



**Contra
Costa
County**

To: Board of Supervisors
From: Mary Ann Mason, County Counsel
Date: December 7, 2021

Subject: Public report of litigation settlement agreements that became final during the period of October 20, 2021, through November 17, 2021.

RECOMMENDATION(S):

RECEIVE public report of litigation settlement agreements that became final during the period of October 20, 2021, through November 17, 2021, as recommended by County Counsel.

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

Three agreements to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of October 20, 2021, through November 17, 2021.

Jearhamel Fanaro v. Contra Costa County, et al., USDC Case No. 3:19-cv-3247 (N.D.Cal.). On July 20, 2021, the Board of Supervisors approved a settlement in this action involving injury in the Martinez detention facility. The Board authorized settlement in the amount of \$1.52 million, inclusive of attorneys' fees and costs, in closed session by a 5-0 vote. The settlement agreement was fully executed on October 20, 2021. The funding source is the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/07/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 7, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Thomas Geiger;
925-655-2200

Risk Management Liability Internal Service Fund.

BACKGROUND: (CONT'D)

Daniel O'Connell, et al. v. Contra Costa County, et al., CCC Sup. Ct. Case No. C19-01468. On August 10, 2021, the Board of Supervisors approved a settlement in this medical malpractice action. The Board authorized settlement in the amount of \$250,000, inclusive of attorneys' fees and costs, in closed session by a 5-0 vote. The settlement agreement was fully executed on November 17, 2021. The funding source is the Risk Management Medical Malpractice Internal Service Fund.

Jeannie Atienza v. Town of Danville, et al., USDC Case No. 3:19-cv-03440. On October 19, 2021, the Board of Supervisors approved a settlement in this wrongful death action. The Board authorized settlement in the amount of \$4.9 million, inclusive of attorneys' fees and costs, in closed session by a 5-0 vote. The settlement agreement was fully executed on November 17, 2021. The funding source is the Risk Management Liability Internal Service Fund.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.