



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

C-5

ROBERT E. SHANNON  
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HEATHER A. MAHOOD  
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Christina L. Checel  
Charles M. Gale  
Barbara J. McTigue  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin  
Linda Trang  
Theodore B. Zinger

October 16, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay the sum of \$6,000.00 in full settlement of the *Claim of Rafael Arroyo, Jr., Claim No. C12-0426*.

DISCUSSION

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.

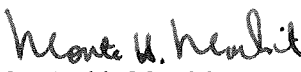
SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

  
Monte H. Machit  
Principal Deputy

MHM:ivs



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October 16, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay the sum of \$100,000 in full settlement of lawsuit entitled *Alvaro Garza v. City of Long Beach*, Case No. 30-2010-00436310-CU-PA-CJC.

DISCUSSION

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.

SUGGESTED ACTION:

Approve recommendation.

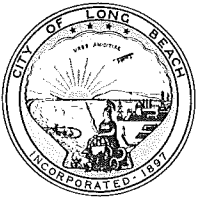
Very truly yours,

ROBERT E. SHANNON, City Attorney

By

Monte H. Machit  
Principal Deputy

MHM/lvs



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October 16, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$8,000 in full and final resolution of the lawsuit entitled *Mairena, et al. v. COLB, et al.*

DISCUSSION

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.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

  
MICHELE L. LEVINSON, Deputy

MLL/dab