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, SEPTEMBER 19, 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. **Florentina Demuth v. County of Los Angeles, et al.**
   United States District Court Case No. CV 10-6783

   This lawsuit alleges false arrest, excessive force, and civil rights violations 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 $350,000.

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

   See Supporting Documents

   b. **Monique Hudson v. County of Los Angeles**
   Los Angeles Superior Court Case No. BC 458 667

   This lawsuit concerns allegations of breach of contract and violation of civil rights by the Sheriff's Department.

   Action Taken:

   The Claims Board approved the settlement of this matter in the amount of $99,500.

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

c. **Melissa Bertik v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 025 255

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Sheriff's Department

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 a soon as settlement between all parties becomes final.

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

d. **Christine Hart v. Ly Van Tran, et al.**
Los Angeles Superior Court Case No. BC 569 167

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

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

See Supporting Document

e. **Michael Lopez v. County of Los Angeles**
United States District Court Case No. 2:15-CV-09153

This lawsuit alleges a violation of civil rights by the Department of Health Services under the Americans with Disabilities Act when restroom and parking facilities were not accessible to disabled individuals at Olive View-UCLA Hospital.

Action Taken:

The Claims Board approved the settlement of this matter in the amount of $28,000.

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

See Supporting Document

f. **John Lee Barrentine v. County of Los Angeles, et al.**
United States District Court Case No. 2:16-CV-00185

This lawsuit alleges federal civil rights violations by Probation Department Officers for false arrest and incarceration for 45 days.

Action Taken:

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

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

See Supporting Document

g. **Doris Martinez v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 564 490

This dangerous condition lawsuit arises from alleged injuries sustained as a result of a fall at a polling location operated by the Department of Registrar-Recorder/County Clerk.

Action Taken:

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

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

See Supporting Document

h. **Bridgette Wright v. Hermineh Keshishian, et al.**
Los Angeles Superior Court Case No. BC 534 225

This lawsuit arises from alleged injuries sustained in a vehicle accident involving an employee of the Department of Children and Family Services.

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

See Supporting Document

i. **Concepcion Sotelo v. Gilbert Vivar Bravo, et al.**
Los Angeles Superior Court Case No. BC 526 787

This lawsuit arises from alleged injuries sustained in a rear-end vehicle accident involving an employee of 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 $125,000.

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

See Supporting Documents

j. **Kody Quinn v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 534 190

This dangerous condition lawsuit against the Department of Public Works arises from injuries sustained in a solo motorcycle accident 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 $325,000.

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 August 15, 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		Florentina Demuth v. County of Los Angeles, et al.
CASE NUMBER		CV 10-6783 MWF
COURT		United States District Court
DATE FILED		September 13, 2010
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	350,000
ATTORNEY FOR PLAINTIFF		Daniel Crawford, Esq. Crawford Weinstein LLP
COUNTY COUNSEL ATTORNEY		Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $350,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Florentina Demuth arising out of a February 11, 2010, incident at the Los Padrinos Juvenile Courthouse whereby Ms. Demuth was handcuffed and brought to court. The Deputy claims his actions were reasonable under the circumstances. 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 $350,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	229,103
PAID COSTS, TO DATE	$	34,844

