the safety of the motorcyclist and the drivers and passengers of surrounding vehicles.

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:
185628	9-20-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature:	Date:
Karyn Mannis	10-04-16

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:
Destiny Castro	10/4/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Helen Jones, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 431634
COURT		Los Angeles Superior Court Case
DATE FILED		February 10, 2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	2,000,000
ATTORNEY FOR PLAINTIFF		Law Offices of Lisa Maki Law Offices of Dennis P. Wilson The Luti Law Firm
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $2,000,000, inclusive of attorneys' fees and costs, a civil rights lawsuit filed by Helen Jones against the County, former Sheriff Lee Baca, Sergeant Cliff Yates, and Sheriff's Deputies William Penhollow and Christopher Kidder alleging negligence, wrongful death, and State-law civil rights violations based on the death of John Horton, Ms. Jones' son, while he was incarcerated at Men's Central Jail. 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 $2,000,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	644,262
PAID COSTS, TO DATE	$	67,302

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Avean Edwards v. County of Los Angeles, et al.
CASE NUMBER		CV 15-02553
COURT		United States District Court
DATE FILED		April 7, 2015
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	1,250,000
ATTORNEY FOR PLAINTIFF		James J. Orland, Esquire Orland Law Group
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $1,250,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Avean Edwards against the County and former Interim Sheriff John Scott alleging wrongful death, intentional infliction of emotional distress, and federal civil rights violations arising out of the death of Earl Lee Johnson, Ms. Edwards' son, while he was incarcerated at the Twin Towers Correctional Facility. Because of 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 $1,250,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	178,165
PAID COSTS, TO DATE	$	38,837

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		R.D.C., a minor by and through his Guardian Ad Litem, Maria Teresa Penaloza v. County of Los Angeles, et al.
CASE NUMBER		CV 14-6014
COURT		United States District Court
DATE FILED		August 4, 2014
COUNTY DEPARTMENT		Probation Department
PROPOSED SETTLEMENT AMOUNT	$	100,000
ATTORNEY FOR PLAINTIFF		Jorge Gonzalez, Esq.
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $100,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by R.D.C., through his guardian ad litem Maria Teresa Penaloza, against the County, former Probation Chief Jerry Powers, and Deputy Probation Officers Booker Waugh and Leslie Smith, alleging various federal civil rights and statutory claims. 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 $100,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	68,575
PAID COSTS, TO DATE	$	12,422

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Lisa Castillo, et al. vs. County of Los Angeles, et al.
CASE NUMBER		14-CV-07702
COURT		United States District Court
DATE FILED		October 4, 2012
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	999,999
ATTORNEY FOR PLAINTIFF		Vincent W. Davis
COUNTY COUNSEL ATTORNEY		Lauren Black Principal Deputy County Counsel Avi Burkwitz, Esquire Peterson Bradford Burkwitz LLP
NATURE OF CASE		This is a warrant case in which Plaintiff alleges her kids were detained without a warrant and she was coerced into signing off on a safety plan, and the kids continued to be detained for six months thereafter.
PAID ATTORNEY FEES, TO DATE	$	153,500
PAID COSTS, TO DATE	$	28,000

Case Name: Lisa Castillo v COLA

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:	October 4, 2012
Briefly provide a description of the incident/event:	The plaintiff alleges her civil rights were violated when the Department placed her children as the result of her three-month old being found unresponsive after being left lying on his side, supported by a blanket on an adult bed.

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

Plaintiff alleged that DCFS removed her children and interferred with familial relations when her children were removed as the result of her three-month old son being found unresponsive.

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

The Department had relevant policies and procedures in effect at the time of the incident and continues to ensure that its protocols complement the current state of the law and assist its workforce to provide appropriate and legally-sufficient child welfare services.

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

✓ The corrective actions address department-wide system issues
The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Diane Iglesias, Senior Deputy Director	
Signature: Diane Iglesias	Date: 8/23/16

Name: (Department Head)	
PHILIP L. BROWNING, DIRECTOR	
Signature:	Date:

Chief Executive Office Risk Management Inspector General USE ONLY

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

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

Name: (Risk Management Inspector General)	
Destiny Castro	
Signature: Destiny Castro	Date: 8/23/2016

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

OCTOBER 3, 2016

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 Roger Granbo. Roger Granbo excused himself from the meeting at 10:00 a.m.

Other persons in attendance at the meeting were: Office of the County Counsel: Jonathan McCaverty, Jessica Rivas, Richard Kudo, Narbeh Bagdasarian, Warren Wellen, and Erik Conard; Sheriff's Department: Comm. Henry Romero, April Carter, John Benedict, David Halm, Alfred Reyes, Andy Berg, Kevin Pearcy, and Dominic Dannan; Department Health Services: Nick Teophilov; Department of Public Works: Sree Kumar, Paul Maselbas, Dean Lehman, and David Gonzalez; and Outside Counsel: Tim Kral.

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(g) below.

4. Report of actions taken in Closed Session.

At 10:45 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Bret Phillips v. County of Los Angeles, et al.</u>
Los Angeles Superior Court Case No. BC 544 887

This lawsuit alleges excessive force and federal civil rights violations by Sheriff's Deputies on an inmate at Men's Central Jail.

<u>Action Taken</u>:

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 Roger Granbo

b. **Jonathan O. Garcia, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 629 509

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $26,700.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

c. **Mercury Insurance Company v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 594 813

This subrogation lawsuit seeks reimbursement of the insurance benefits Plaintiff paid to its insured due to a collision with a Sheriff's Department vehicle.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $30,856.42.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

d. **Jeffrey Kovacs v. County of Los Angeles, et al.**
United States District Court Case No. CV 04-557

This lawsuit alleges deliberate indifference to the medical needs of an inmate while in the custody of the Sheriff's Department and also while he was a patient at one of the facilities operated 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 $1,000,000 (plus the assumption of the Medi-Cal lien in the amount of $250,000).

Vote: Ayes: 3 – John Naimo, Steve Robles, and Roger Granbo

e. **Dylan Bruno, et al. v. The City of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 505 318

This inverse condemnation lawsuit against the Department of Public Works and the Flood Control District contends that public infrastructure caused a 2011 landslide, which allegedly damaged the Plaintiffs' home.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $349,848.76.

Vote: Ayes: 2 – John Naimo and Steve Robles
Absent: Roger Granbo

f. **Delano Delfin, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 024 959

This lawsuit arises from alleged injuries sustained when Plaintiff was struck by machinery being hauled on a trailer pulled by a vehicle driven by a Department of Public Works employee.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $500,000.

Vote: Ayes: 2 – John Naimo and Steve Robles
Absent: Roger Granbo

g. **Erika Arreola, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 504 041

This lawsuit alleges personal injuries and wrongful death due to dangerous condition of a crosswalk maintained by the Department of Public Works.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $2,600,000.

Vote: Ayes: 2 – John Naimo and Steve Robles
Absent: Roger Granbo

5. **Approval of the minutes of the September 19, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 – John Naimo and Steve Robles
Absent: Roger Granbo

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 10:47 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz