



# COUNTY OF LOS ANGELES

## CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

### MEMBERS OF THE BOARD

Curtis Morris  
City Council Member  
Mark R. Alexander  
City Manager  
Margaret Finlay  
City Council Member  
Doug Prichard  
City Manager  
Mark Waronek  
City Council Member  
Michael J. Egan  
City Administrator  
Sam Olivito  
California Contract  
Cities Association

## REVISED AGENDA

## NOTICE OF MEETING

The County of Los Angeles Contract Cities Liability Trust Fund Claims Board will hold its Regular Meeting on Wednesday, September 21, 2016, at 11:00 a.m. in the City of Norwalk, Community Meeting Center, Multi-Purpose Room at 13200 Clarkdale Avenue, Norwalk, California 90650.

## AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9)
  - a. Kevin Cohen and Leesa Danzek v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 536618

This lawsuit concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

[See Supporting Document](#)

- b. Marlene P., et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 15-06497  
Bernardita Maldonado Gomez, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 15-06576

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

[See Supporting Document](#)

- c. K.C.R., et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 13-3806

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

[See Supporting Document](#)

- d. Jane Taylor, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 567844

This lawsuit concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

[See Supporting Document](#)

- e. Valenzuela Elia Torres, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. MC 024624

This lawsuit concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

[See Supporting Document](#)

4. Closed Session - Conference with Legal Counsel - Existing Litigation  
(Subdivision (a) of Government Code Section 54956.9)

- a. Kathleen Anderson, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 15-09289

This lawsuit concerns allegations of wrongful death and federal civil rights violations by Sheriff's Deputies.

- b. Teresita Garcia v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 553204

This lawsuit concerns allegations of an automobile accident involving a Sheriff's Deputy.

- c. Carla Wade, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 611073

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

- 5. Report of actions taken in Closed Session.
- 6. Approval of Minutes for the August 10, 2016, meeting of the Contract Cities Liability Trust Fund Claims Board.

[See Supporting Document](#)

- 7. 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.
- 8. Other Business
- 9. Adjournment

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kevin Cohen and Leesa Danzek v. County of Los Angeles, et al.
CASE NUMBER	BC 536618
COURT	Los Angeles Superior Court
DATE FILED	February 18, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 41,000
ATTORNEY FOR PLAINTIFF	Steven E. Spencer, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On July 17, 2013, an on-duty Sheriff's Deputy drove a marked Sheriff's patrol unit from the parking lot of Lifeguard Headquarters, located at 30050 Pacific Coast Highway, City of Malibu, onto Pacific Coast Highway in response to a call for service. The Sheriff's Deputy, with the patrol unit's emergency lights activated, intended to proceed westbound by making a U-turn at a center median break after merging into the eastbound lanes. Before the Sheriff's Deputy could complete his U-turn, a sport utility vehicle driven by Kevin Cohen collided into the patrol unit. Mr. Cohen and his passenger, Leesa Danzek contend that the Sheriff's Deputy was negligent and claim soft tissue injuries as a result of the accident. The County and the Deputy deny liability.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$41,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 177,332
PAID COSTS, TO DATE	\$ 55,097

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marlene P., et al. v. County of Los Angeles, et al., and Bernardita Maldonado Gomez, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:15-CV-06497 and 2:15-CV-06576
COURT	United States District Court
DATE FILED	March 13, 2015 (Marlene P.) August 28, 2015 (Bernardita Maldonado Gomez)
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 2,750,000
ATTORNEY FOR PLAINTIFF	Arnoldo Casillas, Esq. Casillas, Moreno & Associates Humberto M. Guizar, Esq. Law Offices of Humberto M. Guizar
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$2,750,000, inclusive of attorneys' fees and costs, two Sheriff's Department Contract Cities civil rights lawsuits filed by Salvador Palencia's two minor children, Marlene P. and Diego P., by and through their guardian ad litem, Irma Hernandez; Mr. Palencia's wife, Bernardita Maldonado Gomez, and adult child, Rubi Palencia, alleging wrongful death and excessive force.</p> <p>The 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 \$2,750,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 141,446
PAID COSTS, TO DATE	\$ 33,125