Case Name: Florentina Demuth 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 11, 2010, at approximately 9:45 A.M.
Briefly provide a description of the incident/event:	**Florentina Demuth v. County of Los Angeles** Summary Corrective Action Plan 2016-019 On Thursday, February 11, 2010, at approximately 9:45 A.M., a uniformed Los Angeles County Deputy Sheriff, assigned to Los Padrinos Juvenile Court was ordered by a bench officer to bring the plaintiff[1] to Department 250. The deputy sheriff went to the Public Defender's office where he located the plaintiff. The deputy sheriff advised the plaintiff that a bench officer had ordered him to escort her to Department 250. The deputy sheriff asked the plaintiff to comply with the bench officer's order to appear several times, but the plaintiff refused to go saying she would go to the court at a later time. The plaintiff then asked if she would be arrested. The deputy sheriff told the plaintiff she would be arrested if need be to comply with the court order. The plaintiff then asked if she would be handcuffed. In order to comply with the bench officer's order, and believing it would be the only way to get the plaintiff to comply with the court order, the deputy sheriff retrieved a pair of handcuffs. The plaintiff voluntarily turned around and put her hands behind her back without the deputy sheriff instructing her to do so. The deputy sheriff handcuffed the plaintiff, but took care to not tighten the handcuffs on the plaintiff's wrists to avoid discomfort. The deputy sheriff then lightly grasped the plaintiff's upper right arm and escorted her to the court. The plaintiff did not resist the handcuffing, or the escort, and was cooperative. The escort was uneventful. Upon entering the courtroom, the deputy sheriff offered to remove the handcuffs, but the plaintiff refused and stated she wanted the handcuffs to remain in place. Since there were other matters being heard at the time, the deputy sheriff offered two more times to remove the handcuffs from the plaintiff. The plaintiff declined both times to have her handcuffs removed. Based on the plaintiff's demeanor, the deputy sheriff did not believe the handcuffs were causing the plaintiff any discomfort. Once the bench officer called the plaintiff's case, the plaintiff asked why she had been handcuffed and for permission to remove the handcuffs. The bench officer agreed with the plaintiff's request to remove the

[1] The plaintiff is an attorney, working for the Los Angeles County Public Defender's office, and at the time of the incident was working at Los Padrinos Juvenile Court

	handcuffs. The plaintiff turned her back to the deputy sheriff who removed the handcuffs[2]. The plaintiff asked to leave the courtroom to retrieve some documents from the Public Defender's office. The bench officer ordered the deputy sheriff to escort the plaintiff. After approximately five minutes, the deputy sheriff walked to the lobby of the Public Defender's office and saw another witness taking photographs of the plaintiff's wrists. The deputy sheriff told the plaintiff that the bench officer was waiting for their return. The plaintiff stated pictures needed to be taken of her wrists. After another five minutes, the plaintiff walked out of the Public Defender's office and returned to Department 250 along with the deputy sheriff. With regard to any possible injuries, the plaintiff claimed to another deputy sheriff that she had sustained an injury and stated she would seek her own medical treatment. It should be noted, there was no formal verification of the plaintiff's injuries since she refused to cooperate with the Sheriff's Department's investigation into this matter.

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

Sheriff's Department Root Cause:

A Department root cause in this incident was a misunderstanding between the court and the deputy sheriff resulting in a 4th Amendment violation. Although the presiding court referee requested the deputy sheriff to locate and advise the plaintiff to appear in court, she did not order the plaintiff to be forcibly remanded into custody if she refused.

A **non-Department** root cause in this incident was the plaintiff's repeated delay and refusal to report to the presiding court referee's judicial summons to appear.

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

The plaintiff indicated that she had a complaint of pain to her wrists and shoulder as a result of the force used in this incident.

This incident was thoroughly investigated by members of the Los Angeles County Sheriff's Department to determine if the force used by the deputy sheriff on the plaintiff was legal and within Departmental policy.

Executive review of this incident determined that the deputy's actions were an appropriate means to carry out the perceived order of the court. The force used by the deputy sheriff was also found to be measured in its application and minimal since it was limited to un-resisted handcuffing.

Although the plaintiff later claimed she was "dragged" into court by the deputy sheriff, this claim was not substantiated by eye witnesses to the incident. The witnesses' accounts revealed that the plaintiff's escort to the courtroom was uneventful and involved no application of force.

The deputy sheriff's claim to have not placed the handcuffs too tightly on the plaintiff was circumstantially supported by the plaintiff's jovial demeanor while in the court as referenced by several eye witnesses.

[2] The plaintiff remained in handcuffs for approximately 11 minutes and did not want the handcuffs removed until the plaintiff spoke to the court on the record to mention that she had been handcuffed.

