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December 11, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$12,000 in full and final resolution of the lawsuit entitled *Laura Martinez v. COLB, et al.*

DISCUSSION

Plaintiff, (seventeen at the time of the incident), alleges that on or about March 31, 2011, at or near the intersection of Palo Verde Avenue and Wardlow Road, she was riding her bicycle northbound in the east crosswalk when she was struck by a city employee when he failed to stop at a red light, resulting injuries.

Plaintiff was transported to St. Mary's Hospital, was admitted, and was treated for a right pneumothorax (collapsed lung) and possible posterior right lung contusion, fractured right rib posteriorly; acute cervical contusion, and a possible closed head injury. Plaintiff's has ongoing neuropsychological and orthopedic complaints, including alleged personality changes. Plaintiff's total medical specials are approximately \$59,000.00.

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,

ROBERT E. SHANNON, City Attorney

By


MICHELE L. LEVINSON, Deputy



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RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$211,000.00 in full settlement of lawsuit entitled Debra Stefano, et al., v. City of Long Beach, et al.

DISCUSSION

Long Beach Police officers responded to a loud party call on September 12, 2008. Officers entered the residence and force was used.

Six plaintiffs sued the City and six officers alleging constitutional violations, including: unlawful entry into plaintiffs' home, false arrest, and excessive force.

After extensive investigation of plaintiffs' claims, a tentative global settlement for all plaintiffs of \$211,000 (including all costs and attorneys' fees) was reached.


The Economic Development and Finance Committee approved the proposed settlement on December 4, 2012.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By 
HOWARD D. RUSSELL,
Deputy City Attorney

HDR:caa