



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

C-3

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City Attorney

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Dominic Holzhaus  
Anne C. Lattime  
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C. Geoffrey Allred  
Gary J. Anderson  
Richard F. Anthony  
Amy R. Burton  
Christina L. Checel  
Randall C. Fudge  
Charles M. Gale  
Barbara J. McTigue  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin  
Linda Trang  
Theodore B. Zinger

November 17, 2009

HONORABLE MAYOR AND CITY COUNCILMEMBERS  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$7,500.00 in full settlement of lawsuit entitled Aguayo v. City of Long Beach

DISCUSSION:

In August 2007 and September 2007, Public Works and the 3<sup>rd</sup> District counsel office received three service requests reporting a potential pedestrian safety hazard at the northwest corner of St. Joseph Avenue and Ocean Boulevard. Specifically, a large portion of curb had broken free from the sidewalk and was lying in the gutter. On February 28, 2008, Public Works inspected and identified the problem as needing repair. Plaintiff was injured at the location on March 2, 2008.

Plaintiff sought treatment from Kaiser for his injuries and was diagnosed with an avulsion fracture to his left elbow. Although Plaintiff has underwent physical therapy he has ongoing complaints of pain and loss of range of motion in the joint.

After negotiations, the parties agreed to a full and complete settlement, inclusive of all costs and fees in the amount of \$7,500.00.

The proposed settlement was presented to the Economic Development and Finance Committee on November 3, 2009 and was approved on that date. We therefore ask authority to pay the sum of \$7,500.00 in full settlement of this claim against the City of Long Beach.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,  
ROBERT E. SHANNON, City Attorney

By

THEODORE B. ZINGER, Deputy



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November 17, 2009

HONORABLE MAYOR AND CITY COUNCILMEMBERS  
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RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$24,000.00 (\$12,000 for each of two plaintiffs) in full settlement of lawsuit entitled Olmos, et al. v. City of Long Beach

DISCUSSION:

This case arises from a left turn automobile accident. Plaintiffs (Romero and Olmos) were passengers in a vehicle that entered the intersection on the yellow light. While the light was still yellow, our on-duty police officer made a left turn in front of the vehicle in which the plaintiffs were riding causing a collision.

Based on the facts and circumstances of this case, COLB will be found 100% responsible for the accident. Both Plaintiffs sustained injury and sought treatment. The total cost of the medical specials for Romero and Olmos were \$30,768 and \$29,533, respectively.

After negotiations, the parties agreed to a full and complete settlement, inclusive of all costs and fees in the amount of \$24,000.00, representing a payment of \$12,000 to each plaintiff.

The proposed settlement was presented to the Economic Development and Finance Committee on November 3, 2009 and was approved on that date. We therefore ask authority to pay the sum of \$24,000.00 in full settlement of this claim against the City of Long Beach.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,  
ROBERT E. SHANNON, City Attorney

By \_\_\_\_\_  
THEODORE B. ZINGER, Deputy