

OFFICE OF THE CITY ATTORNEY
Long Beach, California

ROBERT E. SHANNON
City Attorney

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Dominic Holzhaus
Anne C. Lattime
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C. Geoffrey Alfred
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Charles M. Gale
Michele L. Levinson
Barbara J. McTigue
Barry M. Meyers
Howard D. Russell
Tiffani L. Shin
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

February 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$45,000 in full and final resolution of the lawsuit entitled *Francisca Favela, et al. vs. COLB, et al.*

DISCUSSION

On July 23, 2010, Plaintiff, Francisca Favela noticed that one of her refuse cans had not been picked-up. A City refuse driver had passed Plaintiff's home and Plaintiff came up to the cab of his truck to flag him down to stop. Plaintiff thought the refuse driver was instructing her to bring the can towards the truck, and pushed it directly behind the truck and under the automated mechanical arm. The arm was already in motion and struck plaintiff on the top of the head.

Plaintiff suffered some loss of consciousness, a 7 cm laceration to her scalp, bilateral ankle fractures requiring internal fixation, and a right trimalleolar fracture with dislocation. Both ankles were surgically repaired with hardware. Plaintiff intends to undergo a third surgery to remove the hardware in one of her ankles. Her doctors opine that she may have some permanent impairment or disability.

In light of the potential liability, and the nature and extent of Plaintiff's injuries, we opine that this proposed settlement represents the reasonable value of the lawsuit. The matter was brought before the Economic Development and Finance Committee on February 5, 2013 and the Committee approved the settlement. Based thereon, we respectfully recommend that you approve this settlement.

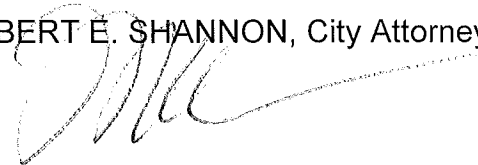
SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

A handwritten signature in black ink, appearing to read 'MLL', written over a horizontal line.

MICHELE L. LEVINSON, Deputy

MLL/dab



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February 19, 2013

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$15,576.96 in full and final resolution of the claim entitled *Geico c/o Kristy Nguyen v. City of Long Beach*.

DISCUSSION

The matter involves an automobile vs. automobile incident. Following our investigation we concluded that the City of Long Beach employee would likely be found negligent. In particular the damage to claimant's vehicle does indicate that she had control of the intersection.

Geico Insurance Co. seeks subrogation for damages to insured's automobile. The vehicle sustained left side, bumper and wheel damage. Following settlement discussions with Claimant, Geico has agreed to accept \$15,576.96 as full settlement of this claim.

In light of the potential liability, and the nature and extent of claimant's damages, we opine that this proposed settlement represents the reasonable value of the claim. The matter was reviewed by the Economic Development and Finance Committee on February 5, 2013 and approved the settlement.


SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By


MICHELE L. LEVINSON, Deputy

MLL/dab