Several of the witness, as well as the recorded court audio, attested to the deputy sheriff's offers to the plaintiff to remove the handcuffs and the plaintiff's refusal to have them removed until after the plaintiff addressed the court on the record.

This incident was investigated by Court Services Division – East Bureau personnel to determine if any administrative misconduct occurred before, during, or after this incident. The investigation results were presented for executive review and evaluation.

Upon careful review of the incident, the Court Services Division – East Bureau captain determined the deputy sheriff's use of force, tactics, and actions were within Department policy.

Upon transferring to Court Services Division, personnel are required to attend a bailiff orientation training course where procedures for "Short Term Remands" are discussed. If a Deputy Sheriff leaves Court Services Division for more than five years, they are required to re-attend the training course in its entirety.

As of August 2, 2016, 100% of sworn Court Services Division – East Bureau personnel have completed the re-briefing training related to *Temporary/Short Term Remands and Searching New Remands.*

Court Services Division has requested all of their bureaus to complete re-briefing training to all sworn personnel regarding these same issues. The division wide re-brief acknowledgement is expected to be completed by the end of September, 2016.

This incident was found in favor of the County of Los Angeles during the State Trial Court. After the appeal to the 9th Circuit Court of Appeals, the court affirmed portions of the verdict and reversed portions of the verdict.

The 9th Circuit Court of Appeals declared, "The dispute should have been resolved by an admission that the deputy violated Demuth's constitutional rights, followed by mutual apologies and a handshake, saving the taxpayers of Los Angeles County the considerable costs of litigating this tiff."

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: 8-24-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 08-25-16

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: 8/26/2016

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Christine Hart v. Ly Van Tran, et al.
CASE NUMBER		BC569167
COURT		Los Angeles Superior Court
DATE FILED		January 12, 2015
COUNTY DEPARTMENT		Department of Public Health
PROPOSED SETTLEMENT AMOUNT	$	95,000
ATTORNEY FOR PLAINTIFF		Scott E. Spell and Joseph Pourshalimy
COUNTY COUNSEL ATTORNEY		Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE		This lawsuit arises from a vehicle collision that occurred on September 30, 2014, at the driveway exit of the parking lot of the Porter Ranch Town Center mall that intersects Rinaldi Street in Porter Ranch when a vehicle driven by a County employee collided into a vehicle driven by plaintiff Christine Hart. Plaintiff claims to have suffered injuries and damages 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	$	16,833
PAID COSTS, TO DATE	$	7,409

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Michael Lopez v. County of Los Angeles
CASE NUMBER		2:15-CV-09153 R(ASx)
COURT		United States District Court
DATE FILED		November 25, 2015
COUNTY DEPARTMENT		Department of Health Services
PROPOSED SETTLEMENT AMOUNT	$	$28,000
ATTORNEY FOR PLAINTIFF		Mark Potter, Esq.
COUNTY COUNSEL ATTORNEY		Dusan Pavlovic Senior Deputy County Counsel
NATURE OF CASE		Plaintiff Michael Lopez, a paraplegic who requires power wheelchair, alleges his rights under the Americans with Disabilities Act were violated because the parking lot, the pedestrian paths of travel, and restrooms facilities at the Olive View - UCLA Medical Center failed to provide him with required access to the facility. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	$	5,303
PAID COSTS, TO DATE	$	3,000

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		John Lee Barrentine v. County of Los Angeles, et al.
CASE NUMBER		2:16-CV-00185
COURT		United States District Court
DATE FILED		January 8, 2016
COUNTY DEPARTMENT		Probation Department
PROPOSED SETTLEMENT AMOUNT	$	50,000
ATTORNEY FOR PLAINTIFF		John R. Cogorno, Esquire
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE		This is a recommendation to settle for $50,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by John Lee Barrentine against the County, former Probation Department Chief Jerry E. Powers, Deputy Probation Officer ("DPO") Esmeralda Aguilera, and Supervising DPO Edwardo Gomez alleging that his federal civil rights were violated when he was falsely arrested and incarcerated for 45 days. 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 $50,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	15,583
PAID COSTS, TO DATE	$	0

