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Long Beach, California

C-8

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December 5, 2006

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$10,000.00 in full settlement of lawsuit entitled Bering vs. City of Long Beach

DISCUSSION:

This case involves a federal lawsuit for civil rights violations filed by the Plaintiff for an incident which occurred on April 19, 2004.

The police were dispatched to a disturbance call wherein they observed Plaintiff and his brother in the street. The officers noted symptoms of intoxication. As a result, they were ordered to the police vehicle for a check. Plaintiff became belligerent and did not follow orders to remain by the vehicle. Based upon his charging towards the officers, the Plaintiff was struck several times by a baton, resulting in an elbow fracture which required two surgeries.

After negotiations, the parties tentatively agreed to a full and complete settlement, inclusive of all costs and fees in the amount of \$10,000.00.

The proposed settlement was presented to the Economic Development and Finance Committee on November 21, 2006 and was approved on that date. We therefore ask authority to pay the sum of \$10,000.00 in full settlement of this claim against the City of Long Beach.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By


BELINDA R. MAYES, Principal Deputy