

## 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, DECEMBER 21, 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. **Juventino Astorga v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 533 562**

This lawsuit seeks compensation for personal injuries sustained in an automobile accident involving a Los Angeles County Sheriff's Department patrol unit.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$65,000.

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

[See Supporting Document](#)

- b. **Tonya Pate. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 14-01395 MWF**

This wrongful death lawsuit concerns allegations of federal civil rights violations arising out of a shooting by Sheriff's Deputies during the execution of a search warrant.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$1,625,000.

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

[See Supporting Document](#)

c. **Jaime A. Moreno, et al. v. Los Angeles County Sheriff's Department, et al.**  
**United States District Court Case No. CV 13-07570**

This lawsuit seeks compensation for the death of an inmate while he was incarcerated at North County Correctional Facility

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$185,000.

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

[See Supporting Document](#)

d. **Yvette Brown v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 381 838**

This lawsuit concerns allegations of retaliation by an employee of the Department of Mental Health.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$95,000.

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

e. **Brenda Vargas v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 545 896**

This lawsuit concerns allegations that an employee of the Probation Department was subjected to sexual discrimination, harassment, and retaliation.

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

**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 December 7, 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	Juventino Astorga, Jr, et al. v. County of Los Angeles, et al.
CASE NUMBER	Case No. BC 533562
COURT	Los Angeles Superior Court
DATE FILED	January 17, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 65,000
ATTORNEY FOR PLAINTIFF	Paul L. Ness, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On August 1, 2013, an on-duty Sheriff's Deputy, driving a marked patrol unit and intending to perform a traffic stop, collided into a sedan driven by the Plaintiffs in the signalized intersection of Valley Boulevard and Durfee Avenue, in the City of El Monte. The Plaintiffs contend that the Deputy ran through a red traffic signal at the intersection. The Plaintiff-driver sustained soft-tissue personal injuries, while the Plaintiff-passenger allegedly sustained a soft-tissue knee injury. The County contends that the driver Plaintiff did not have automobile insurance coverage and that the passenger Plaintiff's medical treatment was unneeded and unreasonable.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$65,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 39,533
PAID COSTS, TO DATE	\$ 11,540

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tonya Pate v. County of Los Angeles, et al.
CASE NUMBER	CV 14-0139
COURT	United States District Court
DATE FILED	January 10, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,625,000
ATTORNEY FOR PLAINTIFF	Mark S. Algorri, Esq. DeWitt, Algorri & Algorri, LLP James M. Bergener, Esq. Bergener & Associates
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$1,625,000 the lawsuit filed by Plaintiff Tonya Pate against the County alleging federal civil rights violations and wrongful death arising out of the shooting of her husband Eugene Mallory during the execution of a search warrant in the City of Palmdale.</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 \$1,625,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 330,445
PAID COSTS, TO DATE	\$ 81,316

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jaime A. Moreno v. County of Los Angeles, et al.
CASE NUMBER	CV 13-07570
COURT	United States District Court
DATE FILED	August 12, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 185,000
ATTORNEY FOR PLAINTIFF	DANIELS, FINE, ISRAEL, SCHONBUCH
COUNTY COUNSEL ATTORNEY	Milicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$185,000, the lawsuit filed by Jaime Moreno's minor child, Andrew Moreno, through his guardian ad litem Rosa Ojeda, as well as Mr. Moreno's father, Jaime Moreno, on behalf of Mr. Moreno's estate alleging federal civil rights violations, negligence, fraud, and conspiracy.</p> <p>The involved Deputies claim their actions were reasonable under the circumstances.</p> <p>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 \$185,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 176,568
PAID COSTS, TO DATE	\$ 15,658

**COUNTY OF LOS ANGELES CLAIMS BOARD**

**MINUTES OF REGULAR MEETING**

**DECEMBER 7, 2015**

**1. Call to Order.**

This meeting of the County of Los Angeles Claims Board was called to order at 9:35 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: Kent Sommer, Narbeh Bagdasarian, Jonathan McCaverty, Joseph Langton, and Millicent Rolon; Department of Children and Family Services: Michelle Victor and Lynne Condon; Department of Health Services: Dr. Timothy Van Natta, Kim Wright, and Dr. Arun Patel; Sheriff's Department: Dr. Raymond Walianny, Nick Teophilov, Commander Henry Romero, Sgt. April Carter, Lt. Patrick Hunter, and Sgt. Kevin Percy; Department of Mental Health: Margo Morales, Mary Ann O'Donnell, and Joseph Neil Ortego, M.D.; and Outside Counsel: Timothy 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 9:37 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(h) below.

**4. Report of actions taken in Closed Session.**

At 12:10 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Jeanine Mercer v. County of Los Angeles  
Los Angeles Superior Court Case No. BC 548 485**

This lawsuit concerns allegations that an employee of the Department of Children and Family Services was subjected to disability discrimination and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$37,132.50.

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

b. **Kimberly Escamilla, et al. v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 528 656**

This medical malpractice lawsuit concerns allegations that Harbor-UCLA Medical Center staff failed to manage a patient's condition which contributed to his death.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$598,000.

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

c. **Alma Pereira, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV-14-6375-RCK**

This lawsuit alleges that Sheriff's Department medical staff did not provide adequate care and treatment to an inmate thereby contributing to his death.

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

d. **Martha Guenther v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC 543 601**  
**United States District Court Case No. CV 15-03055**

These lawsuits seek compensation for the death of an inmate while he was incarcerated in County jail.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$999,995.

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

e. **Armando Novshadyan, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 14-00814 JAK**

This lawsuit alleges civil rights violations and deliberate indifference to safety needs for the death of an inmate 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 \$275,000.

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

f. **Edna Castro, et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. CV 13-06631**

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

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

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

g. **Erika Ibarra v. Los Angeles Superior Court**  
**United States District Court Case No. CV 14-04726 MMM (AS)**

This lawsuit alleges a violation of Plaintiff's civil rights under the Americans with Disabilities Act when she was denied access by Sheriff's Department personnel to Compton Superior Court.

Action Taken:

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

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

h. **Claim of American Modern Home Insurance Company**  
**ASO Gabriel Vahba**

This claim alleges that the Sheriff's Department caused personal and real property damage to its insured's property.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$36,590.72, noting that the original sum of \$39,168.43 was incorrect.

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

5. **Approval of the minutes of the November 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 12:15 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson  
Carol J. Slosson