



OFFICE OF THE CITY ATTORNEY
Long Beach, California

NB-22

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Barry M. Meyers
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Linda T. Vu
Amy R. Webber
Theodore B. Zinger

June 18, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$15,000.00 in full settlement of lawsuit entitled Nicole Goines, v. City of Long Beach, et al.

DISCUSSION

Long Beach Police officers responded to a fight at Bernie's Liquor Store on November 10, 2009. Officers used force and plaintiff was arrested and jailed.

Plaintiff alleged that her civil rights were violated, and that the City and officers were responsible for her injuries and other damages.

After extensive investigation of plaintiff's claims, a tentative settlement of \$15,000.00, (including all costs and attorneys' fees) was reached.

The Economic Development and Finance Committee approved the proposed settlement on June 4, 2013.

SUGGESTED ACTION:

Approve recommendation.

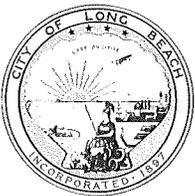
Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By

HOWARD D. RUSSELL,
Deputy City Attorney

HDR:caa



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June 18, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$15,000 in full settlement of lawsuit entitled *Eldon Swails v. City of Long Beach*, Case No. NC057685

DISCUSSION

On June 26, 2011, Plaintiff, Eldon Swails, sustained personal injuries when he tripped and fell on an uneven portion of sidewalk near the corner of Pacific and 36th Street in Long Beach. Swails fell forward and landed on his knees and elbows. As a consequence, Swails injured both elbows, both forearms, and an injury to his knee.

Following a court ordered mediation, Plaintiff has agreed to accept \$15,000 as full settlement of this matter, contingent upon City Council approval. The settlement was presented to the Economic Development and Finance Committee on June 11, 2013, as was approved on that date.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

Monte H. Machit

Principal Deputy City Attorney

MHM:ivs



City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

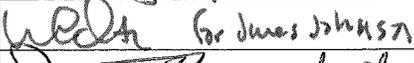
Date: June 14, 2013
To: Larry Herrera, City Clerk
From: Robert E. Shannon, City Attorney
Subject: Request to Add Agenda Item to Council Agenda of June 18, 2013

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to authorize City Attorney to pay sum of \$15,000.00 in full settlement of lawsuit entitled Nicole Goines, v. City of Long Beach, et al.

Recommendation to authorize City Attorney to pay sum of \$15,000 in full settlement of lawsuit entitled Eldon Swails v. City of Long Beach, Case No. NC057685.

| Council District | Authorizing Councilmember | Signed by |
|------------------|---------------------------|--|
| 2 | Suja Lowenthal |  |
| 7 | James Johnson |  |
| 8 | Al Austin |  |

Attachment: Staff Report dated June 18, 2013

CC: Office of the Mayor