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C-1

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September 1, 2020

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HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to receive payment of \$10,444.00 in settlement with AT&T in the lawsuit entitled *State of California, ex rel. OnTheGo Wireless, LLC v. Celco Partnership, dba Verizon Wireless, et al.*, Sacramento County Superior Court, Case Number 34-2012-00127517

DISCUSSION:


The lawsuit was filed on behalf of Government Plaintiffs, including Long Beach, who are customers of Defendant wireless telecommunications companies (T-Mobile, AT&T, Sprint and Verizon) that failed to provide rate plan optimization. Since at least 2005, the Government Plaintiffs purchased mobile phone and related wireless services from Defendant carriers under a series of contracts with optimization programs. Defendants filed false and fraudulent billing invoices to the Plaintiffs certifying that all of the services required by the contracts had been provided, when in fact, a critical cost-saving service-optimization-had not been performed.

After engaging in discovery and lengthy negotiations, a tentative global settlement agreement with all plaintiffs has been reached with AT&T which requires your approval. Following extensive negotiations, AT&T has agreed to pay a settlement allocation to Long Beach of \$15,587.00; which after deducting for attorney fees (40%) and the lead plaintiff's share (25%), Long Beach's net settlement amount is \$10,444.00, as the full settlement against AT&T. The class action lawsuit was discussed in closed session, and the tentative settlement approved by the Economic Development and Finance Committee on August 18, 2020.

SUGGESTED ACTION:

Approve recommendation.

CHARLES PARKIN, City Attorney

By:   
GARY J. ANDERSON  
Principal Deputy City Attorney

GJA:kjm  
L12-0178