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, JUNE 6, 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. **Elsa Seifert v. County of Los Angeles, et al.**
   Los Angeles Superior Court Case No. BC 530 388

   This lawsuit arises from injuries received from a trip and fall accident at the Altadena Sheriff's Station.

   Action Taken:

   The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $115,000.

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

   See Supporting Documents

b. **Giovanni Miranda, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 512 421

This lawsuit arises from alleged injuries sustained in a vehicle accident involving 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 $250,000.

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

See Supporting Documents

c. **Complaint of Karen Barreras**

This County of Equity Intake Unit complaint concerns allegations that an employee of the District Attorney's Office was subjected to harassment, discrimination, and retaliation.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $99,000.

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

d. **Redgate Partners, LLC v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 562 274

This inverse condemnation lawsuit alleges that a portion of the Whittier Narrows Equestrian Center – Horseman Park operated by the Department of Parks and Recreation encroached onto plaintiff's property and blows dust which interferes with plaintiff's trucking operations business, calling for the County to complete corrective remedies.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $163,150.

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

See Supporting Documents

e. **Gloria Angeles v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 517 251

This lawsuit alleges that an employee from the Department of Health Services was subjected to harassment based on race and disability, and retaliation.

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

f. **Virginia Contreras Gamboa, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 567 440

This wrongful death and medical malpractice lawsuit alleges that LAC+USC Medical Center contributed to the death of plaintiffs' newborn and alleged injuries suffered by plaintiffs.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $$495,000 (and the assumption of a Medi-Cal lien in the approximate amount of $20,000).

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

See Supporting Document

g. **County of Los Angeles v. Kaarma Pacific Inc., dba Pro Star Mechanical Services**

This matter concerns the recovery of money from Kaarma Pacific, Inc. dba Pro Star Mechanical Services, for a breach of contract for its failure to satisfactorily complete the installation of boilers at the Department of Health Services headquarters.

Action Taken:

The Claims Board approved the settlement of this matter wherein the County will receive payment in the amount of $75,000.

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

See Supporting Document

h. **Daniel Vos, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 522 637

This lawsuit alleges plaintiffs' civil rights were violated when the Department of Children and Family Services deprived them of a fair chance to adopt their granddaughter based on allegations of misconduct.

Action Taken:

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

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

See Supporting Documents

i. **Robert Fernandez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 024 306
Estate of Gabriel Fernandez, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 552 734

These lawsuits concern allegations of civil rights violations, and failure to investigate by the Department of Children and Family Services and the Department of Public Social Services, which resulted in the death of a minor.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $1,841,000.

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 May 16, 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		Elsa Seifert v. County of Los Angeles, et al.
CASE NUMBER		BC 530388
COURT		Los Angeles Superior Court
DATE FILED		December 12, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	115,000
ATTORNEY FOR PLAINTIFF		Daniel G. Sheldon Scolinos, Sheldon & Nevell
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a trip and fall accident involving plaintiff Elsa Seifert that occurred at the Sheriff's Department's Altadena Station. Ms. Seifert 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	$	98,251
PAID COSTS, TO DATE	$	18,936

Case Name: Seifert, Elsa 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:	February 5, 2013; at approximately 7:10 p.m.
Briefly provide a description of the incident/event:	**Seifert, Elsa v. County of Los Angeles** Summary Corrective Action Plan 2016-005 On February 5, 2013, at approximately 7:10 P.M., the plaintiff alleges she was walking in a westerly direction on a cement walkway adjacent to and north of Altadena Sheriff's Station when she tripped and fell over a concrete wheel stop[1] that was in the walkway. As a result of the fall, the plaintiff claims she sustained severe injuries to her right arm and rib. The parking stall and wheel stop were designed and installed for compliance with the American Disabilities Act (ADA). Although the wheel stop was installed "to code," it clearly posed a risk and hazard to pedestrians. Previous attempts to reduce the risk and hazard of the wheel stop were to paint it a bright color and to place reflective tape on it.

