

P O R T E R | S C O T T

ATTORNEYS

June 8, 2016

SENT VIA EMAIL ONLY

U.S. District Court ADR Unit
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102
Email: ADR@cand.uscourts.gov/adr
Email: ADR_Attendance@cand.uscourts.gov

Re: Smith v. County of Lake, et al.
Northern District Case No.: 1:14-CV-05170-NJV

350 University Avenue
Suite 200
Sacramento, CA 95825
TEL: 916.929.1481
FAX: 916.927.3706

Dear ADR Magistrate Judge:

www.porterscott.com

The above matter is scheduled for a settlement conference on June 22, 2016, with assigned Magistrate Judge Kandis A. Westmore. Under the Settlement Conference Standing Order for Magistrate Judge Westmore, we understand that Defendants are required to attend in person unless excused. Our office represents Defendant County of Lake and four (4) individual defendants – Francisco Rivero, Kriston Weaver, Eric Rodello, and Jay Vanoven.

Francisco Rivero is the former elected Sheriff of the Lake County Sheriff's Department. Kriston Weaver, Eric Rodello, and Jay Vanoven are Deputy Sheriffs. This case arises from two incidents – (i) Deputy Vanoven's use of deadly force to subdue a perpetrator following a high speed police chase and assault on a peace officer during a felony in progress, and (ii) the perpetrator's in-custody medical treatment at Lake County Jail preceding his suicide four (4) months after the arrest.

Pursuant to ADR Local Rule 7.3, we are requesting that the individual defendants Francisco Rivero, Kriston Weaver, Eric Rodello, and Jay Vanoven be excused from attending the settlement conference in person.

To the extent some of the individuals would require their absence from work, those still employed with the County, where absent at the same time, could unnecessarily cause scheduling problems and unnecessary overtime because of the smaller. It is noted Defendants Weaver and Rodello are currently assigned to same transportation unit, thus their combined absence would be problematic.

Additionally, no aspect of settlement hinges upon these individuals' attendance. Employees (and former employees) of a public entity are entitled to be defended and indemnified by the public entity in any civil action brought against the employee for an act or omission in the scope of his employment. See Cal. Gov. Code § 995. Further, "the public entity shall pay any... compromise or settlement." Cal. Gov. Code § 825(a). Here, each individual defendant requested the County to provide, and the County is so providing,

{01558873.DOCX}

ADR Magistrate Judge
Smith v. County of Lake, et al.
June 8, 2016
Page 2 of 2

a defense of the current civil action within the scope of each's current or former employment. Given that the County would ultimately pay any monetary settlement arising from this case, the individuals' absence from the process would be inconsequential.


In addition to the undersigned, appropriate County representatives will be present at the settlement conference: Randy Rendig from George Hills Company, the third party administrator of claims for the County, and Roger Hernandez of CSAC Excess Insurance Authority (a member-directed risk sharing pool to which the County belongs). Mr. Hernandez will be generally authorized for purposes of settlement, subject to approval by the Lake County Board of Supervisors, as are all settlements. The undersigned will obtain authority as necessary from the individuals. Thus, the attendance of these individuals obviates the need for the individuals to personally attend.

Defendants' counsel has met and conferred with opposing counsel and Co-Defendants' counsel regarding attendance at the conference. Neither opposing counsel nor Co-Defendants' counsel objects to absence the individual defendants.

Thank you for your consideration in this matter.

Very truly yours,

PORTER SCOTT
A PROFESSIONAL CORPORATION

By 
Ryan P. O'Connor

RPOC/raf

cc: Jerome M. Varanini, Esq. (JVaranini@tsvlaw.com)
Matthew E. Lilligren, Esq. (MLilligren@abbeylaw.com)
Magistrate Judge Kandis A. Westmore (kawerd@cand.uscourts.gov)

