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, NOVEMBER 21, 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. **Michael Garcia v. County of Los Angeles, et al**
   United States District Court Case No. CV 09-8943

   This class action lawsuit brought under the federal Individuals with Disabilities Education Act alleges the Sheriff's Department failed to provide eligible inmates with special education classes during their incarcerations.

   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

   b. **Non-Litigated Claim of Devon and Dawni Sawa**

   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 the settlement of this matter in the amount of $67,335.53 (includes pre-payment of $11,079.53)

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

   See Supporting Document

c. **Ricardo Guardado Rocha v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 545 785

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

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $63,300.

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

See Supporting Document

d. **Kevin Losoya v. Michele Ann Williams, et al.**
Los Angeles Superior Court Case No. BC 583 282

This lawsuit arises from alleged injuries sustained in a vehicle versus mini-bike accident involving an employee from the Department of Public Health.

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

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 November 7, 2016, regular meeting of the Claims Board.**

Action Taken:

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	Michael Garcia, et al. v. Los Angeles County Sheriff's Dept., et al.
CASE NUMBER	CV 09-8943
COURT	United States District Court
DATE FILED	December 4, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$ 200,000
ATTORNEY FOR PLAINTIFF	Disability Rights Legal Center; Milbank Tweed Hadley & McCoy, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	This is a class action lawsuit. Plaintiff, an inmate housed in County Jail, filed suit for special education services and declaratory/injunctive relief. Plaintiff alleges, on behalf of himself and class members, that the lack of special education services for eligible persons held in County Jail violates State and federal law. Because of 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	$ 428,100
PAID COSTS, TO DATE	$ 18,068

Case Name:	Garcia, Michael V. COLA

County of Los Angeles
Summary Corrective Action Plan

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:	June of 2008
Briefly provide a description of the incident/event:	LASD failed to provide an Inmate who had been diagnosed with visual, auditory and language disabilities with special education services as required by law.

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

The **Department** root cause in this incident LASD was not screening for inmate with learning disabilities and therefore was not informing them of their right to special education.

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

Under the terms of the settlement agreement, the LASD will continue to screen inmates, during intake, for eligibility and work cooperatively with the charter schools to provide special education to qualified inmates.

The LASD has entered into agreements with three charter schools, John Muir, New Opportunities and Five Keys to provide general and special education services in the jails.

In addition, the LASD agreed to provide signage informing inmates of their right to receive special education if eligible. Eligible inmates will be permitted to have school materials and books in their cells so long as they comply with LASD security policies and the LASD will provide training to personnel on special education eligibility and procedures.

NOTE: This agreement does not require the LASD to actually provide special education. It merely requires the LASD to facilitate **access** to special education.

Completed

Responsible person: Assistant Sheriff Kelly Harrington

Case Name:	Garcia, Michael V. COLA

County of Los Angeles
Summary Corrective Action Plan

3.

Name: (Risk Management Coordinator) Commander Henry Romero	
Signature:	Date: 11/3/16

Name: (Department Head) A/Chief Mark A. McCorkle	
Signature:	Date: 11/3/16

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) CEO Destiny Castro	
Signature:	Date: 11/3/2016 D.C.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-litigated Claim of Devon and Dawni Sawa
CASE NUMBER		N/A
COURT		N/A
DATE FILED		November 19, 2015
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	67,355.53
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Michael J. Gordon Senior Associate County Counsel
NATURE OF CASE		This claim arises from a blocked sewer mainline that caused a sewage backflow into Claimants' residence and damaged their real 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		Ricardo Guardado Rocha v. County of Los Angeles, et al.
CASE NUMBER		BC 545785
COURT		Los Angeles Superior Court
DATE FILED		May 14, 2014
COUNTY DEPARTMENT		Department of Mental Health
PROPOSED SETTLEMENT AMOUNT	$	63,300
ATTORNEY FOR PLAINTIFF		Gerard L. Friend Law Office of Gerard L. Friend
COUNTY COUNSEL ATTORNEY		Michael J. Gordon Senior Associate County Counsel
NATURE OF CASE		Plaintiff Ricardo Guardado Rocha filed this action for injuries he sustained in a motor vehicle versus motor vehicle accident that occurred on July 6, 2012. Plaintiff claims that a County Department of Mental Health employee was negligent in causing the collision, and the County is responsible for injuries and damages proximately caused by the negligent operation of a motor vehicle by its employee acting within the scope of employment. Plaintiff claims property damage, past lost wages, personal injury damages, and general damages. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	70,850.50
PAID COSTS, TO DATE	$	36,691.82