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	K.C.R., et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 13-3806
COURT	United States District Court
DATE FILED	July 30, 2013
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,500,000
ATTORNEY FOR PLAINTIFF	Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$1,500,000, inclusive of attorneys' fees and costs, the lawsuit filed by K.C.R. and KR., the minor sons of decedent Kenneth Rivera, III, and Kenneth Rivera, Jr., Mr. Rivera, III's father, arising out of a fatal shooting in the City of Lynwood on June 21, 2012, when Sheriff's Deputy Norma Silva shot and killed Mr. Rivera, III, after he had tried to kidnap a teenage girl.</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 \$1,500,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 492,554
PAID COSTS, TO DATE	\$ 292,599



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	June 21, 2012 at approximately 11:45 a.m.
Briefly provide a description of the incident/event:	<p style="text-align: center;"><b><u>K.C.R. v. County of Los Angeles</u></b> Summary Corrective Action Plan 2016-018</p> <p>On June 21, 2012, at approximately 11:45 a.m., the decedent was standing across the street from the "La Siesta Motel" in Lynwood when he approached two teenage girls across the street who engaged him in small talk.</p> <p>Decedent approached one of two teenage girls and grabbed her by the throat. He then attempted to push her into his vehicle, which was parked nearby. The victim struggled to free herself while the other teenage girl also tried to pull the girl away from the decedent. The decedent succeeded at partially pushing the girl into the passenger side of the vehicle, when he stopped and told her, "I can't do this. Why can't I get a lady?"</p> <p>Decedent then drove away after allowing the girls to leave. Multiple witnesses observed the kidnapping attempt, and at least one witness called 911. After the kidnapping attempt, the girls ran to a nearby business and reported the kidnapping attempt. As this occurred, the decedent parked his car in the parking lot of the La Siesta Motel and stood outside in the parking lot.</p> <p>Based on the call for service, three deputy sheriffs from the Los Angeles County Sheriff's Department responded to the vicinity of La Siesta Motel, in separate radio cars.</p> <p>The first deputy sheriff on scene brought her patrol car to a stop as she observed the decedent in the parking lot of La Siesta Motel. Before she could shift the transmission into park, she opened the door of her patrol car. At this time, the decedent had his right hand concealed in the right front pocket of his pants.</p> <p>The decedent maintained eye contact with the first deputy sheriff and began rushing towards her and her now fully opened driver's side door. The deputy sheriff had begun to tell the decedent to show her his hands when the decedent "dove" into the driver's side door of the patrol car.</p> <p>Once the decedent lunged into the patrol car, he was on top of the deputy sheriff, as she was still seated in the driver's seat of the patrol car. The decedent screamed, "Fuck you. Fuck you" and used the words "kill" and "me." The decedent's body pinned the deputy sheriff's body to the driver's seat and he pushed with his legs in an effort to get further inside the vehicle. The decedent was chest to chest with the deputy sheriff when he used his body weight to push the deputy sheriff over towards the center</p>

	<p>console and passenger seat. The deputy sheriff attempted to push the decedent off her and out of her car, but was unsuccessful.</p> <p>As two additional deputy sheriffs were arriving on scene, they witnessed the decedent dive into the first deputy sheriff's car.</p> <p>Due to the violent and aggressive attack, the first deputy sheriff drew her duty firearm into her right hand. The decedent then grabbed hold of the deputy sheriff's right forearm. Fearing that the decedent was trying to take her weapon from her and was going to use it to kill her, she fired her service handgun at the decedent's torso three times at close range. The decedent's body went limp.</p> <p>Before the two arriving deputy sheriffs could get out of their cars and over to the first deputy sheriff's car to help, the shooting had occurred.</p> <p>Because she had not been able to put her car into park before the suspect attacked, the first deputy sheriff's patrol car slowly rolled forward and the decedent fell out of the car and onto the ground.</p> <p>The first deputy sheriff used her radio to advise she had been involved in a shooting and requested paramedics for the decedent.</p> <p>The two additional deputy sheriffs handcuffed the decedent as he was on the ground.</p> <p>Los Angeles County Fire Department personnel responded to the scene and transported the decedent via ambulance to St Francis Hospital for medical treatment. The decedent was pronounced dead by hospital staff.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the close proximity of the first deputy sheriff when she stopped and positioned her vehicle while initiating contact with the decedent.

An associated **Department** root cause was identified as possible errors, and or miscommunication in the preservation of a portion of the evidence involved in this case.

A **non-Department** root cause in this incident was the decedent's failure to comply with the lawful orders of a Los Angeles County deputy sheriff.

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

This incident was investigated by the Sheriff's Department's Homicide Bureau to determine if any *criminal* misconduct occurred.

On January 30, 2013, the Justice System Integrity Division of the District Attorney's Office issued a use-of-force determination letter concluding that the deputy sheriff acted lawfully in self-defense during the incident.

The incident was investigated by the Sheriff's Department's Internal Affairs Bureau to determine if any *administrative* misconduct occurred before, during, and/or after the incident. The results of the administrative investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined the *force*

and *tactics* used in this incident were within policy. Although, the first deputy sheriff's proximity to the decedent did not cause the attack, it did not allow for much reaction time when the attack occurred.

The unit commander of the Century Station conducted a tactical debriefing with all involved personnel regarding the unique circumstances of this incident. Attention to proximity, reaction time, and unknown risk contacts were thoroughly discussed.

As a direct result of this incident, Century Station has developed a weekly briefing and training course addressing tactical incidents. Training discussion topics include, but are not limited to, responses to crimes in progress, building searches and/or area containment, barricaded suspects, hostage situations, active shooters, foot or vehicle pursuits, pedestrian or traffic stops, missing persons, and any other law enforcement situations where sound principles and tactics should be employed.

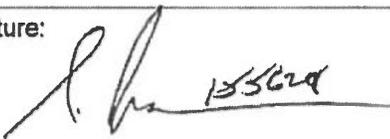
This training allows station personnel and supervisors to have informal discussions regarding Department policy and best practices and how they apply to everyday situations.

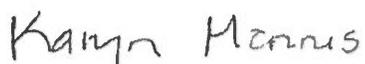
Homicide Bureau holds weekly bureau-wide meetings. In light of the increased scrutiny and increasingly litigious climate surrounding deputy involved shooting incidents, Homicide Bureau has been briefed on numerous occasions over the past two years regarding the collection, retention, and testing of all evidence relating to deputy involved shootings.

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**

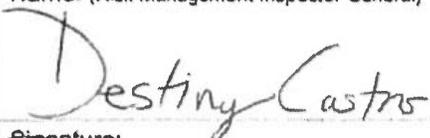
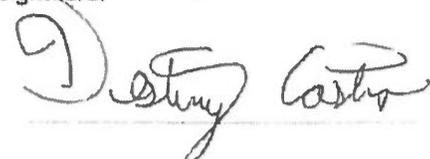
Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 8-7-16

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards Division	
Signature: 	Date: 08-05-16

**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)	
	
Signature: 	Date: 8/8/2016

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jane Taylor, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 567844
COURT	Los Angeles Superior Court
DATE FILED	December 26, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 59,000
ATTORNEY FOR PLAINTIFF	John E. Sweeney John E. Sweeney & Associates
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	<p>This lawsuit arises from a vehicle collision that occurred on December 31, 2012, at the intersection of Valmar Road and Brenford Street in the City of Calabasas, when a vehicle driven by a Sheriff's Deputy collided with a vehicle driven by Leigh Ann T. Her mother, Jane T., and her sisters, Victoria T. and Michelle T., were also in the vehicle. Plaintiffs claim to have suffered injuries as a result of the accident.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 29,338
PAID COSTS, TO DATE	\$ 4,147

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Valenzuela Elia Torres, et al. v. County of Los Angeles, et al.
CASE NUMBER	MC 024624
COURT	Los Angeles Superior Court
DATE FILED	June 6, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 65,000 as to all plaintiffs
ATTORNEY FOR PLAINTIFF	George G. Mgdesyian, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>An on-duty Sheriff's Deputy driving a marked patrol unit while in the course and scope of his duties, collided with a vehicle driven by Valenzuela Torres, at the intersection of 10<sup>th</sup> Street West and Avenue L in the City of Lancaster. Ms. Torres was traveling westbound approaching the intersection as the Sheriff's Deputy entered the intersection in the southbound lane of 10<sup>th</sup> Street West with red light and siren activated. The two vehicles collided in the intersection, which resulted in soft tissue injuries to Ms. Torres, her husband, David Pineda, Sr., and their two minor sons and minor nephew, who were passengers in Ms. Torres's vehicle. The plaintiffs contend that the Sheriff's Deputy made an unsafe entry into the intersection. The County denies the Sheriff's Deputy was negligent and contends that Ms. Torres was comparatively negligent.</p> <p>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.</p>
PAID ATTORNEY FEES, TO DATE	\$ 98,406
PAID COSTS, TO DATE	\$ 10,916

**COUNTY OF LOS ANGELES  
CONTRACT CITIES LIABILITY TRUST FUND  
CLAIMS BOARD**

**MINUTES OF MEETING**

August 10, 2016

**1. Call to Order**

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris at 11:11 a.m. The meeting was held in the Community Meeting Center, Sproul Room, 13200 Clarkdale Avenue, Norwalk, CA 90650.