[1] The wheel stop, also commonly known as a parking block, is an industry standard cement block used to restrict vehicles from parking beyond the designated parking space.

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

A **department** root cause of this incident was that the department did not take sufficient precautionary measures to reduce the risk of a pedestrian tripping hazard posed by a cement wheel stop that was in the direct path of a walkway.

Another **department** root cause of this incident was that the cement wheel stop was in line with a pedestrian walkway in an area that was poorly lit during hours of darkness, posing an additional risk and hazard to pedestrians on the path.

A **non-department** root cause of this incident was due to its design allowing for a cement wheel stop in the direct path of a pedestrian walkway. The parking spot was designed by the Department of Public Works.

Another **non-department** root cause of this incident was that the parking space and the cement wheel stop were installed with little or no forethought to its impact on pedestrian traffic on the adjoining through walkway. The parking space and wheel stop were installed by a Job Order Contractor (JOC) coordinated by Internal Services Department (ISD). The design and installation met the building code requirements and was approved by the required jurisdictional agency(s).

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

A bright yellow colored railing was installed near the wheel stop to direct any pedestrian traffic around the wheel stop.

Additional lights were also installed on the roof line at and near the wheel stop to improve lighting and visibility in the area of the wheel stop during the hours of darkness.

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: 5-18-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 05-19-16

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: 5/23/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Giovanni Miranda v. David Earl Whiteside, Jr., et al.
CASE NUMBER		BC512421
COURT		Los Angeles Superior Court
DATE FILED		June 19, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	250,000.00
ATTORNEY FOR PLAINTIFF		Mindy S. Bish, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE		On August 11, 2012, a Sheriff's Department patrol vehicle, en route to an emergency call, collided with a DASH line supervisor vehicle within the signalized intersection of Spring Street and 7th Street, in the City of Los Angeles. The on-duty Sheriff's Deputy was responding with red light and siren and entered the intersection. At the same time, plaintiff, Giovanni Miranda, while in the course and scope of his employment, also entered the intersection. The collision resulted in personal injuries to Mr. Miranda. Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and eventually developed this recommended settlement.
PAID ATTORNEY FEES, TO DATE	$	144,554
PAID COSTS, TO DATE	$	36,075

Case Name: Giovanni Miranda v. County of Los Angeles, et al.

Summary Corrective Action Plan

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Date of incident/event:	
Briefly provide a description of the incident/event:	Giovanni Miranda v. County of Los Angeles Summary Corrective Action Plan 2016-008-02 On Wednesday, August 11, 2012, at approximately 8:05 a.m., an on-duty Los Angeles County deputy sheriff assigned to Transit Policing Division was driving as a single-man unit in a standard black and white patrol vehicle, when he responded to a call for service of a woman on a bus threatening to shoot the bus operator and passengers. Without receiving Code-3 authorization, the deputy sheriff activated his vehicle's emergency lights and siren as he responded to the call. While driving 30 miles-per-hour southbound on Spring Street, at 7th Street, the deputy sheriff entered the intersection against a red traffic signal and failed to yield to cross traffic or clear traffic lanes before proceeding. The plaintiff was driving westbound through the intersection at 30 miles-per-hour on a green light. While driving through the intersection, the front passenger side of the deputy sheriff's vehicle collided with the rear passenger side of the plaintiff's vehicle. The plaintiff complained of pain to his ribs and was transported to the hospital for evaluation and treatment. The deputy sheriff complained of neck pain and dizziness and was transported to the hospital for evaluation and treatment.

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

The **primary** root cause of this incident is the Los Angeles County deputy sheriff violating California Vehicle Code section 21453(a), *Failure to Stop for a Red Tri-Light Signal.*

The **secondary** root cause in this incident is the Los Angeles County deputy sheriff violating California Vehicle Code section 21807, *Driver of Emergency Vehicle Drive with Due Regard.*

An **associated** root cause in this incident is the Los Angeles County deputy sheriff violating Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 5-09/200.20, *Initiation of Code-3 Responses.*

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

The Los Angeles County Sheriff's Department had applicable policies and procedures, protocols, and training curriculum in effect at the time of the incident.