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Doris Martinez v. County of Los Angeles, et al.
CASE NUMBER		BC 564490
COURT		Los Angeles Superior Court
DATE FILED		November 19, 2014
COUNTY DEPARTMENT		Department of Registrar-Recorder/County Clerk
PROPOSED SETTLEMENT AMOUNT	$	65,000
ATTORNEY FOR PLAINTIFF		Douglas E. Kottler, Esq.
COUNTY COUNSEL ATTORNEY		Principal Deputy County Counsel, Brian T. Chu
NATURE OF CASE		On June 3, 2014, Doris Martinez volunteered to work in the statewide election at the Will Rogers Elementary School polling location. After the polls closed, Ms. Martinez, who is wheelchair bound, exited the polling building at approximately 9:00 p.m. when the ambient lighting was dim. She wheeled herself on the concrete sidewalk in front of the school towards her vehicle in the disabled parking space. She then rolled over the edge of the raised curb and fell out of her wheelchair. She received a fractured arm, dislocated shoulder, and a possible rotator cuff tear. She contends that the County and Lynwood Unified School District (LUSD) are liable for a dangerous condition of public property. LUSD cross-complained against the County for defense and indemnification under an agreement for the use of the school as a polling location. Due to the risks and uncertainties of litigation, a settlement of this case with a contribution in the settlement amount is recommended. LUSD's cross-complaint against the County will also be dismissed.
PAID ATTORNEY FEES, TO DATE	$	38,850
PAID COSTS, TO DATE	$	5,532

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Bridgette Wright v. Hermineh Keshishian, et al.
CASE NUMBER		BC534225
COURT		Los Angeles Superior Court
DATE FILED		January 24, 2014
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	40,000
ATTORNEY FOR PLAINTIFF		John Nojima, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE		On September 10, 2012, at approximately 1:15 p.m., a Department of Children and Family Services social worker, while in the course and scope of her duties, was parallel parking her vehicle in an open space on Peach Street in the City of Los Angeles. While backing up into the space, she collided into a vehicle driven by Bridgette Wright who was also attempting to park in the same space but approaching from the opposite direction of traffic. Ms. Wright contends that the employee negligently collided into her vehicle and that the County is vicariously liable. Ms. Wright claims soft tissue injuries to her neck and back, and exacerbation of a pre-existing medical condition, and which resulted in corrective surgery. The County denies liability and the extent and severity of the injuries. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $40,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	116,436
PAID COSTS, TO DATE	$	58,841

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Concepcion Sotelo v. Gilbert Vivar Bravo, et al.
CASE NUMBER		BC526787
COURT		Los Angeles Superior Court
DATE FILED		November 6, 2013
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	125,000
ATTORNEY FOR PLAINTIFF		Gina Clemow, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu, Principal Deputy County Counsel
NATURE OF CASE		On December 6, 2012, an on-duty Department of Public Works employee, driving a utility truck, rear-ended a BMW sedan, driven by Concepcion Sotelo, that was stopped at the signalized intersection of Beverly Boulevard and Bradshawe Street in the City of Montebello. As a result of the collision, Ms. Sotelo claims she received soft tissue injuries to her neck, back and shoulders, resulting in medical services that included two rotator cuff surgeries. She also claims loss of earnings damages. Ms. Sotelo contends that the Department of Public Works employee was negligent and that the County is vicariously liable for his negligence. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $125,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	151,512
PAID COSTS, TO DATE	$	116,748

Sotelo, Conception

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:	December 6, 2012
Briefly provide a description of the incident/event:	Ms. Conception Sotelo states that on December 6, 2012, she was traveling on Beverly Boulevard at or near the intersection of Bradshawe Avenue, when she was rear-ended by a County vehicle.

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

The rear-end collision occurred due to inattention.

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

The employee, appeared before the Public Works Automotive Safety Committee on February 14, 2013 The incident was deemed preventable and disciplinary 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)
Michael J. Hays

Signature: MJ Hays

Date: 5/23/16

Name: (Department Head)
Gail Farber

Signature: Gail Farber

Date: 6-16-16.

