



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-2

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September 12, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Attorney to pay the sum of \$422,000 in full settlement of the lawsuit entitled *Wendy Starbird v. City of Long Beach*, Case No. BC541789.

DISCUSSION:

Plaintiff filed this lawsuit claiming that the police department discriminated against her when she was not selected to be a Tactical Flight Officer (TFO) in the department's Air Support Unit, and that later the department retaliated against for filing a lawsuit.

The City Attorney's office tried the case, and the jury awarded Plaintiff no damages. Nevertheless, under California law, her attorneys were entitled to recover both attorneys' fees and costs. Plaintiff's counsel filed a motion seeking nearly \$1.3 million in fees, but the court awarded \$418,000.

Plaintiff's cost bill totaled \$60,000. But since the City prevailed on the retaliation claim, Plaintiff's failure to admit certain facts during pretrial discovery allowed the City to seek recovery of some of its own attorneys' fees. Faced with these two motions, the parties agreed to resolve the case for a total of \$422,000, contingent upon City Council approval. This proposed settlement was presented to the members of the Economic Development and Finance Committee on August 15, 2017, and this committee approved the settlement.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By: HALEH R. JENKINS
Deputy City Attorney

HRJ:jml

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