This incident was thoroughly investigated by representatives from the Department's Internal Affairs Bureau. Executive review of the investigation was conducted and appropriate administrative action has been taken.

As a result of this incident, Transit Policing Division conducted an audit, review and assessment of all traffic collisions within its four Bureaus during 2014 and 2015. The audit included a review of driver's training records for employees involved in preventable traffic collisions. The results of the audit revealed a 25% increase in preventable traffic collisions between 2014 and 2015. The primary causal factors were unsafe backing, inattention, and unsafe speed.

As a result of this review, it was determined that a need exists for ongoing driver's training programs at the Bureau level. Based on the increase in preventable traffic collisions in 2015, Transit Policing Division has enrolled four training deputies in train-the-trainer courses for "Sheriff Traffic Accident Reduction" (STAR) driver's training. Once trained, these instructors will provide in-house, recurrent STAR driver's training courses to field personnel. The goal is to improve upon field personnel's basic driving skills and reduce the occurrence of future traffic collisions.

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: 155628	Date: 3-30-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 05-12-16

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: 5/16/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Redgate Partners, LLC. v. County of Los Angeles
CASE NUMBER		BC 562274
COURT		Los Angeles Superior Court
DATE FILED		October 31, 2014
COUNTY DEPARTMENT		Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	$	163,150
ATTORNEY FOR PLAINTIFF		Arnold Graham
COUNTY COUNSEL ATTORNEY		Michael S. Simon
NATURE OF CASE		Inverse Condemnation: Plaintiff claims that a portion of the County's equestrian center extends on to Plaintiff's property, and that dust from the equestrian center blows on to Plaintiff's property and interferes with Plaintiff's trucking operations business.
PAID ATTORNEY FEES, TO DATE	$	16,590
PAID COSTS, TO DATE	$	10

Case Name: **Redgate Partners, LLC v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 562274

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 31, 2014 – lawsuit filed
Briefly provide a description of the incident/event:	The Claimant, owner of the adjacent property to the County alleges County has constructed within the boundaries of their property. Claimant also alleges continuing nuisance caused by significant quantities of dust and sand blowing from the County property onto his.

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

1. County encroached on private property: driveway and entrance, landscaping, signage and fencing located on private property.
2. Much of the surface of County's property is undisturbed soil and sand causing dust to be blown onto Claimant's property with additional dust generated during the use of the two horse exercise arenas found on County property.
3. Current water system is insufficient to provide adequate water to the irrigation systems that provide dust control in the arenas.

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

The Department took action to ensure that they do not encroach on other property and take reasonable dust control methods at our equestrian facilities that are in close proximity to homes or businesses. Furthermore, we developed the following corrective action plan to help guard against any reoccurrence of these types of issues in the future:

- Survey property boundaries before purchasing "new" property or before making improvements on existing County property;
- Ensure that dust control measures, including irrigation systems and mulch, are installed and monitored by staff on a regular basis;
- Install fencing with windscreens and/or landscaping barriers, when needed, to help control dust and debris on adjacent property.

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)	
Signature:	Date: 5/23/16
Name: (Department Head)	
Signature:	Date: 5/24/16

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: 5/23/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Virginia Contreras Gamboa, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 567440
COURT		Los Angeles County Superior Court
DATE FILED		December 22, 2014
COUNTY DEPARTMENT		Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$	$495,000 and assumption of a Medi-Cal lien in the approximate amount of $20,000
ATTORNEY FOR PLAINTIFF		Matthew B. Nezhad, Esq. Law Office of Matthew B. Nezhad
COUNTY COUNSEL ATTORNEY		Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE		In early morning hours of January 1, 2014, Virginia Contreras Gamboa, a pregnant female, presented to LAC+USC Medical Center and began active labor. Her labor and delivery process became complicated. Later that night, Ms. Gamboa underwent a cesarean section and gave birth to a female infant who died about an hour after birth. Ms. Gamboa and her husband filed a wrongful death action against the County of Los Angeles for the loss of their newborn infant. Ms. Gamboa also filed a medical malpractice action for the injuries that she suffered during the cesarean section, and her husband filed an action for loss of consortium.
PAID ATTORNEY FEES, TO DATE	$	0
PAID COSTS, TO DATE	$	360

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		County Claim Against Kaarma Pacific., Inc. dba Pro Star Mechanical Services Re Purchase Order No. PO-HS-13329064-1
CASE NUMBER		N/A
COURT		N/A
DATE FILED		N/A
COUNTY DEPARTMENT		Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$	75,000 - Pro Star's payment/reimbursement of labor costs to County.
ATTORNEY FOR PLAINTIFF		N/A
COUNTY COUNSEL ATTORNEY		Patrice Salseda Principal Deputy County Counsel
NATURE OF CASE		Breach of contract. Pro Star unable to complete installation of commercial boilers at DHS headquarters. Due to the costs, risks and uncertainties of litigation, a 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		Daniel Vos, et al. v. County of Los Angeles, et al.
CASE NUMBER		BC 522637
COURT		Los Angeles Superior Court
DATE FILED		September 27, 2013
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	$400,000
ATTORNEY FOR PLAINTIFF		Law Offices of Donnie R. Cox
COUNTY COUNSEL ATTORNEY		Danielle Drossel
NATURE OF CASE		Lawsuit by plaintiffs Daniel and Carol Vos, against the County and two employees of the Department of Children and Family Services. The Plaintiffs are the paternal grandparents of seven-year-old Shawn. The plaintiffs claim that they were deprived of a "fair chance" to adopt their granddaughter. The lawsuit alleges six causes of action, including violation of the Civil Rights Act, 42 United States Code section 1983, violation of State civil rights statutes, and Intentional Infliction of Emotional Distress.
PAID ATTORNEY FEES, TO DATE	$	230,610
PAID COSTS, TO DATE	$	68,202

Case Name: Vos vs. County of Los Angeles, et al.

Summary Corrective Action Plan

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Date of incident/event:	April 26, 2011
Briefly provide a description of the incident/event:	The Plaintiffs allege their civil rights were violated when the Department misrepresented facts, failed to inform them when their grandchild was removed from her mother, and did not give them preferential consideration for her placement.

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

Alleged failure to inform plaintiffs, in violation of Welfare and Institutions Code (WIC) section 361.3.

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

DCFS had relevant policies and procedures in effect at the time of the incident and maintains a practice of enhancing/revising its policies to ensure compliance with the state of the law. The department utilizes a number of systemic methods for informing the workforce about such policy and regulation changes.

All personnel actions have been addressed.

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: 3.15.16

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: 3/10/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Robert Fernandez v. County of Los Angeles, et al. and Estate of Gabriel Fernandez, et al. v. County of Los Angeles, et al.
CASE NUMBER	MCO24306 and BC552734
COURT	Los Angeles County Superior Court, North District Los Angeles County Superior Court, Central District
DATE FILED	12/4/2013 and 7/25/2014
COUNTY DEPARTMENT	Department of Children and Family Services Department of Public Social Services
PROPOSED SETTLEMENT AMOUNT	$1,841,000 (70 percent of total settlement of $2,630,000; Contract Cities Liability Trust Fund (LASD) has been apportioned 30 percent of the total settlement)
ATTORNEY FOR PLAINTIFF	Law Offices of John Noland and Carpenter, Zuckerman &Rowley, LAP
COUNTY COUNSEL ATTORNEY	Lauren Black
NATURE OF CASE	These two lawsuits arise from the death of eight-year-old Gabriel F., filed by: (1) his maternal grandfather and grandmother; and (2) his siblings, father, four paternal relatives, and the Estate of Gabriel Fernandez. The plaintiffs allege that the County's conduct was a substantial factor in Gabriel's death, which was the result of serial abuse by his mother and her boyfriend.
PAID ATTORNEY FEES, TO DATE	$ 142,829
PAID COSTS, TO DATE	$ 5,152

Case Name: Estate of Gabriel Fernandez vs. COLA, et al
Robert Fernandez vs. COLA, et al

Summary Corrective Action Plan

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Date of incident/event:	May 23, 2013
Briefly provide a description of the incident/event:	An eight year-old child was killed by his mother and her boyfriend after prolonged physical abuse.