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Kevin Losoya v. Michele Ann Williams, et al.
CASE NUMBER		BC583282
COURT		Los Angeles Superior Court
DATE FILED		May 28, 2015
COUNTY DEPARTMENT		Department of Public Health
PROPOSED SETTLEMENT AMOUNT	$	200,000
ATTORNEY FOR PLAINTIFF		Adam Lewis Farar & Lewis, LLP
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a collision between a vehicle and mini-bike that occurred on August 7, 2014, in front of the property located at 2214 Russell Avenue in the City of Los Angeles when a vehicle driven by a Department of Public Health nurse collided with a mini-bike operated by Kevin Losoya. Mr. Losoya claims to have suffered 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	$	49,737
PAID COSTS, TO DATE	$	7,133

Case Name: Losoya vs. County 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:	August 7, 2014
Briefly provide a description of the incident/event:	Employee, driving her personal vehicle, turned left into the driveway of a client's home. The driver of a motorized scooter (mini bike) driving straight struck the right rear of employee's vehicle and sustained injuries.

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

Traffic Collision Report states that the cause of the collision was determined to be employee's violation of section 21801(A) of the Vehicle Code (VC), unsafe turn at a driveway. Additionally, Employee was not wearing eyeglasses/lenses as required by the "corrective lenses" restriction on her driver's license, in violation of section 14603 of the VC, operating a vehicle in violation of the provisions of a restricted license issued to a person.

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

As a result of this accident, the following actions were taken:

- On October 21, 2014, the Department distributed a memorandum and Policy 924: Vehicle Accident Review Committee (VARC), approved on September 15, 2014, to all Departmental employees by e-mail and highlighted areas of importance and function of VARC. Responsible party: Risk Management
- On January 29, 2015, implemented VARC for review of vehicle accidents and referrals to Human Resources' Performance Management for determination of appropriate administrative action. Responsible party: Risk Management
- On June 17, 2015, employee completed a comprehensive defensive driver training course, which included classroom and on-the-road training. Responsible party: Risk Management
- On July 22, 2016, obtained union approval for addition of mandatory on-line defensive driving training as a condition of mileage certification and mandatory behind the wheel training as a condition of driving trucks and larger specialized vehicles.
- On September 1, 2016, appropriate administrative action was taken.

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) FERDOWS RASHIDIAN	
Signature: Ferdows Rashidian	Date: 9/9/16

Name: (Department Head) Cynthia A. Harding	
Signature: Cynthia A. Harding	Date: 9/9/16

Chief Executive Office Risk Management Inspector General USE ONLY

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

- [x] 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: 9/12/2016

b. **Mayra Cabrales, et al. v. Anthony Lewis, et al.**
Los Angeles Superior Court Case No. BC 548 044

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

Action Taken:

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

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

c. **Francisco Lopez, an incapacitated person by and through his Guardian Ad Litem, Norma Lopez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 564 589

This medical negligence lawsuit arises from the treatment received by a patient while hospitalized at LAC+USC Medical Center.

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 Roger Granbo

5. **Approval of the minutes of the October 17, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and 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 10:05 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

NOVEMBER 7, 2016

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:31 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.

Other persons in attendance at the meeting were: Office of the County Counsel: Laura Carinena, Judy Whitehurst, Jessica Rivas, and Narbeh Bagdasarian; Register-Recorder/County Clerk: Monique Blakely; Fire Department: Michael Kranther and Monica Paraja Dominguez; Department of Health Services: Roberto Avitia and Arun Patel; and Outside Counsel: Mitzie Dobson.

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(c) below.

4. Report of actions taken in Closed Session.

At 10:03 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Bank of America v. County of Los Angeles</u>
Los Angeles Superior Court Case No. VC 065 289
(related case BC 470 708)

This lawsuit alleges that the Register Recorder/County Clerk failed to correctly index an abstract of judgment, which resulted in a faulty preliminary title search and subsequent failure to disburse excess funds to Plaintiff as lienholder.

<u>Action Taken</u>:

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

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