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: 5/25/2016

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CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Kody Quinn v. County of Los Angeles, et al.
CASE NUMBER		BC 534190
COURT		Los Angeles Superior Court
DATE FILED		January 23, 2014
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	325,000
ATTORNEY FOR PLAINTIFF		Michael Coletti, Esq.
COUNTY COUNSEL ATTORNEY		Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE		On April 20, 2013, at approximately 1:30 p.m., Kody Quinn, while riding a motorcycle on southbound Bouquet Canyon Road, approximately two miles north of Texas Canyon Road, lost control as he entered a curve. As a result, he was ejected from his motorcycle and collided into a guardrail. He received fractures to both his legs, and underwent medical treatment, including corrective surgery. Mr. Quinn contends that the curve in the road existed as a dangerous condition of which the County had notice. The County denies Mr. Quinn's contention and alleges that he was comparatively negligent. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $325,000 is recommended.
PAID ATTORNEY FEES, TO DATE	$	162,398
PAID COSTS, TO DATE	$	47,312

Case Name: QUINN, KODY

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:	April 20, 2013
Briefly provide a description of the incident/event:	On Saturday, April 20, 2013, at approximately 1:30 p.m., plaintiff Kody Quinn was operating a 2013 "Harley Davidson 48" southbound on Bouquet Canyon Road, 2 miles north of Texas Canyon Road, in the unincorporated area of Santa Clarita, at approximately 35 mph when he entered a left curve, traveled off the roadway onto the right dirt shoulder, hit the guardrail, and was ejected from his motorcycle. As a result, Mr. Quinn sustained two broken femurs. Plaintiff alleged the curve was a dangerous condition because the County failed to provide a sign warning of the curve for southbound traffic. Plaintiff produced Google photographs dated January 2011 and November 2011, which showed that the southbound W1-1 and W13-1 (20 mph) signs were not in place at that time.

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

1. According to the Plaintiff's statement in the Traffic Collision Report: While driving through a curve, Plaintiff leaned his motorcycle in a way that caused his motorcycle foot pedal to drag on the pavement and caused him to lose control and crash.
2. During normal maintenance and traffic studies prior to the Incident and Claim reviews after the incident, Public Works personnel did not determine or report that the southbound curve signs were missing.

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

On January 27, 2015, T&L notified Claims and Litigation of the missing southbound W1-1 and W13-1 (20 mph) signs. Claims and Litigation notified Counsel of the missing signs and Counsel authorized the reinstallation of the subject signs on March 26, 2015.

On April 9, 2015, the W1-1 and W13-1 (20 mph) signs were reinstalled by OSD. In addition, W1-8 Chevron Signs were installed.

By September 1, 2016, Public Works will create written procedures, guidelines, and protocols to enhance effectiveness of signage maintenance and record keeping. Upon completion of this document, all employees involved in this function will be trained and held accountable to know and follow the written practice through Annual tailgate trainings.

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: 6/13/16
Name: (Department Head) Gail Farber	
Signature: Gail Farber	Date: 8-29-16.

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: 6/14/2016

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COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

AUGUST 15, 2016

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:32 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: Latayvius Alberty, Adrienne Byers, and Jenny Tam; Sheriff's Department: Val Rosario and Kevin Pearcy.

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(b) below.

4. Report of actions taken in Closed Session.

At 9:44 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Californians Aware v. Los Angeles County Board of Supervisors</u>
Los Angeles Superior Court Case No. BS 155 259

This lawsuit concerns allegations that the Board of Supervisors violated the Ralph M. Brown Act.

<u>Action Taken</u>:

The Claims Board approved the settlement of this matter in the amount of $26,310.

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

b. **Ashley Del Castillo, et al. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 550 744

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 $40,000.

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

5. **Approval of the minutes of the August 1, 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 9:44 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By _____
Sandra C. Ruiz