



## Legislation Text

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**File #:** 12-0903, **Version:** 1

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Recommendation to authorize City Attorney to pay the sum of \$6,000 in full settlement of the Claim of Rafael Arroyo, Jr., Claim No. C12-0426; \$100,000 in full settlement of lawsuit entitled Alvaro Garza v. City of Long Beach, Case No. 30-2010-00436310-CU-PA-CJC; and \$8,000 in full and final resolution of the lawsuit entitled Mairena, et al. v. COLB, et al.

Claimant, Rafael Arroyo, Jr., a disabled man who requires a wheelchair, alleges that he was denied equal access to a store which property is owned by the successor to the Redevelopment Agency, because the property is not ADA compliant. While these violations likely did not cause a significant denial of access, a technical violation is sufficient to prevail on an ADA claim.

Following settlement discussions with the claimant's attorney, the claimant has agreed to accept \$6,000 in full settlement of this claim.

and

Plaintiff, Alvaro Garza, sustained multiple injuries when his vehicle was struck by a vehicle driven by a Long Beach Police Officer while responding to a call for service. Plaintiff suffered serious orthopedic injuries and has a mild cognitive injury, in particular with processing, organizing and retrieval of information.

Following settlement discussions, plaintiff agreed to accept \$100,000 as full settlement. The settlement was approved by the Economic Development and Finance Committee on October 2, 2012.

and

On October 19, 2010, at the intersection of Cherry Avenue and San Antonio Drive, Plaintiff was rear-ended by a city employee. Plaintiff had a passenger who also sued the City. The impact caused significant property damage.

Plaintiffs sustained soft tissue injuries. Plaintiff, Mairena incurred about \$3,400 in medical specials and Pineda incurred about \$3,200 in medical specials.

The proposed settlement was presented to the Economic Development and Finance Committee on October 2, 2012 and was approved on that date. We therefore ask authority to pay the sum of \$8,000.00 in full settlement of this claim against the City of Long Beach.

Approve recommendation.

ROBERT E. SHANNON  
CITY ATTORNEY

by:

Monte H. Machit  
Principal Deputy

Monte H. Machit  
Principal Deputy

MICHELE L. LEVINSON  
Deputy