



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-2

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

PRINCIPAL DEPUTIES

Christina L. Checel
Dominic Holzhaus
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Gary J. Anderson
Richard F. Anthony
Kendra L. Carney
LaTasha N. Corry
Charles M. Gale
Haleh R. Jenkins
Michele L. Levinson
Barbara J. McTigue
Howard D. Russell
Tiffany L. Shin
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

April 15, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$135,000 in full and final resolution of the lawsuit entitled *AMCO Insurance Company v. COLB*

DISCUSSION

This matter arises out of a residential property fire, which took place March 30, 2012, at 1910 Caspian Avenue, Long Beach. The fire occurred when certain officers laid a heat lamp, while still plugged into its power source, on top of or adjacent to a plastic laundry hamper containing flammable materials. The materials in the laundry basket combusted due to the heat emanating from the heating light, causing a total loss due to fire.

Plaintiff, AMCO Insurance Company paid monies in excess of \$213,000.00 to adjust and resolve the claim presented by its insured. Damages include but are not limited to the total loss of the residence, living expenses, and contents. The initial demand was \$228,594.68.

In light of the potential liability, and the nature and extent of the Plaintiff's injuries, we opine that this proposed settlement represents the reasonable value of the lawsuit. Based thereon, we respectfully recommend that you approve this settlement.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By


MICHELE L. LEVINSON, Deputy



OFFICE OF THE CITY ATTORNEY
Long Beach, California

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

PRINCIPAL DEPUTIES

Christina L. Checel
Dominic Holzhaus
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Gary J. Anderson
Richard F. Anthony
Kendra L. Carney
LaTasha N. Corry
Charles M. Gale
Haleh R. Jenkins
Michele L. Levinson
Barbara J. McTigue
Howard D. Russell
Tiffani L. Shin
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

April 15, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$ 43,405.56 in full settlement of lawsuits entitled *Battle et al. v City of Long Beach*, Case No. CV12-5055-JEM and authorize City Attorney to increase contract amount with City's outside counsel by \$101,983.16.

DISCUSSION

In these consolidated cases, nine (9) separate police officers, who opted-out of a prior class action settlement, sue the City for alleged violations of the Fair Labor Standards Act (FLSA). Plaintiffs claim that they are owed overtime for various activities, including putting on their uniforms at the beginning of their shifts, and taking off their uniforms at the end of the shift.

You will recall that approximately 790 police officers previously sued the City making similar allegations. That class action was resolved by providing the police officers twenty-five (25) hours of vacation time, or roughly the cash equivalent for police officers who retired from the police force between the time of the lawsuit and the time of the settlement.

As to the nine (9) officers who opted out, they eventually agreed to accept the same settlement as the original settling group. The settlement amount represents attorneys' fees and costs. The settlement and the winding up of outside counsel costs were discussed with the Economic Development and Finance Committee, which approved the settlement on April 1, 2014.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, Acting City Attorney
By 
Monte H. Machit, Assistant City Attorney

MHM:ivs