



## Legislation Details (With Text)

|                       |  |                      |   |                      |                           |
|-----------------------|--|----------------------|---|----------------------|---------------------------|
| <b>File #:</b>        | 20-0818  | <b>Version:</b>      | 1 | <b>Name:</b>         | CA - Settlement with AT&T |
| <b>Type:</b>          | Agenda Item  | <b>Status:</b>       |   | <b>Status:</b>       | Approved                  |
| <b>File created:</b>  | 8/24/2020  | <b>In control:</b>   |   | <b>In control:</b>   | City Council              |
| <b>On agenda:</b>     | 9/1/2020   | <b>Final action:</b> |   | <b>Final action:</b> | 9/1/2020                  |
| <b>Title:</b>         | Recommendation to authorize City Attorney to receive payment of \$10,444 in settlement with AT&T in the lawsuit entitled <i>State of California, ex rel. OnTheGo Wireless, LLC v. Cellco Partnership, dba Verizon Wireless, et al.</i> , Sacramento County Superior Court, Case Number 34-2012-00127517. |                      |   |                      |                           |
| <b>Sponsors:</b>      | City Attorney  |                      |   |                      |                           |
| <b>Indexes:</b>       |  |                      |   |                      |                           |
| <b>Code sections:</b> |  |                      |   |                      |                           |
| <b>Attachments:</b>   | 1. 090120-C-1sr.pdf  |                      |   |                      |                           |

| Date     | Ver. | Action By    | Action                 | Result |
|----------|------|--------------|------------------------|--------|
| 9/1/2020 | 1    | City Council | approve recommendation | Pass   |

Recommendation to authorize City Attorney to receive payment of \$10,444 in settlement with AT&T in the lawsuit entitled *State of California, ex rel. OnTheGo Wireless, LLC v. Cellco Partnership, dba Verizon Wireless, et al.*, Sacramento County Superior Court, Case Number 34-2012-00127517.

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.

Approve recommendation.

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BY:  
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