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, MAY 19, 2014, AT 9:30 AM

Present: Chair John Naimo, Steve Robles, and Patrick Wu
John Naimo excused himself from the meeting at 10:25 a.m.

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. <u>Guadalupe Ramirez v. County of Los Angeles, et al.</u>
Los Angeles Superior Court Case No. BC 500 505

This lawsuit concerns allegations that an employee of the Department of Health Services was subjected to sexual harassment, retaliation, and alleges failure by the Department to prevent sexual harassment.

<u>Action Taken</u>:

The Claims Board approved settlement of this matter in the amount of $30,000.

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: John Naimo

b. **David Gipson v. County of Los Angeles, et al.**
United States District Court Case No. CV 13-3553

This lawsuit concerns allegations of federal civil rights violations, false arrest, and malicious prosecution by Sheriff's Deputies.

Action Taken:

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

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: John Naimo

See Supporting Documents

c. **Cesar Mancilla v. County of Los Angeles, et al.**
United States District Court Case No. CV 12-01342

This lawsuit alleges a violation of federal civil rights when Sheriff's Deputies allegedly used excessive force at the Inmate Reception Center.

Action Taken:

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

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: 1 - John Naimo

See Supporting Documents

d. **Angela Lockhart, et al. v. County of Los Angeles**
United States District Court Case No. CV 07-1680 ABC (CW) and ED 08-1267 ABC (Cwx)

This lawsuit concerns allegations that the Sheriff's Department violated the Fair Labor Standards Act.

Action Taken:

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

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: John Naimo

e. Claim of Azadeh Mardani

This claim seeks compensation from the Department of Public Works for real and personal property damages caused from a backflow of sewage due to a sewer main line blockage.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $29,511.39.

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: John Naimo

See Supporting Documents

f. Patricia Moiseyev v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 469 576

This lawsuit alleges a sexual assault by a Department of Children and Family Services employee.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $32,500.

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: John Naimo

See Supporting Documents

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes of the May 1, 2014, special meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 2 - Steve Robles and Patrick Wu
Absent: John Naimo

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		David Gipson v. County of Los Angeles, et al.
CASE NUMBER		CV13-3553
COURT		United States District Court
DATE FILED		August 26, 2013
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	100,000
ATTORNEY FOR PLAINTIFF		Hermez Moreno, Esq. Law Offices of Hermez Moreno
COUNTY COUNSEL ATTORNEY		Jennifer A.D. Lehman
NATURE OF CASE		This is a recommendation to settle for $100,000, the lawsuit filed by Plaintiff David Gipson against the County, four Sheriff's Deputies, a Sergeant and Captain. Mr. Gipson alleges that his federal civil rights were violated when he was falsely arrested and imprsioned. The Sheriff's Department contends that probable cause existed for Mr. Gipson's arrest and he was not falsely arrested. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of $100,000 is recommended.

PAID ATTORNEY FEES, TO DATE	$	7,699
PAID COSTS, TO DATE	$	86

Case Name: **David Gipson 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, May 20, 2011; approximately 10:50 p.m.
Briefly provide a description of the incident/event:	**David Gipson v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2014-004 On Friday, May 20, 2011, at approximately 10:50 p.m., four Los Angeles County deputy sheriffs and one field supervisor, assigned to the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau, drove to 324 119th Street, Los Angeles (Unincorporated Los Angeles County), to investigate a report of gang members loitering in the area. At the location, the deputy sheriffs arrested the plaintiff and another man on weapons-related charges (i.e., a violation of California Penal Code section 12031(2)(F), Possession of an Unregistered Firearm, and California Penal Code section 12025(b)(3), Gang Member in Possession of a Firearm.) The plaintiff was acquitted of all charges. The second man pled guilty to a lesser charge.

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

The root cause of this lawsuit is the erroneous arrest and prosecution of the plaintiff.

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 Internal Affairs Bureau. The investigation revealed employee misconduct. As a result, appropriate administrative action was imposed upon five members of the Los Angeles County Sheriff's Department.

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) Ronald D. Williams, Captain Risk Management Bureau	
Signature:	Date: 4/29/14

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature:	Date: 04/29/2014

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Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County? ☐ Yes, the corrective actions potentially have County-wide applicability. ☒ No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: Destiny Castro	Date: 5/1/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Cesar Mancilla v. County of Los Angeles, et al.
CASE NUMBER		CV 12-01342
COURT		United States District Court
DATE FILED		February 16, 2012
COUNTY DEPARTMENT		Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	$	99,000
ATTORNEY FOR PLAINTIFF		Schonbrun, Desimone, Seplow, Harris, Hoffman & Harrison, LLP
COUNTY COUNSEL ATTORNEY		Millicent L. Rolon
NATURE OF CASE		Plaintiff Cesar Mancilla alleges that his federal civil rights were violated when Sheriff's Deputies allegedly used excessive force at the Inmate Reception Center. The Deputies contend that the force used was reasonable and in response to Mr. Mancilla's action. 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 $99,000 is recommended.

PAID ATTORNEY FEES, TO DATE	$	246,844
PAID COSTS, TO DATE	$	52,065

Case Name: **Cesar Mancilla 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:	Wednesday, February 23, 2011; approximately 8:00 p.m.
Briefly provide a description of the incident/event:	**Cesar Mancilla v. County of Los Angeles, et al.** Summary Corrective Action Plan No. 2013-045 On Wednesday, February 23, 2011, at approximately 8:00 p.m., the plaintiff was in the process of being admitted into the Los Angeles County jail system (Inmate Reception Center) as a result of his arrest on a drug-related charge. Without warning or provocation, the plaintiff physically assaulted a Los Angeles County deputy sheriff who was attempting to speak with him. The incident erupted into a violent physical altercation between the plaintiff and four Los Angeles County deputy sheriffs. As a result, the four deputy sheriffs used physical force to overcome the resistance offered by the plaintiff. The plaintiff was finally restrained and ultimately handcuffed.

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

The root cause of this lawsuit is the plaintiff's assertion that he was subjected to excessive force by members of the Los Angeles County Sheriff's Department after he initiated a violent altercation with a Los Angeles County deputy sheriff inside a Los Angeles County jail facility.

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 investigation by representatives from the Los Angeles County Sheriff's Department's Inmate Reception Center and the Los Angeles County Sheriff's Department's Internal Affairs Bureau.

The results of their investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. Their review determined that the physical force used by the four Los Angeles County deputy sheriffs to overcome the resistance offered by the plaintiff was reasonable, necessary, and in compliance with Department policy.

No systemic issues were identified, and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken, and no 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) Ronald D. Williams, Captain Risk Management Bureau	
Signature:	Date: 4/29/14

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature:	Date: 04/29/14

This section intentionally left blank.

Chief Executive Office Risk Management Inspector General USE ONLY
Are the corrective actions applicable to other departments within the County? ☐ Yes, the corrective actions potentially have County-wide applicability. ☒ No, the corrective actions are applicable only to this department.
Name: (Risk Management Inspector General) Destiny Castro
Signature: Destiny Castro	Date: 5/1/2014

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Non-Litigated Claim of Azadeh Mardani
CASE NUMBER		n/a
COURT		n/a
DATE FILED		Claim filed 7/15/2013
COUNTY DEPARTMENT		Department of Public Works
PROPOSED SETTLEMENT AMOUNT	$	$29,511.39 (includes pre-payment of $10,990.99)
ATTORNEY FOR PLAINTIFF		None
COUNTY COUNSEL ATTORNEY		Jenny P. Tam Deputy County Counsel
NATURE OF CASE		This non-litigated claim arises from a blocked County main sewer line that caused a sewage backflow into claimant's home and damaged the structure, landscaping and personal property. Due to the risks and uncertainties of litigation, a full settlement of the claim is warranted.
PAID ATTORNEY FEES, TO DATE	$	0
PAID COSTS, TO DATE	$	0

Case Name: AZADEH MARDANI

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 28, 2013
Claim:	Azadeh Mardani
Briefly provide a description of the incident/event:	A sewage backup occurred at 29844 Knoll View Drive in the City of Rancho Palos Verdes. The effluent overflowed into various rooms of the residence and caused damage to the interior, furniture, and personal property of the claimant. The backup also caused sewage to overflow into the claimant's backyard, which damaged the landscaping. On the day of the incident, Sewer Maintenance Division (SMD) received a service request concerning a sewage overflow at the claimant's residence. An SMD crew responded to the location and observed sewage overflowing from Manhole No. 239 of Sewer Maintenance District Map No. S-1654. The SMD crew cleared the sewer mainline between Manhole Nos. 237 and 253 and broke down a root blockage. The sewer lines were left flowing normally. Remediation under the Rapid Response Program was initiated at that time. Carl Warren & Company contacted ATI to provide cleanup services.

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

The sewer overflow at Manhole No. 239 was caused by tree roots in the sewer mainline. The sewer mainline was last inspected on March 13, 2013, as part of the Preventive Maintenance Program. At that time, sewer flow conditions were observed to be normal.

The proximate cause of the property damage is the property owner's failure to install and maintain a backflow valve in accordance with the California Plumbing Code as adopted by the City of Rancho Palos Verdes.

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

A written notice was given to the property owner informing them that a backflow valve should be installed and maintained as part of a code compliant plumbing system. As a precautionary measure, the sewer main line was placed on a quarterly hydro root-saw periodic, and will remain on this schedule until it is no longer deemed necessary by maintenance personnel. The sewer manholes will also continue to be inspected semi-annually as part of SMD's Preventive Maintenance Program.

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

☐ Yes – The corrective actions address department-wide system issues.

☒ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Signature: [illegible] Date: 2/27/14

Name: (Department Head)
GAIL FARBER

Signature: Gail Farber Date: 4-30-14

MP

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)
Destiny Castro

Signature: Destiny Castro Date: 3/27/2014

YTL:psr
C:\CONF\MARDANI\CAP2 (REV)

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Patricia Moiseyev v. County of Los Angeles, et al.
CASE NUMBER		BC469576
COURT		Los Angeles Superior Court
DATE FILED		9/15/2011
COUNTY DEPARTMENT		Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	$	32,500
ATTORNEY FOR PLAINTIFF		Gregory Yates Law Offices of Gregory Yates
COUNTY COUNSEL ATTORNEY		Lauren M. Black Principal Deputy County Counsel Social Services Division Clayton Averbuck Jennifer Gysler Monroy, Averbuck & Gysler
NATURE OF CASE		Sexual assault by DCFS employee
PAID ATTORNEY FEES, TO DATE	$	138,190
PAID COSTS, TO DATE	$	3,687

Case Name: Moiseyev v. County of Los Angeles

Summary Corrective Action Plan

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Date of incident/event:	September 17, 2010
Briefly provide a description of the incident/event:	Plaintiff alleges that she was sexually assaulted by a DCFS employee.

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

Contention of sexual assault by an employee.

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

All appropriate disciplinary action was taken for the employee involved.

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

☐ – The corrective actions address department-wide system issues.

XX No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Signature: Diane Leyhman

Date: 3.28.14

Name: (Department Head)

Signature: JF Bruz

Date: 4-1-14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature: Destiny Castro

Date: 3/25/2014

COUNTY OF LOS ANGELES CLAIMS BOARD
MINUTES OF SPECIAL MEETING
May 1, 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: Narbeh Bagdasarian and Brian Chu; and Sheriff's Department: Nick Teophilov and Sgt. Bruce Cantley.

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 10:25 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. <u>Manuel Reyes Garcia v. County of Los Angeles</u>
United States District Court Case No. CV 12-0848 GW

This lawsuit alleges that the Los Angeles Sheriff's Department delayed in providing medical care, which resulted in injuries to an inmate.

<u>Action Taken</u>:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of $150,000.

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

b. **Tina Lemos v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. KC 063 584

This lawsuit arises from injuries sustained in a vehicle accident involving a Sheriff's Deputy.

Action Taken:

The Claims Board approved settlement of this matter in the amount of $62,500.

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

5. **Approval of the minutes of the April 21, 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 10:28 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By Carol J. Slosson
Carol J. Slosson