



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**C-7**

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Belinda R. Mayes  
J. Charles Parkin

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Randall C. Fudge  
Charles M. Gale  
Monte H. Machit  
Anne C. Lattime  
Barry M. Meyers  
Cristyl Meyers  
Howard D. Russell  
Tiffani L. Shin

May 13, 2008

HONORABLE MAYOR AND CITY COUNCILMEMBERS  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$20,000.00 in full settlement of lawsuit entitled Hengehold vs. City of Long Beach

DISCUSSION:

This case involves a trip and fall which occurred on Ocana Avenue near Spring Street on May 22, 2006. The Plaintiff, a 77 year-old female, was walking when she tripped and fell on the sidewalk. Plaintiff alleges she did not see anything on the day of the accident because leaves from the parkway tree were covering the uneven sidewalk.

A few weeks prior to the fall, Plaintiff had undergone surgery to both hands for degenerative complaints. As a result of the fall, she suffered a fractured metatarsal of her right hand and further aggravated both hands; knee complaints, facial bruising and chipped teeth. Plaintiff's medical specials amounted to approximately \$45,000.00.

After negotiations, the parties tentatively agreed to a full and complete settlement, inclusive of all costs and fees in the amount of \$20,000.00.

The proposed settlement was presented to the Economic Development and Finance Committee on May 6, 2008 and was approved on that date. We therefore ask authority to pay the sum of \$20,000.00 in full settlement of this claim against the City of Long Beach.

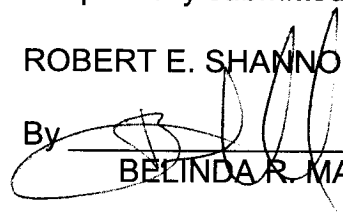
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By

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

BELINDA R. MAYES, Principal Deputy



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May 13, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay the sum of \$573,601.00 in settlement of the lawsuit entitled Long Beach Oil Development v. City of Long Beach, United States District Court Case No. CV03-6655 GPS

DISCUSSION

This lawsuit was filed on September 16, 2003. It arises from the City acting in its capacity as trustee for the State of California for certain oil operations in the City of Long Beach. The plaintiff LBOD conducted oil operations as a member of a consortium of oil companies which was the former Contractor of the City. From 1939 through February, 1989, the consortium contracted with the City to run the day to day oil operations in the West Wilmington Oil Field. As part of these operations, LBOD, acting on behalf of the consortium, deposited Oil Operations materials at three approved disposal sites. LBOD was named in clean-up actions for these sites and has sued the City seeking reimbursement for the clean-up costs expended. These clean-up costs are solely for operations in the portion of the Field in which the City is the trustee for the State.

The City filed a summary judgment motion which was granted. LBOD has appealed and pending this appeal has made an offer to settle this case for \$573,601.00. The State Lands Commission staff and Attorney General's Office support the City's acceptance of this settlement. The funds for this settlement come from state oil revenue.

The Economic Development and Finance Committee approved the proposed settlement on May 6, 2008.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

A handwritten signature in cursive script that reads "Charles Parkin".

By

J. CHARLES PARKIN,  
Principal Deputy City Attorney



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May 13, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
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RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$35,000 in full settlement of lawsuit entitled *Larry Loy v. City of Long Beach, et. al.*, Case No. NC039758.

DISCUSSION


Plaintiff, Larry Loy claims that the police officer's use of force exacerbated a pre-existing medical condition when he was hand-cuffed and detained.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By   
Monte H. Machit,  
Senior Deputy City Attorney

MHM:ivs



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Long Beach, California

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MICHAEL J. MAIS  
Assistant City Attorney

May 13, 2008

HONORABLE MAYOR AND CITY  
COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay the sum of \$10,000.00 in full settlement of lawsuit entitled *Moreno v. City of Long Beach*, Case No.: 07C02061.

DISCUSSION:

This suit arises out of a of a motor vehicle accident in which a City employee, driving a City vehicle in the course and scope of his employment, collided with the rear of plaintiff's vehicle when exiting the 405 Freeway at Cherry Avenue. The plaintiff sustained injuries and incurred medical expenses.

During mediation, the parties were able to reach a tentative settlement agreement of \$10,000.00, subject to City Council approval.

The Economic Development and Finance Committee approved the proposed settlement on May 6, 2008.

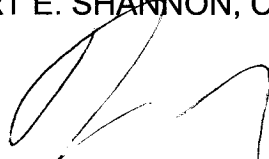
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By:

  
BARRY M. MEYERS, Deputy

BMM/gw

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May 13, 2008

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RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$10,000 in full settlement of lawsuit entitled *Alberto Vargas v City of Long Beach*, Case No. BC362791.

DISCUSSION

Alberto Vargas, a Long Beach Police Officer, claims he was retaliated against by supervisors because of a previous lawsuit he filed against the City.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

Monte H. Machit  
Senior Deputy City Attorney

MHM:ivs