

**STATEMENT OF PROCEEDINGS
FOR THE SPECIAL 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 22, 2014, AT 9:30 AM**

Present: Chair John Naimo, Steve Robles, and Patrick Wu

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. **Paula Ferrell v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 518 326**

This lawsuit concerns allegations that an employee of the Board of Supervisors was subjected to a hostile work environment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$45,500.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

**b. China Robinson-Naazir, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. TC 027 113**

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Medical Examiner - Coroner.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$24,500.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

**c. Frank Haynes v. Milton Edward Bacon, Jr., et al.
Victor Castaneda v. Milton Edward Bacon, Jr. et al.
Ese-Ese Faatiliga and John Paniagua v.
Milton Edward Bacon, Jr. et al.
Gary Green v. Milton Edward Bacon, Jr. et al.
Manuel Lua v. Milton Edward Bacon, Jr. et al.
Joseph Quintero v. Milton Edward Bacon, Jr. et al.
Robert Reynolds v. Milton Edward Bacon, Jr. et al.
Ramon and Isabel Sanchez v. Milton Edward Bacon, Jr. et al.
Julio Solorio v. Milton Edward Bacon, Jr. et al.
Randall Taylor v. Milton Edward Bacon, Jr. et al.
Marcus Wright v. Milton Edward Bacon, Jr. et al.
Los Angeles Superior Court Case Nos. MC 023 081;
MC 023 077; MC 023 069; MC 023 084; MC 023 083;
MC 023 079; MC 023 045; MC 023 098; MC 023 080;
MC 023 078; and MC 023 082**

These lawsuits arise from injuries and a death sustained in a vehicle accident involving a Fire Department fire crew truck.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$300,750.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

d. **Bernadette Stephenson v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 484 996

This lawsuit concerns allegations that an employee of the Fire Department was subjected to racial discrimination, harassment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

e. **William Ouimette v. County of Los Angeles**
United States District Court Case No. CV 12-06268

This lawsuit concerns allegations that an employee of the Internal Services Department was discriminated against based on his military status.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000 and restoration of 347 hours of sick, holiday, and vacation time.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

f. **Martin Campos De Santiago v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 503 431

This lawsuit concerns allegations that the Sheriff's Department negligently detained plaintiff on the wrong arrest warrant and violated his federal civil rights during his custody.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$80,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

**g. Michael Holland v. County of Los Angeles
Los Angeles Superior Court Case No. BC 504 775**

This lawsuit concerns allegations that an employee of the Sheriff's Department was subjected to harassment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

**h. Edison Cook v. County of Los Angeles
Los Angeles Superior Court Case No. BC 464 185**

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

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 Patrick Wu

**i. Ada Morales Coto v. County of Los Angeles
Los Angeles Superior Court Case No. BC 444 905
consolidated with Luis Molina v. County of Los Angeles
Los Angeles Superior Court Case No. BC 465 132**

These consolidated wrongful death lawsuits concern allegations of excessive force by a Sheriff Deputy, allegedly causing the death of their son.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$280,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

j. **Logan Cigrang v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-10406

This lawsuit alleges that due to improper supervision by Probation Department employees a former juvenile ward sustained physical injuries.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$600,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Documents](#)

k. **Lancaster Hospital Corporation, et al. v. Toby Douglas, et al.**
Lancaster Superior Court Case No. MC 024 166

This lawsuit alleges a third party beneficiary breach of contract by the Department of Health Services for underpayment for services rendered by Lancaster Hospital to Medi-Cal Managed Care beneficiaries.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[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 18, 2014, regular meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

[See Supporting Document](#)

6. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	China Robinson-Naazir, etc. v. County of Los Angeles, et al.
CASE NUMBER	TC027113
COURT	Los Angeles County Superior Court
DATE FILED	December 20, 2012
COUNTY DEPARTMENT	Coroner
PROPOSED SETTLEMENT AMOUNT	\$ 24,500
ATTORNEY FOR PLAINTIFF	DONNY ADONIS EKINE
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Senior Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on December 24, 2010, at the intersection of Figueroa Street and Del Amo Boulevard in Carson. A Coroner's van driven by a County employee collided with a car driven by China Robinson-Naazir. Ms. Robinson-Naazir alleges that her mother Ruby Robinson was a passenger in Ms. Robinson-Naazir's car and was injured as a result of the accident. Ruby Robinson has since passed away as a result of causes unrelated to 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	\$ 4,371
PAID COSTS, TO DATE	\$ 2,432

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	<u>Frank Haynes v. Milton Edward Bacon, Jr., et al.</u> <u>Victor Castaneda v. Milton Edward Bacon, Jr., et al.</u> <u>Ese-Ese Faatiliga & John Paniagua v. Milton Edward Bacon, Jr., et al.</u> <u>Gary Green v. Milton Edward Bacon, Jr., et al.</u> <u>Manuel Lua v. Milton Edward Bacon, Jr., et al.</u> <u>Joseph Quintero v. Milton Edward Bacon, Jr., et al.</u> <u>Robert Reynolds v. Milton Edward Bacon, Jr., et al.</u> <u>Ramon and Isabel Sanchez v. Milton Edward Bacon, Jr., et al.</u> <u>Julio Solorio v. Milton Edward Bacon, Jr., et al.</u> <u>Randall Taylor v. Milton Edward Bacon, Jr., et al.</u> <u>Marcus Wright v. Milton Edward Bacon, Jr., et al.</u>
CASE NUMBER	No. MC023081 (lead case)
COURT	Los Angeles Superior Court Case
DATE FILED	January 12, 2011 through December 1, 2011
COUNTY DEPARTMENT	Fire Department
PROPOSED SETTLEMENT AMOUNT	\$ 300,750.00 (Global amount includes waiver of \$68,000 subrogation claim)



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:	November 23, 2010
Briefly provide a description of the incident/event:	<p>These related lawsuits arise from a motor vehicle collision that occurred on November 23, 2010, at approximately 2:14 p.m., between a Los Angeles County Fire Department fire crew bus ("crew bus") with a fire crew of 12 state prison inmates, and a 2010 Subaru sport utility vehicle ("SUV") driven by decedent Milton Bacon ("Bacon"). As he drove westbound on SR-138, Bacon drifted left across the broken centerline striping for some unknown reason.</p> <p>At the same time, the Firefighter Specialist and crew chief ("FFS") was driving the crew bus in the eastbound lane. The FFS had taken his crew to Gorman for training earlier in the day and were on their way back to Fire Camp 14. He saw the SUV approaching in the westbound lane and gradually drift over the centerline striping and into his eastbound lane. The FFS applied his brakes and swerved to his right side to avoid a collision with the SUV. However, the SUV continued to its left in the line of travel with the crew bus. In further response, the FFS drove the crew bus partially on the dirt shoulder to his right, but there was not enough clearance from the SUV.</p> <p>Unfortunately, the left front of the SUV collided into the left front of the crew bus. The force of the collision caused the crew bus to roll several times. It came to rest on the dirt shoulder along the south side of SR-138, while the SUV came to rest upright along the white striping on the north shoulder. As a result of the collision, Bacon and one inmate firefighter, who was ejected from the crew bus, died at the scene. The FFS and the remaining inmate firefighters were also injured in the collision.</p> <p>The California Highway Patrol Multidisciplinary Accident Investigation Team ("CHP MAIT") investigated the accident and concluded that Bacon was the primary cause of the accident for driving on the wrong side of the road. It did not draw any conclusions on what caused Bacon to drift into the on-coming traffic lane. The FFS reported to CHP MAIT that when he was close enough to the SUV, he saw the driver (Bacon) looking to his right and not paying attention to the road ahead of him. An autopsy of Bacon did not reveal any reason for his actions in driving the SUV.</p>

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

The vehicle driven by Bacon drifted across the center line of the road and struck the oncoming Fire Department crew bus.

The FFS driving the crew truck was exceeding the speed limit immediately prior to the accident.

At the time of impact, not all of the inmate firefighters riding in the vehicle were using the seat belts provided.

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

1. The FFS attended an 8 hour Driver Enrichment program class to reinforce the need to adhere to posted speed limits when driving Department vehicles. – January 16, 2011 – Asst. Fire Chief Vince Pena
2. The Department has developed a Program for new Camp Crew Foreman that details responsibilities for safe operation of crew trucks. – ongoing – Asst. Fire Chief Vince Pena
3. Training program for inmate firefighters. Specific notice in the training program that seatbelts are mandatory when seated in the moving vehicle. Includes a discussion of this accident as an example of what can happen if seatbelts are not used. – November 2012 & ongoing – Asst. Fire Chief Vince Pena
4. The Air & Wildland Division developed a Power Point presentation demonstrating the need for mandatory use of seat belts in crew trucks. The presentation presents pictures and descriptions of crew truck accidents and the resulting injuries and fatality. – 2010 & ongoing – Asst. Fire Chief Vince Pena
5. The Rules of Conduct mandate the use of seatbelts in the back of crew trucks and that all persons must be seated. – January 20, 2012 & ongoing – Asst. Fire Chief Vince Pena
6. Task #9 on job description for inmate firefighter states they are to always use seatbelts and remain seated. It requires the signature of the inmate next to that statement indicating their understanding and agreement. – 2000 & ongoing – Asst. Fire Chief Vince Pena

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 Kranther, Division Chief

Signature: *Michael Kranther* Date: *9/8/14*

Name: (Department Head)
Daryl L. Osby, Fire Chief

Signature: *M. Osby for D.L.O.* Date: *9-9-14*

Chief Executive Office Risk Management Inspector General USE ONLY
Are the corrective actions applicable to other departments within the County?
<input checked="" type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.
<input type="checkbox"/> No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature: *Destiny Castro* Date: *9/8/2014*

Case Name: Haynes v. Bacon, et al.



Corrective Action Plan

1. General Information

Department:	Fire
Date CAP document prepared:	August 4, 2014
Name of departmental contact person:	Michael Kranther
• Title:	Division Chief
• Phone number:	323/8891-2379
• E-mail Address:	michael.kranther@fire.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	November 23, 2010
Location of incident/event:	State Hwy 138 east of Cement Plant Rd., Unincorporated L.A. County
Event contact person:	
• Phone Number:	
• E-mail Address:	
Claim adjuster: <small>(Third Party Administrator or County Counsel)</small>	Sylvia Hernandez
• Phone number:	818/247-8842
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Brian Chu
• Phone number:	213/974-1956

3. Incident/Event Description:

Nature of incident/event:	Vehicle Accident
Provide a brief description of the incident/event:	<p>These multiple lawsuits arise from a motor vehicle collision that occurred on November 23, 2010, at approximately 2:14 p.m., between a Los Angeles County Fire Department fire crew bus ("crew bus") with a fire crew of 12 state prison inmates, and a 2010 Subaru sport utility vehicle ("SUV") driven by decedent Milton Bacon ("Bacon"). As he drove westbound on SR-138, Bacon drifted left across the broken centerline striping for some unknown reason.</p> <p>At the same time, the Firefighter Specialist and crew chief ("FFS") was driving the crew bus in the eastbound lane. The FFS had taken his crew to Gorman for training earlier in the day and were on their way back to Fire Camp 14. He saw the SUV approaching in the westbound lane and gradually drift over the centerline striping and into his eastbound lane. The FFS applied his brakes and swerved to his right side to avoid a collision with the SUV. However, the SUV continued to its left in the line of travel with the crew bus. In further response, the FFS drove the crew bus partially on the dirt shoulder to his right, but there was not enough clearance from the SUV.</p> <p>Unfortunately, the left front of the SUV collided into the left front of the crew bus. The force of the collision caused the crew bus to roll several times. It came to rest on the dirt shoulder along the south side of SR-138, while the SUV came to rest upright along the white striping on the north shoulder. As a result of the collision, Bacon and one inmate firefighter, who was ejected from the crew bus, died at the scene. The FFS and the remaining inmate firefighters were also injured in the collision.</p> <p>The California Highway Patrol Multidisciplinary Accident Investigation Team ("CHP MAIT") investigated the accident and concluded that Bacon was the primary cause of the accident for driving on the wrong side of the road. It did not draw any conclusions on what caused Bacon to drift into the on-coming traffic lane. The FFS reported to CHP MAIT that when he was close enough to the SUV, he saw the driver (Bacon) looking to his right and not paying attention to the road ahead of him. An autopsy of Bacon did not reveal any reason for his actions in driving the SUV.</p>

- Included a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

The CHP MAIT investigated the accident and concluded that Bacon was the primary cause of the accident for driving on the wrong side of the road.
Data downloaded from the crew bus event recorder revealed that the crew bus was traveling 69 miles per hour 13 seconds before the collision. The FFS took his foot off of the accelerator and applied the brakes. At impact, the crew bus speed was further reduced to approximately 61 to 64 miles per hour. The speed limit on that road at that location is 55 MPH.

5. Root Cause Analysis

Root Cause Analysis tool used:	
Root Cause Analysis source material(s) used:	CHP MAIT Team investigative report

- Included a copy of the Root Cause Analysis tool utilized (or related Root Cause analysis documentation).

Identify as many root causes as necessary. Select the root cause type that best describes the nature of the root cause description. You will reference each root cause by its letter when writing the Corrective Action Steps.

Root Cause A	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property

Describe Root Cause:	The vehicle driven by the plaintiff drifted across the center line of the road and struck the oncoming Fire Department crew bus.
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Root Cause B	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	The FFS was exceeding the speed limit immediately prior to the accident.

Root Cause C	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	At the time of impact, not all of the inmate firefighters riding in the vehicle were using the seat belts provided.

*If additional root causes are needed; cut and paste the above fields, as needed. If necessary, delete unused root cause fields.

6. Corrective Action Plan Steps

For each Corrective Action Plan step, please reference, by letter, the Root Cause(s) this Corrective Action Plan step is addressing.

Associated Root Cause reference letter(s):	B
Task number:	1
Task name:	Driver Training for FFS
Scheduled start date:	June 16, 2011
Scheduled completion date:	June 16, 2011
Responsible person:	Asst. Chief Vince Pena
Task description:	The FFS attended an 8 hour Driver Training class to reinforce the need to adhere to posted speed limits when driving Department vehicles.

Associated Root Cause reference letter(s):	B
Task number:	2
Task name:	New Foreman Driver Training
Scheduled start date:	Unk
Scheduled completion date:	Ongoing
Responsible person:	Asst. Fire Chief Vince Pena
Task description:	The Department has developed a Program for new Camp Crew Foreman that details responsibilities for safe operation of crew trucks.

Associated Root Cause reference letter(s):	C
Task number:	3
Task name:	Inmate Fire Crew Training
Scheduled start date:	November 2012
Scheduled completion date:	Ongoing
Responsible person:	Asst. Chief Vince Pena
Task description:	Training program for inmate firefighters. Specific notice in the training program that seatbelts are mandatory when seated in the moving vehicle. Includes a discussion of this accident as an example of what can happen if seatbelts are not used.

Associated Root Cause reference letter(s):	C
Task number:	4
Task name:	Seat Belt Power Point Presentation
Scheduled start date:	2010
Scheduled completion date:	Ongoing
Responsible person:	Asst. Fire Chief Vince Pena
Task description:	The Air & Wildland Division developed a Power Point presentation demonstrating the need for mandatory use of seat belts in crew trucks. The presentation presents pictures and descriptions of crew truck accidents and the resulting injuries and fatality.

Associated Root Cause reference letter(s):	C
Task number:	5
Task name:	Rules of Conduct for Inmate Firefighte3rs
Scheduled start date:	January 20, 2012
Scheduled completion date:	Ongoing
Responsible person:	Asst. Fire Chief Vince Pena
Task description:	The Rules of Conduct mandate the use of seatbelts in the back of crew trucks and that all persons must be seated.

Associated Root Cause reference letter(s):	C
Task number:	6
Task name:	Inmate Firefighter Job Description
Scheduled start date:	2000
Scheduled completion date:	Ongoing
Responsible person:	Asst. Fire Chief Vince Pena
Task description:	Task #9 on job description for inmate firefighter states they are to always use seatbelts and remain seated. It requires the signature of the inmate next to that statement indicating their understanding and agreement.

7. Review and Authorization

The department has reviewed the incident/event investigation, root cause analysis documentation, Corrective Action Plan, and has taken all appropriate corrective actions required.

Review and authorization steps	Signature	Date
Document reviewed by Department Risk Management Coordinator:	 Michael Kranther, Division Chief	9/8/14
Document reviewed by Department head or designee.	 Daryl L. Osby, Fire Chief	9-9-14

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Martin Campos De Santiago v. County of Los Angeles, et al.
CASE NUMBER	Case No. BC 503431
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: 3/29/2013
COUNTY DEPARTMENTS	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 80,000
ATTORNEY FOR PLAINTIFF	Law Offices of Haik Beloryan
COUNTY COUNSEL ATTORNEY	Stephen Niwa
NATURE OF CASE	<p>This is a recommendation to settle for \$80,000 the lawsuit filed by Plaintiff Martin Campos De Santiago, alleging that he was negligently held on the wrong arrest warrant by Sheriff's Department employees and that his federal civil rights were violated during his custody.</p> <p>The Sheriff's Department contends that the actions of the involved employees was reasonable under the circumstances.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the</p>

amount of \$80,000 is
recommended.

PAID ATTORNEY FEES, TO DATE \$ 22,651.00

PAID COSTS, TO DATE \$ 300.00

Case Name: Martin Campos De Santiago v. County of Los Angeles, et al.



Summary Corrective Action Plan

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

Date of incident/event:	Monday, March 19, 2012; approximately 10:49 p.m.
Briefly provide a description of the incident/event:	<p><u>Martin Campos De Santiago v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-021</p> <p>On Monday, March 19, 2012, at approximately 10:49 p.m., the plaintiff was arrested by a member of the California Highway Patrol for a violation of California Vehicle Code section 23152(a), Driving Under Influence Alcohol or Drugs. The plaintiff was subsequently transported to the Los Angeles County Sheriff's Department's Century Regional Detention Facility for booking.</p> <p>During the booking process, a routine inquiry into the California Warrant System (CWS) located a San Diego County bench warrant with the plaintiff's name and year of birth. The plaintiff was presented with a printed abstract of the warrant and he signed the abstract in acknowledgement.</p> <p>On March 20, 2012, the plaintiff was transferred from the Century Regional Detention Facility to the Los Angeles County Sheriff's Department's Inmate Reception Center for transfer to the San Diego County Sheriff's Department. During processing, the plaintiff was identified as having a highly contagious condition. He was subsequently placed in isolation with a medical (no transport) hold. (Inmates with possible communicable diseases are isolated and treated in accordance with state and local public health standards.)</p> <p>On April 3, 2012, it was determined the plaintiff did not suffer from a contagious disease. He was subsequently transferred to the custody of the San Diego County Sheriff's Department.</p> <p>On April 4, 2012, the plaintiff appeared in a San Diego County court. The magistrate reviewed the warrant and determined the plaintiff was not the person identified in the warrant. He was released from custody.</p>

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

The root cause in this incident is the plaintiff wrongly identified as the subject named in a bench warrant.

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 reviewed by representatives from the Los Angeles County Sheriff's Department's Inmate Reception Center and Century Regional Correctional Facility. No employee misconduct is suspected. Consequently, no personnel-related administrative action was taken.

By September 30, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau will publish a newsletter reminding all personnel who either initiate a warrant arrest and/or process warrant-based holds of their responsibility to ensure to the greatest extent possible that the individual in custody is the individual named in the warrant.

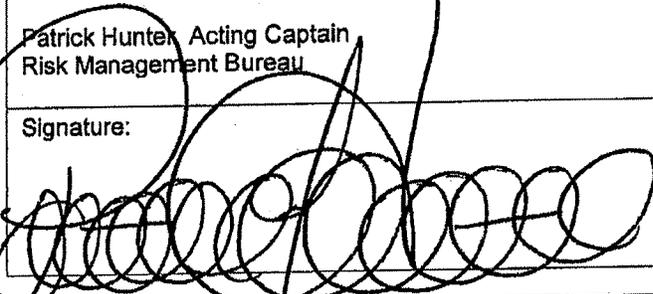
3. Are the corrective actions addressing department-wide system issues?

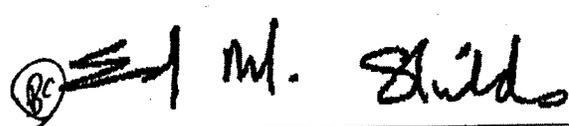
- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

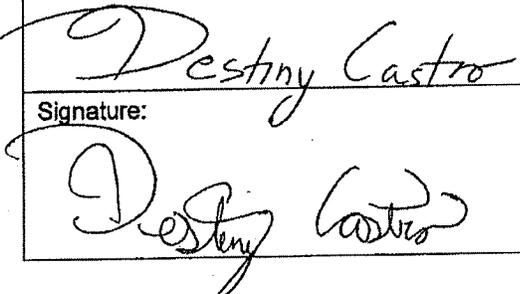
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County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Patrick Hunter, Acting Captain Risk Management Bureau	
Signature: 	Date: 9/4/14

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 09/09/14

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: 9/9/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Ada Morales Coto v. COLA consolidated with Luis Molina v. COLA
CASE NUMBER	BC 444905 and BC 465132
COURT	Los Angeles Superior Court
DATE FILED	September 3, 2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 280,000
ATTORNEY FOR PLAINTIFF	Robert McKernan, Esq. F.X. Sean O'Doherty, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiffs' Ada Morales Coto and Luis Molina filed lawsuits alleging federal civil rights and State law claims and contend that a Sheriff's Deputy used excessive force on their son, Miguel Molina, causing his death.</p> <p>The Sheriff's Deputy contends that he used only reasonable force when Mr. Molina assaulted him and that the use of force did not cause his death.</p> <p>Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of these cases in the amount of \$280,000 is recommended.</p>

PAID ATTORNEY FEES, TO DATE \$ 369,355

PAID COSTS, TO DATE \$ 54,963

Case Name: Ada Morales Coto/Luis Molina v. County of Los Angeles



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:	Wednesday, August 26, 2009; approximately 8:18 p.m.
Briefly provide a description of the incident/event:	<p><u>Ada Morales Coto v. County of Los Angeles</u> consolidated with <u>Luis Molina v. County of Los Angeles</u> Summary Corrective Action Plan No. 2014-022</p> <p>On Wednesday, August 26, 2009, at approximately 8:18 p.m., a Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Transit Services Bureau, was standing on the mezzanine level of the North Hollywood Metro Station when he saw a man (decedent) walk through the electronic turnstiles.</p> <p>The deputy sheriff approached the man and asked if he was in possession of a valid ticket. The man replied that he was not. When the deputy sheriff instructed the man to either purchase a ticket or leave the area, the man charged the deputy sheriff with his hands in the air.</p> <p>The deputy sheriff avoided the assault and attempted to control the man by holding him and handcuffing him. Despite repeated warnings to stop resisting, the man broke free from the deputy sheriff's grasp. The deputy sheriff attempted to regain control of the man, but the man responded by charging the deputy sheriff while swinging his fists.</p> <p>The deputy sheriff avoided this assault as well. When the man charged the deputy sheriff a third time, the deputy sheriff deployed his TASER device. The man attempted to remove the darts from his body and stand. The deputy sheriff deployed his TASER device three more times before the man could be safely handcuffed.</p> <p>The man received medical treatment at the scene. He was subsequently transported to a local hospital where he was pronounced dead.</p>

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

The root cause in this incident is the use of physical force by a member of the Los Angeles County Sheriff's Department.

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 Department's Homicide Bureau. The results of their investigation were presented to representatives from the Office of the Los Angeles County District Attorney. On October 21, 2010, the Office of the Los Angeles County District Attorney concluded that the deputy sheriff applied lawful force in detaining the man and was not criminally responsible for his death.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On June 30, 2011, 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 the physical force used by the deputy sheriff was reasonable, necessary and in compliance with Department policy. The members of the committee also determined that the tactics employed by the deputy sheriff were within Department policy.

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)

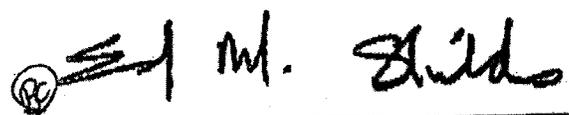
Patrick Hunter, Acting Captain
Risk Management Bureau

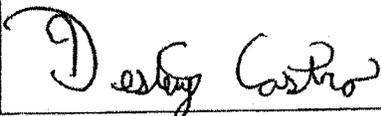
Signature:

Date:

9/2/14

County of Los Angeles
Summary Corrective Action Plan

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 09/02/14

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: 9/4/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Logan Cigrang vs. County of Los Angeles, et al.
CASE NUMBER	CV 12-10406
COURT	United States District Court
DATE FILED	December 7, 2012
COUNTY DEPARTMENT	Probation Department
PROPOSED SETTLEMENT AMOUNT	\$ 600,000
ATTORNEY FOR PLAINTIFF	Law Offices of Gregory W. Smith
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon
NATURE OF CASE	<p>Plaintiff Logan Cigrang alleges that due to improper supervision by Probation staff, he suffered physical injuries while in the custody of the Probation Department.</p> <p>The Deputy Probation Officers deny the allegations. However, due to the risks and uncertainties of the 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 \$600,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 92,779
PAID COSTS, TO DATE	\$ 13,388

Case Name: Logan Cigrang v County of Los Angeles, et al.



Summary Corrective Action Plan

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Date of incident/event:	January 8, 2012
Briefly provide a description of the incident/event:	Plaintiff, a juvenile, alleged that he was forced by Department personnel to engage in "mixed-martial arts-style" matches with other juveniles while detained at Camp Mendenhall. Plaintiff suffered a fractured neck during one of these matches and contends he was denied adequate medical care from County medical staff.

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

There are two primary root causes that will (or have been) addressed in connection with this lawsuit:

- Department Personnel endorsed the wrestling match that led to Plaintiff's injury.
- Department Personnel did not document the conclusions reached following Plaintiff's initial medical evaluation and therefore were unaware of the potential need for follow-up treatment.

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

The corrective action plan will consist of two steps:

1. Discharge of Department personnel who allowed the wrestling match to take place in violation of Department Policies and Procedures.

This step was completed by Chief Probation Officer[®] Jerry Powers in May 2013.

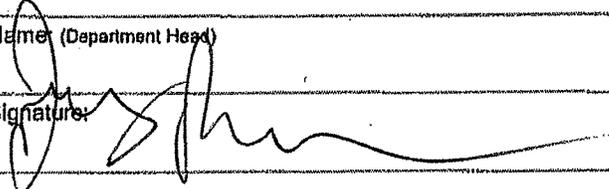
2. Reinforce the Department's Role in ensuring minors receive adequate medical treatment to all staff, Directors, and Managers in the Residential Treatment Services Bureau.

This step will be completed by October 2014 through a series of Bureau and Staff Meetings and the responsible person is Bureau Chief Luis Domínguez.

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)	
W.A. Veronica Pawlowski	
Signature:	Date:
	8-18-2014

Name: (Department Head)	
	
Signature:	Date:

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:
	8/18/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Lancaster Hospital Corporation, et al. v. Toby Douglas, et al.
CASE NUMBER	MC 024166
COURT	Lancaster Superior Court – North District
DATE FILED	March 29, 2013
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$100,000
ATTORNEY FOR PLAINTIFF	Glenn E. Solomon, Esq. Hooper, Lundy & Bookman, P.C.
COUNTY COUNSEL ATTORNEY	Clayton C. Averbuck, Esq. Monroy, Averbuck & Gysler
NATURE OF CASE	Breach of Contract – Third Party Beneficiary
PAID ATTORNEY FEES, TO DATE	\$136,060
PAID COSTS, TO DATE	\$2,025



Summary Corrective Action Plan

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Date of incident/event:	2009 – 2013
Briefly provide a description of the incident/event:	Community Health Plan (CHP) a Knox-Keene licensed health plan formerly owned and operated by the Los Angeles County Department of Health Services (County) and now defunct, was contractually assigned, Medi-Cal beneficiaries by L.A. Care Health Plan ("L.A. Care"). CHP arranged for the provision of health care services to these Medi-Cal beneficiaries through a network of public and private health care providers including Lancaster Hospital ("Lancaster"). Lancaster did not have a contract with CHP and was therefore reimbursed, for services rendered from 2009 -2013 to CHP Medi-Cal beneficiaries assigned by L.A. Care, at the "Rogers Rate"- established by California statute to meet the requirement of federal law. On March 29, 2013, Lancaster filed a lawsuit against CHP for underpayment on reimbursement claims for emergency and post-stabilization care provided to CHP Medi-Cal beneficiaries. Seven (7) causes of action were asserted – 1) Declaratory Relief; 2) Breach of Implied in Law Contract; 3) Breach of Implied in fact Contract; 4) Services Rendered; 5) Account Stated; 6 & 7) Breach of Written Contract – Third Party Beneficiary. The first five (5) causes of action were eliminated as a result of favorable rulings on behalf of the County's Demurrer and Motion to Strike. The two remaining (Breach of Written Contract) causes of action were mediated on July 21, 2014 resulting in an economic settlement.

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

- Perception of underpayment based on:
 - a) Interpretation of the Federal Medicaid Statute or the Federal Reduction Deficit Act
 - b) Interpretation of Lancaster's non existent contractual status with CHP

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

N/A – CHP did nothing wrong when reimbursing Lancaster at the "Rogers Rates" established by:

- 1) State law;
- 1) The California Department of Health Care Services (CDHCS);
- 2) The Federal Medicaid Statute for non-contracted hospitals such as Lancaster

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.

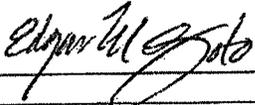
Name: (Risk Management Coordinator) Ed Soto	
Signature:	Date:

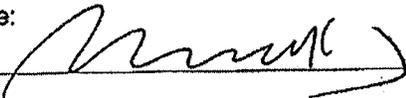
Name: (Department Head) Mitch Katz, M.D.	
Signature:	Date:

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
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<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Signature: <i>Destiny Castro</i>	Date: <i>8/4/2014</i>

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) Ed Soto	
Signature: 	Date: 8/5/14

Name: (Department Head) Mitch Katz, M.D.	
Signature: 	Date: 8/5/14

Chief Executive Office Risk Management Inspector General USE ONLY	
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<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Signature:	Date:

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

August 18, 2014

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 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: John Naimo, Steve Robles, and Patrick Wu.

Other persons in attendance at the meeting were: Office of the County Counsel: Stacey Lee and Peter Bollinger; Fire Department: Anthony Marrone.

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 9:32 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) below.

4. Report of actions taken in Closed Session.

At 10:00 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Linda Brumfield v. County of Los Angeles Los Angeles Superior Court Case No. BC 516 264

This lawsuit concerns allegations that an employee of the Fire Department was subjected to employment discrimination and retaliation based on race, gender, and age, and the Department's failure to prevent the alleged discrimination, harassment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$60,000.

Vote: Ayes: 3 - John Naimo, Steve Robles, and Patrick Wu

5. Approval of the minutes of the August 4, 2014, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 – John Naimo, Steve Robles, and Patrick Wu

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

The meeting was adjourned at 10:05 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

Carol J. Slosson

Carol J. Slosson