

RESOLUTION NUMBER R- 304990

DATE OF FINAL PASSAGE JUN 25 2009

**A RESOLUTION AUTHORIZING SETTLEMENT OF THE CASE OF
BLACKWATER LODGE & TRAINING CTR, INC. v. BROUGHTON et.al.
U.S. DISTRICT COURT CASE NO. 08-CV-0926-H AND
U.S. 9TH CIRCUIT COURT OF APPEAL CASE NO. 08-56028**

WHEREAS, in Closed Session on December 2, 2008, by the following Vote: Yeas, 7;
Nays, None; Council District 3 Not Present, the City Council for the City of San Diego [City]
approved the following by motion:

WHEREAS on May 23, 2008, Blackwater Lodge and Training Center, Inc., doing
business as Blackwater Worldwide [Blackwater], filed Case No. 08-CV-0926-H in the United
States District Court against the City, Kelly Broughton [Director of Development Services] and
Afsaneh Ahmadi [Chief Building Official] requesting a temporary restraining order [TRO],
preliminary and permanent injunction [Litigation]; and

WHEREAS on June 4, 2008, the court granted Blackwater's request for issuance of a
TRO; and on June 17, 2008, granted Blackwater's request for a Preliminary Injunction; and

WHEREAS on June 18, 2008, the City Attorney filed an appeal of the District Court's
Grant of the Preliminary Injunction to the United States Ninth Circuit Court of Appeals by Case
No.08-56028 [Appeal]; and

WHEREAS, on December 2, 2008, the City Council in closed session authorized
settlement of the Litigation and the Appeal in an amount consistent with the amount set forth
below;

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

1. The sum of one hundred fifty thousand dollars (\$150,000) be paid from the Public Liability Fund in settlement of all of Plaintiff's claims against the City, its agents and employees, arising from the Litigation.

2. That the City Comptroller is authorized to issue one check in the amount of \$150,000 made payable to Blackwater Lodge & Training Center, Inc. and its attorneys of record, the law firm of Neil Dymott.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Carmen Brock
Carmen Brock, Deputy City Attorney

CB:mc
May 27, 2009
Or Dept: Risk Management
R-2009-1208

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 16 2009, 2009.

ELIZABETH S. MALAND
City Clerk

By Jana Richards
Deputy City Clerk

Approved: 6.18.09
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor