

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF NORWALK, COMMUNITY MEETING CENTER
SPROUL ROOM, 13200 CLARKSDALE AVENUE, NORWALK, CALIFORNIA 90650
ON
WEDNESDAY, AUGUST 13, 2014, AT 11:00 AM

Members Present: Chair Curtis Morris, Margaret Finlay, Mark Alexander, Michael Egan, Doug Prichard, and Jeffrey Prang

Member Absent: Sam Olivito

Alternates Present: Cheri Kelley and David Spence

1. **Call to Order.**
2. **Opportunity for members of the public to address the Contract Cities Liability Trust Fund 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. S.F., a minor, by Nicole Eastwood v. County of Los Angeles, et al. Los Angeles Superior Court Case No. BC 504566

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

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$975,000.

Vote: Ayes: 6 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, and Jeffrey Prang

Absent: Sam Olivito

[See Supporting Document](#)

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

- a. Sonya Benton v. County of Los Angeles, et al.
Compton Superior Court Case No. TC 027002

This lawsuit concerns allegations of a collision with a vehicle driven by a Sheriff's Deputy for failure to yield.

No reportable action was taken.

- b. David and Sherry Kuang v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 514545

This lawsuit concerns allegations of property damage for failure to maintain drain.

No reportable action was taken

- c. Estate of Kenneth Rivera, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 510309

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

No reportable action was taken.

- d. Claudia Vasquez v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 503967

This lawsuit concerns allegations of excessive force by Sheriff's Deputies.

No reportable action was taken.

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the July 9, 2014, 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: 6 -- Curtis Morris, Mark Alexander, Michael Egan,
Margaret Finlay, Doug Prichard, and Jeffrey Prang

Absent: Sam Olivito

[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.

No such matters were discussed.

8. Other Business.

None

9. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	S.F., a minor, through Nicole Eastwood, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 504566
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed April 2, 2013
COUNTY DEPARTMENT	Sheriff's Department Contract Cities Trust Fund
PROPOSED SETTLEMENT AMOUNT	\$ 975,000
ATTORNEY FOR PLAINTIFF	Dale Galipo Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Edwin Lewis
NATURE OF CASE	<p>This is a recommendation to settle for \$975,000, the lawsuit filed by the minor child and mother of decedent Tony Francis and against the County, and a Sheriff's Deputy, alleging federal and State civil rights violations, wrongful death, and other State law tort claims.</p> <p>Mr. Francis's family claims that a Sheriff's Deputy wrongfully shot and killed Mr. Francis. The Deputy claims that he shot Mr. Francis as he believed his life was in danger.</p>

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$975,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 25,538

PAID COSTS, TO DATE \$ 1,504

Case Name: S.F., a Minor, et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

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

Date of incident/event:	Friday, August 24, 2012; approximately 2:11 p.m.
Briefly provide a description of the incident/event:	<p><u>S.F., a Minor, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-013</p> <p>On Friday, August 24, 2012, at approximately 2:11 p.m., a uniformed Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Lakewood Station, was driving a standard black and white, County of Los Angeles-owned patrol vehicle, east in the 9400 block of Alondra Boulevard, Bellflower, when he observed a man (decedent) committing a robbery. The decedent saw the deputy sheriff and fled on foot. The deputy sheriff followed the decedent in his patrol vehicle to the rear of the business at 9463 Flora Vista Street, Bellflower.</p> <p>Because the deputy sheriff was driving on a dirt/gravel driveway, he was unable to stop his patrol vehicle at the end of the road. As a result, the vehicle collided with a cinderblock wall at the rear of the property. The decedent was standing at the base of the same wall less than 15 feet from the deputy sheriff's disabled patrol vehicle.</p> <p>Despite repeated warnings to remove his hands from his waistband, the decedent failed to comply. Fearing he was about to be shot by the decedent, the deputy sheriff discharged his Department-issued duty weapon at the decedent, striking him.</p> <p>The decedent was pronounced dead at the scene.</p>

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

The root cause in this incident is the use of physical (deadly) force by a member of the Los Angeles County Sheriff's Department resulting in the death of the decedent.

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 relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's

County of Los Angeles
Summary Corrective Action Plan

Department's Homicide Bureau. The results of their investigation were presented to representatives from the Los Angeles County District Attorney's Office. On June 4, 2013, the office of the Los Angeles County District Attorney concluded that the deputy sheriff acted in lawful self-defense.

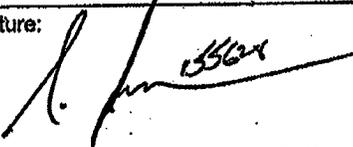
The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On January 9, 2014, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee determined both the tactics employed by the deputy sheriff and the physical force used against the decedent were within Department policy. The committee did, however, recommend the deputy sheriff attend relevant training. (The deputy sheriff completed the training on March 3, 2014.)

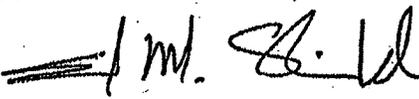
No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken, and no other corrective action measures are recommended nor contemplated.

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.

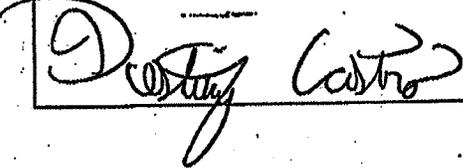
Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Acting Captain Risk Management Bureau	
Signature: 	Date: 7-14-14

Name: (Department Head)	
Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 07-18-2014

This section intentionally left blank.

County of Los Angeles
Summary Corrective Action Plan

<input type="checkbox"/> Chief Executive Office Risk Management Inspector General USE ONLY Are the corrective actions applicable to other departments within the County? <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Destiny Castro	
Signature:	Date:
	7/22/2014

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

MINUTES OF MEETING

July 9, 2014

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 11:16 a.m. The meeting was held in the Community 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; Margaret Finlay, Duarte, Region I; Michael Egan, Norwalk, Region III; Doug Prichard, Rolling Hills Estates, Region II; Sam Olivito, Executive Director, California Contract Cities Association; *Alternates:* Cheri Kelley, Norwalk, Region III; David Spence, La Canada Flintridge, Region I; Mark Waroneck, City of Lomita, Region II; **County of Los Angeles Staff:** Jennifer Lehman, Assistant County Counsel; Roger H. Granbo, Senior Assistant County Counsel; Ernie Romo, Risk Management, Chief Executive Office; Scott Johnson, Civil Litigation Unit, Los Angeles Sheriff's Department; Jeff Salveson, Civil Litigation Unit, Los Angeles Sheriff's Department; Michael Stuver, Civil Litigation Unit, Los Angeles Sheriff's Department; Brant Frederickson, Civil Litigation Unit, Los Angeles Sheriff's Department; Robert Rifkin, Los Angeles Sheriff's Department; Angela Kechichian, Wells Fargo Insurance Services USA, Inc.; Victoria Diaz, Wells Fargo Insurance Services USA, Inc.; **California JPIA:** Paul Zeglovitch, Liability Program Manager; Jim Thyden, Insurance Programs Manager; 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 11:17 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)**

There were no settlement proposals for this meeting.

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

- a. Servando Castaneda, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 511592

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- b. April Gibson v. County of Los Angeles, et al.
Burbank Superior Court Case No. MC 023965

This lawsuit concerns allegations of property damage to automobile by a motorcycle driven by a Sheriff's Deputy.

Action Taken:

No reportable action taken.

- c. Claim of Liam Mulligan
File No. 14-1115580*001

This claim concerns allegations of excessive force and civil rights violations by a Sheriff's Deputy.

Action Taken:

No reportable action taken.

- d. Claim of Lisa Ostergren
File No. 14-1113935*001

This claim concerns allegations of wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- e. S.V., by Kenia Villareal, et al. v. County of Los Angeles
United States District Court Case No. CV 14-01139

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

Action Taken:

No reportable action taken.

The meeting was reconvened into public session at 12:05 p.m. No action was taken in Closed Session which required a public report pursuant to Government Code Section 54957.1.

5. **Approval of the Minutes for June 11, 2014, 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: 6 -- Curtis Morris, Mark Alexander, Michael Egan, Margaret Finlay, Doug Prichard, and Sam Olivito

- 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 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

- 7. Other Business**

None

- 8. Adjournment**

There being no further business, the meeting was adjourned at 12:06 p.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD


SANDRA C. RUIZ