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Long Beach, California

C-4

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May 17, 2011

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$15,000.00 in full settlement of lawsuit entitled *Daly v. City of Long Beach, et al.*

DISCUSSION:

Plaintiff claims that police officers used excessive force when arresting him after he was removed from a bar. Plaintiff suffered soft tissue injury and swelling to his left elbow and claims to continued to have pain and limited range of motion in his left elbow. Plaintiff claims damages, including lost earnings of approximately \$20,000.

After Mediation with a retired Appellate Court Justice, the bar owner (also a defendant) settled with Plaintiff for \$35,000. After further negotiations, Plaintiff agreed to accept \$15,000 from the City as full settlement of this case. The facts of the case were presented to the Economic Development and Finance Committee on May 3, 2011, and the Committee approved the proposed settlement. Based thereon, we respectfully recommend that you approve this settlement.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,
ROBERT E. SHANNON, City Attorney

By

THEODORE B. ZINGER, Deputy