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, San Dimas, Region III; Mark Alexander, La Canada Flintridge, Region I; Michael Egan, Norwalk, Region III; Margaret Finlay, Duarte, Region I; Doug Prichard, Rolling Hills Estates, Region II; Mark Waronek, Lomita, Region II; Marcel Rodarte, California Contract Cities Association; **Alternates:** Cheri Kelley, Norwalk, Region III; **County of Los Angeles Staff:** Millicent L. Rolon, Principal Deputy County Counsel; Richard Kudo, Principal Deputy County Counsel; Maxine Kallenberger, Los Angeles Sheriff's Department; Brant Frederickson, Los Angeles Sheriff's Department; Buddy Goldman, Los Angeles Sheriff's Department; John La Salle, Wells Fargo Insurance Services; Justin Ko, Wells Fargo Insurance Services; Sahib Singh, Wells Fargo Insurance Services; Ilana Urman, Wells Fargo Insurance Services; **California JPIA:** Paul Zeglovitch, Liability Program Manager; Jim Thyden, Insurance Programs Manager; Denise Covell, Office Assistant; Jennifer Fullerton, Administrative Analyst.

**2. Public Comment**

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 11:12 a.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

**3. Closed Session - Conference with Legal Counsel - Existing Litigation  
(Subdivision (a) of Government Code Section 54956.9)**

a. Claim of IDS Property Casualty  
File Claim No. 15-1124803\*001

This claim concerns allegations of damages sustained in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$36,361.98.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, Mark Waronek, and Michael Egan

b. Sonya R. Syers-Federon, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 14-09482

This lawsuit arises from allegations of injuries sustained in an automobile accident involving an on-duty Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the settlement of this matter in the amount of \$34,000.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, Mark Waronek, and Michael Egan

4. **Closed Session - Conference with Legal Counsel - Existing Litigation  
(Subdivision (a) of Government Code Section 54956.9)**

- a. Susan Berry, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 15-09715

This lawsuit concerns allegations of wrongful death and federal civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- b. Estate of Antoine Hunter, et al. v. County of Los Angeles, et al.  
United States District Court Case No. CV 14-09482

This lawsuit concerns allegations of wrongful death and federal civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- c. Claim of Xao Feng Lei  
File Claim No. 15-1120607\*002

This claim concerns allegations of injuries sustained in an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken.

- d. Mildred Mae Mendoza, et al. v. County of Los Angeles, et al.  
Los Angeles Superior Court Case No. BC 594206

This wrongful death lawsuit concerns allegations of negligence and battery by Sheriff's Deputies.

Action Taken:

No reportable action taken.

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

The meeting was reconvened into public session at 12:10 p.m. No action was taken in Closed Session which required a public report pursuant to Government Code Section 54957.1.

**6. Approval of the Minutes for July 13, 2016, meeting of the Contract Cities Liability Trust Fund Claims Board.**

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 7 -- Curtis Morris, Mark Alexander, Marcel Rodarte, Margaret Finlay, Doug Prichard, Mark Waronek, and Michael Egan

**7. Items Not on the Posted Agenda, to be Referred to Staff or Placed on the Agenda for Action at a Further Meeting of the Contract Cities Liability Trust Fund Claims 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**

None

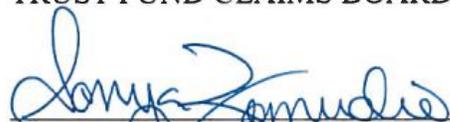
**8. Other Business**

None

**9. Adjournment**

There being no further business, the meeting was adjourned at 12:11 p.m.

COUNTY OF LOS ANGELES  
CONTRACT CITIES LIABILITY  
TRUST FUND CLAIMS BOARD

  
SONYA ZAMUDIO