



## Legislation Details (With Text)

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<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	Approved
<b>File created:</b>	7/21/2010	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	8/3/2010	<b>Final action:</b>		<b>Final action:</b>	8/3/2010
<b>Title:</b>	Recommendation to authorize City Attorney to pay the sum of \$25,000 in full settlement of lawsuit entitled Department of Fair Employment and Housing and Real-Party-in-Interest, Helen McCanic, Case No. BC437225; to pay the sum of \$7,500 in full settlement of lawsuit entitled Whittaker, Amy vs. City of Long Beach, et al.; and to pay the sum of \$7,500 in full settlement of lawsuit entitled Whittaker, Colleen vs. City of Long Beach, et al.				
<b>Sponsors:</b>	City Attorney				
<b>Indexes:</b>	Lawsuit				
<b>Code sections:</b>					
<b>Attachments:</b>	1. 080310-C-7sr.pdf				

Date	Ver.	Action By	Action	Result
8/3/2010	1	City Council	approve recommendation	Pass

Recommendation to authorize City Attorney to pay the sum of \$25,000 in full settlement of lawsuit entitled Department of Fair Employment and Housing and Real-Party-in-Interest, Helen McCanic, Case No. BC437225; to pay the sum of \$7,500 in full settlement of lawsuit entitled Whittaker, Amy vs. City of Long Beach, et al.; and to pay the sum of \$7,500 in full settlement of lawsuit entitled Whittaker, Colleen vs. City of Long Beach, et al.

This litigation arises out of a claim of hostile work environment by a supervisor in the Department of Parks and Recreation. A potential settlement of this case in the amount of \$25,000.00 has been agreed to, subject to City Council approval.

The Economic Development and Finance Committee approved the proposed settlement on July 6, 2010.

### AND

This case arises from an auto accident between an on-duty, LBPB black and white patrol car traveling northbound on Los Coyotes Diagonal and Plaintiff's vehicle traveling eastbound on Outer Traffic. The impact occurred in the intersection. Both parties allege the other ran the red light. There were no witnesses. No citation was issued.

Plaintiff sought chiropractic treatment for injury to her low back/left hip pain (soft tissue) that gradually subsided and resolved after several months. Plaintiff's medical and other specials amounted to about \$4,500.

The proposed settlement was presented to the Economic Development and Finance Committee on July 6, 2010 and was approved on that date. We therefore ask authority to pay the sum of \$7,500 in full settlement of this claim against the City of Long Beach.

**AND**

This case arises from a trip and fall accident that occurred September 16, 2007 at Bixby Knolls Park. Plaintiff tripped and fell over an unmarked ramp located at the back of the park office building. When the park office was originally built in the 1950's, the rear of the building was enclosed by a fence. At some point, the fence was removed exposing the ramp. Because the City constructed the ramp, it is deemed to have constructive notice of its existence.

Plaintiff sustained a fractured right elbow and required two surgeries. Plaintiff received physical therapy after both surgeries. Plaintiff's medical specials amounted to \$34,381.00. Plaintiff makes a wage loss claim of \$16,000.00.

The proposed settlement was presented to the Economic Development and Finance Committee on July 6, 2010 and was approved on that date. We therefore ask authority to pay the sum of \$7,500 in full settlement of this claim against the City of Long Beach.

Approve recommendation.

ROBERT E. SHANNON  
CITY ATTORNEY

Barry M. Meyers  
Deputy City Attorney

**and**

Theodore B. Zinger  
Deputy City Attorney