



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-2

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

March 1, 2011

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$110,000.00 in full settlement of lawsuit entitled Slavin v. City of Long Beach, et al.

DISCUSSION:

On December 8, 2008, Plaintiff fractured her left shoulder in three places when she tripped and fell on a sidewalk displacement on 7th Street between Olive and Atlantic Avenues.

Plaintiff treated at Harbor-UCLA for five (5) days where she underwent surgery to repair her shoulder. Plaintiff then received care in a convalescent hospital for two weeks because she lived alone and was unable to care for herself. Thereafter, Plaintiff attended physical therapy for about nine (9) months. Plaintiff continues to complain of pain, limited range of motion in her left arm and depression/anxiety.

Plaintiff claims a total of \$172,000 in damages, including current medical expenses of about \$72,000, an additional \$75,000 in future medical expenses and claims lost income of about \$25,000.

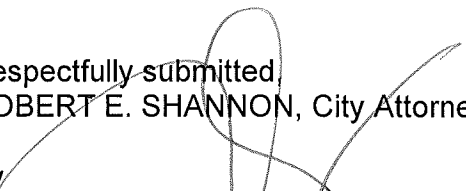
After a three (3) day trial *on liability only*, the jury found the location where Plaintiff fell was in a dangerous condition and that the City had notice of the condition. Settlement negotiations ensued and the parties tentatively agreed to a full and complete settlement, inclusive of all costs and fees in the amount of \$110,000. The proposed settlement was presented to the Economic Development and Finance Committee on February 1, 2011 and was approved on that date. We therefore ask authority to pay the sum of \$110,000 in full settlement of this claim against the City of Long Beach.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,
ROBERT E. SHANNON, City Attorney

By


THEODORE B. ZINGER, Deputy

FOR THE RECORD

Dominic Holzhaus
Anne C. Lattime
Monte H. Machit
J. Charles Parkin

FOR THE RECORD

C. Geoffrey Allred
Gary J. Anderson
Richard F. Anthony
Amy R. Burton
Christina L. Checel
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Theodore B. Zinger

March 1, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$37,000.00 in full settlement of lawsuit entitled Edward D. Sullivan and Valerie A. Sullivan v. City of Long Beach, et al.

DISCUSSION

On August 25, 2008, plaintiffs were involved in an automobile accident with a City employee at the intersection of Long Beach Boulevard, collided with the Sullivans on 10th Street. Both parties claim that they had a green signal, an independent witness, however, supports the Sullivans. Both Mr. and Mrs. Sullivan suffered injuries in the accident. After extensive discussion, a tentative settlement of \$37,000 was reached.

The Economic Development and Finance Committee approved the proposed settlement on February 1, 2011.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By 
HOWARD D. RUSSELL,
Deputy City Attorney

HDR:caa