

**C-10**

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December 14, 2004

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California


Re: Mitchell Land & Improvement Company v. City of Long Beach
Superior Case No.: 03C02627
Authority Requested to Settle Above Action for \$10,000.00

This case involves a lawsuit by Mitchell Land to recover attorney fees and costs in connection with a written contract to lease commercial office space from Mitchell Land entered on February 1, 1999. The lease agreement included the provision that the City would indemnify and defend Mitchell Land against any claims for personal injury damages arising out of the City's use of the building. On July 14, 2003, Marie Vander Laan was injured when she slipped and fell outside the building the City leased from Mitchell Land. Marie Vander Laan sued Mitchell Land for personal injury. Mitchell Land sued the City for indemnification pursuant to its lease.

Mitchell Land incurred approximately \$14,000 in costs and attorney fees in its defense against the Vander Laan lawsuit. A proposed settlement in the amount of \$10,000 was presented to the Economic Development and Finance Committee on December 7, 2004 and was approved on that date. We therefore ask authority to pay the sum of \$10,000 in full settlement of this lawsuit against the City of Long Beach.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By: 
GARY J. ANDERSON, Deputy Attorney

GJA:cjk