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, APRIL 4, 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. **Non-Litigated Claim of Kimito and Maiko Iwamoto**

   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 $34,191.22 (less advanced payment of $12,899.07).

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

   See Supporting Document

b. **Craig and Wendy Humphries v. Los Angeles County, et al.**
United States District Court Case No. CV 03-0697

This lawsuit alleges that the Sheriff's Department violated Plaintiffs' civil rights by detaining their children without a warrant, and placing Plaintiffs' names in the California's Child Abuse Central Index database.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $2,400,000.

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

See Supporting Documents

c. **Alfonso Cerda, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 511 598

This lawsuit seeks compensation for the minor children and parents for their father and son's alleged wrongful death caused by a 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 Document

d. **Tony Forlano v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 563 724

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to age discrimination, retaliation, and a constructive discharge.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $41,450.

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

e. **Portia Kirksey-Gant v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 541 721

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 $60,000.

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

See Supporting Document

f. **Christian Ramirez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 565 089

This dangerous condition lawsuit arises from alleged injuries received when Plaintiff stepped on a jagged metal object at Zuma Beach.

Action Taken:

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

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

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 March 21, 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		Non-Litigated Claim of Kimito and Maiko Iwamoto
CASE NUMBER		N/A
COURT		N/A
DATE FILED		May 22, 2015
COUNTY DEPARTMENT		Public Works
PROPOSED SETTLEMENT AMOUNT	$	34,191.22
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Lindsay Yoshiyama, Deputy 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		Craig and Wendy Humphries v. Los Angeles County, et al.
CASE NUMBER		SACV 03-0697 JVS (MANx)
COURT		United States District Court
DATE FILED		August 27, 2002
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	2,400,000
ATTORNEY FOR PLAINTIFF		Esther Boynton, Esq. and Michael R. Marriman, Esq.
COUNTY COUNSEL ATTORNEY		Diane C. Reagan Principal Deputy County Counsel
NATURE OF CASE		Plaintiffs alleged they suffered physical and mental anguish and shame based on the warrantless removal of their children after they were arrested and listed on the Child Abuse Central Index for approximately 11 years. Defendants deny the allegations. 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 $2,400,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	934,996
PAID COSTS, TO DATE	$	75,309

Case Name: **Craig Humphries 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:	Monday, April 16, 2001
	Craig Humphries et al v. County of Los Angeles, et al. Summary Corrective Action Plan No. 2015-028.2 On March 17, 2001, the plaintiffs' teenage daughter drove to Utah and reported to her biological mother that her biological father and stepmother had physically abused her for several months. The daughter was examined at the hospital during which the local police agency and Department of Children Services were notified. At the time, the teenage daughter and two minor siblings resided with the plaintiffs in Valencia, California. On March 26, 2001, the Los Angeles County Sheriff's Department's Special Victim's Bureau received the physical abuse allegation along with the daughter's medical examination records via the local police agency in Utah. After further investigation into the matter, the Los Angeles County Sheriff's Department obtained an arrest warrant for the plaintiffs. On April 16, 2001, the Los Angeles County Sheriff's Department arrested the plaintiffs on charges of torture and cruelty to a child and transported them to the Los Angeles County Sheriff's Department Santa Clarita Valley Station. While in custody, deputy sheriffs detained the plaintiffs' two minor children and placed them in foster care. Eight days later, the family was reunited after the plaintiffs were released from custody on bail following the filing of a misdemeanor charge. On April 17, 2001, the plaintiffs' information was entered into the State of California's Child Abuse Central Index (CACI) as required by California's Child Abuse Neglect and Reporting Act (CANRA) identifying them as "substantiated" child abusers. It was further requested the two minor children be declared dependent children of the juvenile court. On August 29, 2001, all charges against the plaintiffs were dismissed and both plaintiffs were found "factually innocent."

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

The ***primary*** root cause in this incident was the absence of a policy/procedure enabling individuals whose names have been entered into the California's Child Abuse Central Index database (CACI) as required by the California's Child Abuse Neglect and Reporting Act (CANRA) to petition for removal.

The ***secondary*** root cause in this incident is that members of the Los Angeles County Sheriff's Department removed the plaintiffs' two minor children from the plaintiffs' custody without a warrant and had the children placed in foster care.

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

On January 1, 2012, amended sections of the California Penal Code (1165.12, 11169, and 11170) directed the Department of Justice (DOJ) to receive and enter into the Child Abuse Central Index (CACI) only substantiated reports of child abuse or severe neglect submitted by a **child welfare agency** or a **county probation department**. The DOJ was also directed to remove all inconclusive reports from the CACI and all names of suspects 100 years of age or older.

Furthermore, police and sheriff departments are no longer required to submit reports of known or suspected child abuse or severe neglect to the DOJ (Amended California Penal Codes: 1165.12, 11169, and 11170 under the Child Abuse and Neglect Reporting Act).

On April of 2007, the Los Angeles County Sheriff's Department's Special Victim's Bureau initiated Unit Order #23. It provided a process for individuals whose names have been entered into CACI to challenge or appeal their classification.

On September 1, 2015, the Los Angeles County Sheriff's Department's Special Victim's Bureau revised Unit Order #23. The Unit Order added the specific role of the DOJ as it pertains to the amended penal codes and that the Los Angeles County Sheriff's Department will no longer be involved in placing information into the index. (Los Angeles County Sheriff's Department's Special Victim's Bureau Unit Order #23).

Pursuant to California Welfare and Institutions Code section 305, Conditions Allowing Temporary Custody Without a Warrant, "Any peace officer may, without a warrant, take into temporary custody a minor...when the officer has reasonable cause for believing that the minor is a person described in Section 300..." (California and Welfare Institutions Codes 305).

