

OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-2

ROBERT E. SHANNON
City Attorney

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Charles M. Gale
Barbara J. McTigue
Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffany L. Shin
Linda Trang
Theodore B. Zinger

March 15, 2011

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$10,000.00 in full settlement of lawsuit entitled *Buller v. COLB*.

DISCUSSION:

Plaintiff, a 69 year old man, was walking in a marked crosswalk on a green light when he was hit by a city vehicle making a right turn. There is no issue of liability.

Plaintiff's treatment consisted of several office visits, a couple of sets of x-rays and an MRI. Plaintiff sustained a fracture to his right foot, bruising to his right foot and forearm, and tail bone pain. Plaintiff still complains of residual occasional pain in his tail bone and chronic pain in his right foot.

The proposed settlement was presented to the Economic Development and Finance Committee on March 1, 2011 and was approved on that date. We therefore ask authority to pay the sum of \$10,000 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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March 15, 2011

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$7,104.06 in full settlement of lawsuit entitled *Farmers Insurance Ex. v. COLB, et al.*

DISCUSSION:

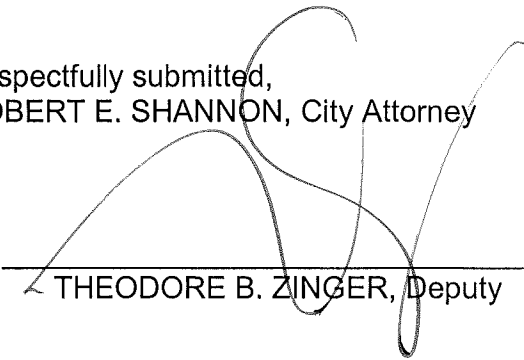
A LBPD SWAT team member was responding to a call out and was enroute to Long Beach from Irvine. The accident occurred northbound I-405, north of Sand Canyon. It was raining at the time of the accident and the city vehicle hydroplaned, spun out of control and hit another vehicle (Farmer's insured) that had previously been disabled and was at the center divider awaiting arrival of a tow truck. Liability is premised on violation VC 22350 (unsafe speed).

The proposed settlement, property damage only, was presented to the Economic Development and Finance Committee on March 1, 2011 and was approved on that date. We therefore ask authority to pay the sum of \$7,104.06 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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March 15, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay the sum of \$60,000.00 in full settlement of lawsuit entitled *Maturino v City of Long Beach*, Case No.: BC414983.

DISCUSSION

This lawsuit arises out of a claim of alleged discrimination and wrongful termination in violation of the California Fair Employment and Housing Act by a former employee of the Health Department. The plaintiff alleged that the City failed to engage in a good faith interactive process to determine if there were accommodations that would have allowed the plaintiff to continue her employment with the City. Plaintiff was seeking \$320,000 in lost wages, emotional distress and attorney fees. The City denied the allegations raised by the plaintiff.

At a court-ordered Mandatory Settlement Conference before Judge Elizabeth White, the parties were able to reach a tentative settlement agreement of \$60,000.00, subject to City Council approval.

The Economic Development and Finance Committee approved the proposed settlement on March 1, 2011


SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By:


BARRY M. MEYERS
Senior Deputy Attorney

BMM/gw

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