



Legislation Details (With Text)

**File #:** 13-0218      **Version:** 1      **Name:** CA - Jocelyn Mairena, et al Lawsuit & Matthew Sorenson Claim

**Type:** Agenda Item      **Status:** Approved

**File created:** 3/7/2013      **In control:** City Council

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**Title:** Recommendation to authorize City Attorney to pay sum of \$11,700 in full and final resolution of the lawsuit entitled *Jocelyn Mairena, et al. vs. COLB, et al*; pay sum of \$10,225.93 in full and final resolution of the claim entitled *MAPFRE c/o Matthew Sorenson*; and pay sum of \$15,000 in full and final resolution of the lawsuit entitled *Adamson v. COLB*.

**Sponsors:** City Attorney

**Indexes:** Claims, Lawsuit, Settlement

**Code sections:**

**Attachments:** 1. 031913-C-5sr.pdf

| Date      | Ver. | Action By    | Action                 | Result |
|-----------|------|--------------|------------------------|--------|
| 3/19/2013 | 1    | City Council | approve recommendation | Pass   |

Recommendation to authorize City Attorney to pay sum of \$11,700 in full and final resolution of the lawsuit entitled *Jocelyn Mairena, et al. vs. COLB, et al*; pay sum of \$10,225.93 in full and final resolution of the claim entitled *MAPFRE c/o Matthew Sorenson*; and pay sum of \$15,000 in full and final resolution of the lawsuit entitled *Adamson v. COLB*.

On October 19, 2010, at the intersection of Cherry Avenue and San Antonio Drive, Plaintiff, Jocelyn Mairena was rear-ended by a city employee. At the time of the incident, Plaintiff had two passengers, Ana Pineda and David Pineda each of whom also sued the City. The contact caused significant property damage and personal injuries.

Following settlement discussions with Plaintiffs' counsel, Plaintiff Jocelyn Mairena has agreed to accept \$4,500 as full settlement of this case, Ana Pineda has agreed to accept \$3,500 as full settlement of her personal injury claims, and \$3,700 for all property damage claims, and David Pineda has agreed to dismiss his Complaint with prejudice. Thus, the total proposed settlement is \$11,700.00, which includes all property damage and personal injury claims arising out of this accident.

In light of potential liability, and the nature and extent of Plaintiff's damages, we opine that this proposed settlement represents the reasonable value of the lawsuit. The matter was brought before the Economic Development and Finance Committee on March 5, 2013 and the Committee approved the settlement. Based thereon, we respectfully recommend that you approve the settlement

and

This matter arises out of a property damage claim which took place October 29, 2012, where a fire engine on Carroll Park West struck Plaintiff's parked vehicle. Claimant's insured's vehicle sustained major left side damages which were resolved by MAPFRE (the insurer). Following settlement

discussions with Claimant, MAPFRE has agreed to accept \$10,225.93

In light of the potential liability, and the nature and extent of insured's property damage, we opine that this proposed settlement represents the reasonable value of the claim. The matter was brought before the Economic Development and Finance Committee on March 5, 2013 and the Committee approved the settlement. Based thereon, we respectfully recommend that you approve this settlement.

and

Plaintiff caught her foot in a hole causing her to trip and fall at Heartwell Park while walking the perimeter of the park along Carson Street. The hole is one of several buried irrigation control valves that run along the north side of the park.

She sought treatment at Urgent Care and was diagnosed with a severely injured ankle. Plaintiff incurred approximately \$20,000 in medical specials and claimed \$12,000 in loss of earnings.

The proposed settlement was presented to the Economic Development and Finance Committee on March 5, 2013 and was approved on that date. We therefore ask authority to pay the sum of \$15,000 in full settlement of this claim against the City of Long Beach.

Approve recommendation.

MICHELE L. LEVINSON  
Deputy City Attorney

THEODORE B. ZINGER  
Deputy City Attorney