



Legislation Details (With Text)

File #:	11-0615	Version:	1	Name:	CA - lawsuit settlement
Type:	Agenda Item	Status:		Status:	Approved
File created:	6/9/2011	In control:		In control:	City Council
On agenda:	6/21/2011	Final action:		Final action:	6/21/2011
Title:	Recommendation to authorize City Attorney to pay the sum of \$67,500 in full settlement of lawsuit entitled Allianz Global Insurance Company as Archbishop of Los Angeles v. City of Long Beach, Case No. NC054943; \$6,500 in full settlement of lawsuit entitled Garcia v. COLB, et al; and \$89,000 in full settlement of lawsuit entitled Long Beach Area Chamber of Commerce et al., v. City of Long Beach, Case No. 07-55691.				
Sponsors:	City Attorney				
Indexes:	Lawsuit, Settlement				
Code sections:					
Attachments:	1. 062111-C-2sr.pdf, 2. 062111-C-2sr&att.pdf				

Date	Ver.	Action By	Action	Result
6/21/2011	1	City Council	approve recommendation	Pass

Recommendation to authorize City Attorney to pay the sum of \$67,500 in full settlement of lawsuit entitled Allianz Global Insurance Company as Archbishop of Los Angeles v. City of Long Beach, Case No. NC054943; \$6,500 in full settlement of lawsuit entitled Garcia v. COLB, et al; and \$89,000 in full settlement of lawsuit entitled Long Beach Area Chamber of Commerce et al., v. City of Long Beach, Case No. 07-55691.

This lawsuit arises out of a clogged City-owned sewer line which resulted in flooding and water damage to St Anthony High School. Damages totaled \$109,000. The parties were able to reach a tentative settlement of \$67,500, subject to City Council approval

The Economic Development and Finance Committee approve the proposed settlement on June 7, 2011.

and

This case arises from an auto accident that occurred when a City employee, driving a Water Dept. service truck, made a left turn from westbound on 2nd Street to southbound Bayshore Drive causing a collision with Plaintiff's vehicle travelling eastbound on 2nd Street. The impact caused major damage to Plaintiff's vehicle. Liability for the accident is premised on the City employee's violation VC 21801 (a) (left turn violation).

Plaintiff received chiropractic treatment and physical therapy for soft tissue injuries to her neck and back. Plaintiff's medical and other specials amounted to about \$2,500. Plaintiff also makes a loss of earnings claim in the amount of \$184.

The proposed settlement was presented to the Economic Development and Finance Committee on June 7, 2011 and was approved on that date. We therefore ask authority to pay the sum of \$6,500 in

full settlement of this claim against the City of Long Beach.

and

The Long Beach Area Chamber of Commerce and its affiliated PACs claimed that the City's voter approved Campaign Finance ordinance, limiting donations to Independent Expenditure Committees, violated the First Amendment's free speech protections. The issue was fought in the trial court, where the City partially prevailed. On appeal, however, the trial court's decision was reversed. As the "prevailing party" in this civil rights action, the Chamber's PACs are entitled to recover their attorneys' fees. After negotiations, the Chamber's PACs have agreed to accept the compromised amount of \$89,000, which we opine is the reasonable settlement value.

Approve recommendation.

ROBERT E. SHANNON
CITY ATTORNEY

Barry M. Meyers
Senior Deputy

and

Theodore B. Zinger,
Deputy

and

Monte H. Machit
Principal Deputy City Attorney