

1/9/07

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(R-2007-254)

RESOLUTION NUMBER R- 302266

DATE OF FINAL PASSAGE JAN 17 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF CLAIMS OF SONJA BLEVINS, BAILEY BLEVINS, HEATHER BLEVINS AND ZURICH AMERICAN INSURANCE COMPANY.

WHEREAS on September 23, 2005, Sonja Blevins, Bailey Blevins and Heather Blevins filed suit against the City of San Diego [City] alleging the wrongful death of Scot Blevins on February 21, 2005 when a eucalyptus tree growing on City-owned open space land fell and hit his truck, killing him. Plaintiffs brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Sonja Blevins, et al. v. City of San Diego, et al.*, Case No GIC853685 [the Litigation]. On April 5, 2006, Zurich American Insurance Company [Zurich] filed a Complaint-In-Intervention for Recovery of Workers' Compensation Benefits against the City of San Diego [City] for reimbursement of monies paid to Plaintiffs Sonja Blevins, Bailey Blevins and Heather Blevins due to the work-related death of Scot Blevins on February 21, 2005. Plaintiff Zurich brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Zurich American Insurance Company v. City of San Diego, et al.*, Case No GIC853685 [the Litigation]; and

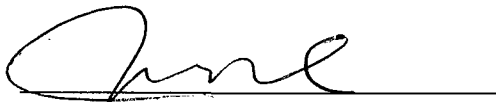
WHEREAS, in the Closed Session Meeting of September 12, 2006, in the matter of Sonja Blevins, et al. v. City of San Diego (San Diego Superior Court Case No. GIC 853685), the City Council voted 6 to 1 to approve the settlement. The motion was made by Councilmember Madaffer with a second by Councilmember Hueso. Council President Peters voted "No" and Councilmember Maienschein was absent.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$900,000.00 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, arising from the Litigation.
2. The City Auditor and Comptroller to issue a check in the amount of \$300,000.00 payable to Zurich American Insurance Company.
3. The City Auditor and Comptroller to issue an additional check in the amount of \$394,220.00 payable to MetLife Tower Resources Group, Inc.
4. The City Auditor and Comptroller to issue an additional check in the amount of \$3,300.00 payable to Sonja Blevins.
5. The City Auditor and Comptroller to issue an additional check in the amount of \$202,480.00 payable to Alan Pinkerton Attorney Client Trust Account.

APPROVED AS TO FORM: MICHAEL J. AGUIRRE, City Attorney

By



Jane M. Boardman
Deputy City Attorney

JMB/hm
11/15/06
A/C 2700376
Or.Dept:Risk Management
R-2007-254

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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 09 2007

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1.17.07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R-302266