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

Violation of established policy.

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

All personnel actions have been addressed.

The Department had appropriate policy and procedures in effect at the time of the incident.

In order to ensure compliance with the state of the law, the Department maintains a practice of enhancing and revising its policies on a continual basis.

The Department utilizes multiple systems to inform the workforce about policy and regulation updates.

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

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

Name: (Risk Management Coordinator) Diane Iglesias, Senior Deputy Director	
Signature: Diane Iglesias	Date: 3.15.16

Name: (Department Head) PHILIP L. BROWNING, DIRECTOR	
Signature:	Date: 3/22/16

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: 3/14/2016

Case Name: **Robert Fernandez, et. al**
Estate of Gabriel Fernandez, 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:	May 24, 2013
Briefly provide a description of the incident/event:	This is a wrongful death case, wherein the maternal grandparents of the decedent alleged that despite numerous reports of child abuse, employees from several county departments failed to properly investigate and/or detain their minor grandson from the custody and care of his mother and her boyfriend, eventually resulting in the eight year old's death. On May 22, 2013, the child was transported to the hospital after suffering life threatening injuries at the hands of his mother and her boyfriend. Two days later, on May 24, 2013, the child succumbed to his injuries. The Plaintiffs allege that a DPSS employee failed to make a mandated report of suspected abuse was a contributing factor in the child's death.

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

Alleged failure to make a report of abuse to the DCFS hotline.

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

1. The Department had policies and procedures in place at the time of the incident with regard to reporting child abuse. The personnel policy regarding Child Abuse Reporting Responsibility will be amended to clarify and reinforce that suspected abuse must be reported even if it is believed to have already been reported.

2. During training, the requirement that all suspected abuse must be reported regardless of whether the abused child is present or not, will be reinforced.

3. Consider offering the Child Abuse and Neglect Protocol Training on an annual basis, rather than every two years. Approval is contingent upon staffing, budgeting, and priority of trainings already requested and/or scheduled.

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) Simone R. Agee, Administrative Services Manager I	
Signature: Simone Agee	Date: 4/7/16
Name: (Department Head) Sheryl L. Spiller, Director	
Signature: Sheryl L Spiller	Date: 4/7/16

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) Steven E. Nyblom for Destiny Castro	
Signature: St E. Nyb	Date: 4-8-16

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

MAY 16, 2016

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:29 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: Steve Robles and Roger Granbo, with Chair John Naimo being absent.

Other persons in attendance at the meeting were: Office of the County Counsel: Edwin Lewis, Jonathan McCaverty, and Warren Wellen; Sheriff's Department: Comm. Henry Romero, Latonya Clark, Dominic Dannan, and Kevin Pearcy; Department of Public Works: Steve Burger and Sam Assoum.

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(c) below.

4. Report of actions taken in Closed Session.

At 9:53 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Terry Muhammad v. County of Los Angeles, et al.</u>
United States District Court Case No. CV 15-01228

This lawsuit concerns allegations of excessive force, false arrest, and wrongful incarceration by Sheriff's Deputies. (Continued from the meeting of May 2, 2016)

<u>Action Taken</u>:

The Claims Board approved the settlement of this matter in the amount of $49,000.

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

b. **Manuel Esparza v. County of Los Angeles, et al.**
United States District Court Case No. 14-CV-09937

This lawsuit concerns allegations of the use of excessive force by Sheriff's Deputies on an inmate while in the custody of the Sheriff's Department.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $90,000.

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

c. **Zusser Company, Inc. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 596 634

This breach of contract lawsuit seeks damages against the Department of Public Works – Flood Control District.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $109,500.

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

5. **Approval of the minutes of the May 2, 2016, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

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

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 9:54 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz