

MEMORANDUM

January 30, 2007

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: COLLINS, COLLINS, MUIR & STEWERT
John Collins and Catherine Mason-Mathers

RUBEN BAEZA, JR.
Principal Deputy County Counsel
Law Enforcement Services Division

RE: Tony Shane Wilson v. County of Los Angeles
Los Angeles Superior Court Case No. BC 346184

DATE OF INCIDENT: March 27, 2004

AUTHORITY REQUESTED: \$80,000

COUNTY DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:

Approve

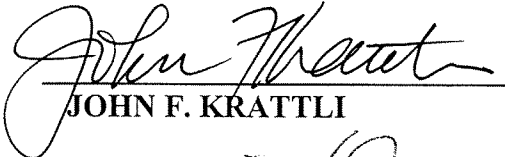
Disapprove

Recommend to Board of Supervisors for Approval



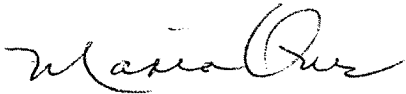
, Chief Administrative Office

ROCKY A. ARMFIELD



, County Counsel

JOHN F. KRATTLI



, Auditor-Controller

MARIA M. OMS

on February 15, 2007

SUMMARY

This is a recommendation to settle for \$80,000 the civil lawsuit of Tony Shane Wilson, who was injured by a fellow inmate in the Los Angeles County Jail.

LEGAL PRINCIPLE

The County is responsible for the intentional and negligent acts of its employees acting within the course and scope of their employment.

SUMMARY OF FACTS

Tony Shane Wilson was an inmate in the Los Angeles County jail. He was placed in a protective custody module, because he was a witness cooperating with the District Attorney in a prosecution of a separate criminal case against another inmate.

On March 27, 2004, Mr. Wilson was attacked with a knife by an unescorted K-10 inmate, who was distributing food in the module where Mr. Wilson was housed. K-10, or "keep away," inmates are supposed to be escorted by a Deputy at all times.

Mr. Wilson sued the County and three Sheriff's Deputies for his injuries.

DAMAGES

Mr. Wilson suffered a laceration from his left ear to the center of his neck, and received over 200 stitches. He claims he will have permanent scarring on his face.

Should this matter proceed to trial, the potential damages could be as follows:

Medical expenses	\$ 10,000
Future medicals	\$ 20,000
Emotional distress	<u>\$200,000</u>
Total	<u>\$230,000</u>

The proposed settlement calls for the County to pay \$80,000 to Mr. Wilson for all of his claims for damages, costs and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this matter are attorneys' fees of \$19,617 and \$7,607 in costs.

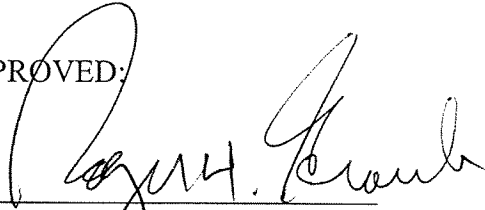
EVALUATION

This is a case of probable liability. A jury would likely conclude the Sheriff's Deputy was negligent because Mr. Wilson's assailant was supposed to be escorted by a Deputy when serving food in the module.

A reasonable settlement at this time will save further litigation costs and avoid a jury verdict that could exceed the proposed settlement.

We join with our private counsel, Collins, Collins, Muir & Stewart, in recommending a settlement of this matter in the amount of \$80,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:RB:mp