



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-4

ROBERT E. SHANNON
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

J. CHARLES PARKIN
Assistant City Attorney

PRINCIPAL COUNSEL:

Dominic Holzhaus
Anne C. Lattime
Monte H. Machit

July 24, 2012

EMPLOYEES:

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Charles M. Gale
Barbara J. McTigue
Barry M. Meyers
Howard D. Russell
Tiffani L. Shin
Linda Trang
Amy R. Webber
Theodore B. Zinger

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$8,000.00 in full and final resolution of the lawsuit entitled *Castaneda, et al. v. COLB, et al.*

DISCUSSION:

Plaintiff and her four year old daughter were driving west on Burnett Street when a city vehicle driven north on Baltic Avenue by an on-duty city employee failed to stop for a stop sign and collided with her. Plaintiff predicates liability on violation of CVC § 21802(a) (Stop Sign).

Plaintiff Castaneda (mother) suffered soft tissue injury to her neck, back, left arm and left elbow and was taken to the emergency room. Thereafter, Plaintiff sought treatment at Urgent Care and received physical therapy at a total cost of \$6,017.29. Plaintiff's daughter was taken to the emergency room and for a follow up examination by an orthopedic doctor at a total cost of \$750.00. At the time of the accident, Plaintiff was driving her husband's vehicle, which sustained property damage in the amount of \$5,500.00.

The proposed settlement was presented to the Economic Development and Finance Committee on July 3, 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 Monte H. Machit for
THEODORE B. ZINGER, Deputy



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City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$7,380.00 in full settlement of lawsuit entitled *Jesus Gonzalez v. City of Long Beach et al.*, Case No. 12S00785.

DISCUSSION

On January 10, 2012, a large branch from a City-owned Eucalyptus tree fell on the garage owned by Plaintiff, Jesus Gonzalez. The branch caused damage to a large section of the roof, including several support beams, the fascia board, and automatic garage door. The City's arborist concluded that the tree branch failure was due to a *poor branching structure*. After this incident, the tree was removed.

Following settlement discussions with Plaintiff, Plaintiff has agreed to settle this matter for \$7,380.00. The proposed settlement was presented to the Economic Development and Finance Committee on July 3, 2012, and was approved on that date. We therefore ask authority to pay the sum of \$ 7,380.00 in full settlement of this lawsuit

SUGGESTED ACTION:

Approve recommendation.

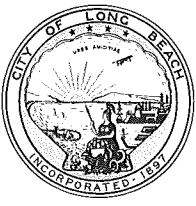
Very truly yours,

ROBERT E. SHANNON, City Attorney

By:

Monte H. Machit, Principal Deputy

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
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RECOMMENDATION:

Recommendation to authorize City Attorney to pay the sum of \$9,000.00 in full settlement of lawsuit entitled *Kabbaj v. City of Long Beach, et al.* Case No.: NC056728.

DISCUSSION:

This lawsuit arises out of traffic accident where a City refuse vehicle, driven by a City employee in the course and scope of his employment, backed into plaintiff's vehicle, causing property and economic damages in the amount of \$10,140.00

During mediation before Jeffrey LeBeau, the parties were able to reach a tentative settlement agreement of \$9,000.00, subject to City Council approval.

The Economic Development and Finance Committee approved the proposed settlement on July 3, 2012.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By:

BARRY M. MEYERS, Senior Deputy

BMM/gw



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July 24, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
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RECOMMENDATION:

Recommendation to authorize the City Attorney to pay the sum of \$ 650,000 in full settlement of the lawsuit entitled *Macey Taylor Kibbee v City of Long Beach et al.*, Case No. NC055238

DISCUSSION

On December 3, 2009, Plaintiff, nineteen-year-old Macey Kibbee (Kibbee), was standing at the south side of the Intersection of Clark and Los Coyotes. As the light changed Kibbee jogged off the sidewalk and onto Clark Ave. Kibbee took a few steps into the crosswalk when a non city driver crossed the intersection and came in contact with her. As a result, Kibbee suffered serious physical injuries. Kibbee has sued both the driver and the City of Long Beach. Against the City, Kibbee alleges that the timing of the traffic signals at this intersection, as well as the length of the intersection, created a dangerous condition of public property.

Following settlement discussions, all parties have agreed to settle this matter with the City paying \$ 650,000. The proposed settlement was presented to the Economic Development and Finance Committee on July 3, 2012, and was approved on that date.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 
Monte H. Machit, Principal Deputy

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July 24, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$10,500.00 in full settlement of lawsuit entitled Miguel Angel Solis v. City of Long Beach, et al.

DISCUSSION

On February 18, 2010, Long Beach Police officers were serving a search warrant. They encountered plaintiff and force was used to take him into custody. Plaintiff claims his civil rights were violated.

After extensive discussion, a tentative settlement of \$10,500 was reached.

The Economic Development and Finance Committee approved the proposed settlement on July 3, 2012.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By

HOWARD D. RUSSELL,
Deputy City Attorney

HDR:caa