Nonetheless, by November 30, the Los Angeles County Sheriff's Department's Risk Management Bureau will cause the re-publication and re-distribution of the following:

- Los Angeles County Sheriff's Department's Manual of Policy and Procedures section *5-02/045.20* ***Assisting the Department of Children and Family Services in entering a Residence or Dwelling,*** to remind all members when a request is made by the Department of Children and Family Services (DCFS) for assistance in entereing a residence or dwelling to conduct a child welfare investigation, the request will be presented to the station watch commander for authorization (Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-02/045.20, *Assisting the Department of Children and Family Services in Entering a Residence or Dwelling*).

- Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 1, *Warrants,* designed to remind all members of the risks associated with the warrantless seizure of children. Procurement of a warrant is required unless exigent circumstances exist (Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 15, Number 1, *Warrants*).

- Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit Newsletter Volume 15, Number 3, *Warrants*, designed to remind all members of the risks associated with warrantless searches and seizures. Procurement of a warrant is required unless exigent circumstances exist (Los Angeles County Sheriff's Department's Risk Management Bureau, Corrective Action Unit Newsletter Volume 15, Number 3, *Warrants*).

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 part

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature: 155626

Date: 12-16-15

Name: (Department Head)

Karyn Mannis, Chief
Professional Standards Division

CONTENTS NOTED VIC TRUJILLO

Signature: Karyn Mannis

Date: 12-15-15

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)

Steven E. Nyblom for Destiny Castro

Signature: S. E. Nyblom

Date: 12-22-15

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Alfonso Cerda, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC511598
COURT		Los Angeles Superior Court
DATE FILED		July 8, 2013
COUNTY DEPARTMENT		Los Angeles County Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	1,300,000
ATTORNEY FOR PLAINTIFF		Arnoldo Casillas, Esq. Gregory W. Moreno and Associates
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $1,300,000 , inclusive of attorneys' fees and costs, a federal civil rights and wrongful death lawsuit filed by decedent's children and parents, arising out of an incident on October 8, 2012, whereby a Sheriff's Department vehicle struck and killed Mr. Cerda. The Plaintiffs sued the County of Los Angeles and a Sheriff's Deputy. 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 in the amount of $1,300,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	157,572
PAID COSTS, TO DATE	$	33,323

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Portia Kirksey-Gant v. County of Los Angeles, et al.
CASE NUMBER		BC 541721
COURT		Los Angeles Superior Court
DATE FILED		April 4, 2014
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	60,000
ATTORNEY FOR PLAINTIFF		Kenneth L. Snyder
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a vehicle collision that occurred on April 10, 2012, on Western Avenue, just south of 91st Street, in the City of Los Angeles, when a vehicle driven by a Sheriff's Deputy collided with a vehicle driven by Portia Kirksey-Gant. Ms. Kirksey-Gant 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	$	47,630
PAID COSTS, TO DATE	$	5,613

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Christian Ramirez v. County of Los Angeles, et al.
CASE NUMBER		BC565089
COURT		Los Angeles Superior Court
DATE FILED		November 26, 2014
COUNTY DEPARTMENT		Beaches and Harbors
PROPOSED SETTLEMENT AMOUNT	$	70,000
ATTORNEY FOR PLAINTIFF		Haik Belorian
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arose when Mr. Ramirez stepped on a broken sign post buried underneath the sand at Zuma Beach. Mr. Ramirez 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	$	38,275
PAID COSTS, TO DATE	$	7,329

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

MARCH 21, 2016

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:28 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: Erik Conard, Edwin Lewis, Brian Chu, Kevin Engelien, Mike Simon, and Kent Sommer; Sheriff's Department: Comm. Henry Romero, Sgt. April Carter, and Deputy Dominic Dannan; Department of Public Works: David Howard, Craig Cline, Ron Lacayo; Internal Services Department: Luz Hernandez; Department of Mental Health: Margo Morales and David Cochran; and Department of Children and Family Services: Michelle Victor.

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 9:30 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 10:41 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Steven Forster v. County of Los Angeles, et al.
United States District Court Case No. CV 14-07231

This lawsuit alleges deliberate indifference to the safety needs of an inmate at Men's Central Jail.

Action Taken:

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

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

b. Non-Litigated Claim of Met Life Auto & Home As Subrogee of Evangeline Cheshewalla

This claim arises from alleged injuries sustained in a vehicle accident involving an Internal Services Department employee.

Action Taken:

The Claims Board approved the settlement of this matter. The substance of the above settlement will be disclosed upon inquiry by any person as soon as settlement between all parties becomes final.

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

c. Interinsurance Exchange of the Automobile Club v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 567 814

This lawsuit seeks compensation for property damage due to a fallen tree.

Action Taken:

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

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

d. Micon Construction, Inc. v. County of Los Angeles Public Works Parks Bureau, et al.
Los Angeles Superior Court Case No. BC 581 326

This breach of contract lawsuit against the Department of Public Works concerns a construction contract.

Action Taken:

This item was withdrawn from the agenda at the request of the attorney. No action taken.

e. L.A. Builders, Inc. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 549 947

This breach of contract lawsuit against the Department of Public Works concerns a construction contract.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $254,793.

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

f. Jason Gillard v. County of Los Angeles
Los Angeles Superior Court Case No. BC 562 101

This lawsuit concerns allegations by an employee of the Department of Mental Health for disability discrimination, retaliation, failure to make a reasonable accommodation and engage in the interactive process, and violations of FMLA and the CFRA.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $55,000.

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

g. Domarina Shamouni v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 544 593

This lawsuit concerns allegations that an employee of the Department of Auditor-Controller and former trainee with the Department of Children and Family Services was subjected to disability discrimination, retaliation, and failure to prevent discrimination.

Action Taken:

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

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

5. Approval of the minutes of the March 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

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 10:43 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz