

RESOLUTION NUMBER R- 306532

DATE OF FINAL PASSAGE JAN 12 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN THE ISAIAH PROJECT, INC. AND THE CITY OF SAN DIEGO

WHEREAS, on or about December 2, 2009, in the United States District Court, Southern District of California (Case 04CV-09cv2699 BTM (WVG), Plaintiffs filed a complaint against the City Defendants and against the Downtown San Diego Partnership. Plaintiffs' Complaint asserted that Defendants violated Plaintiffs' Fourth Amendment rights against unreasonable search and seizure, Fourteenth Amendment rights to Due Process and Equal Protection of the law, and various provision of California law.

WHEREAS, on or about December 21, 2009, the City of San Diego defendants answered the complaint and denied all allegations set forth therein.

WHEREAS, on or about December 23, 2009, Defendant Downtown San Diego Partnership answered the complaint and denied all allegations.

WHEREAS, Plaintiffs' lawsuit was filed as a putative class action, and the answering defendants denied the appropriateness of certification of the putative class. However, in order to facilitate a global and final settlement of all disputes between the Settling Parties, including all members of the putative class, the Settling Parties have agreed to stipulate and agree to the certification of a class as defined in this Agreement and subject to the procedures set forth herein, as well as any other procedures and requirements determined by the Court and the Settling Parties to be appropriate.

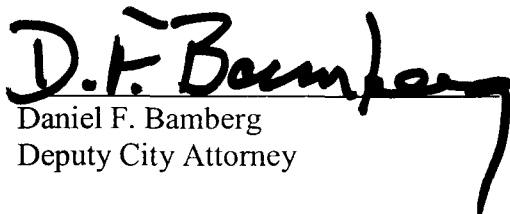
WHEREAS, the Settling Parties and their counsels believe that it is in their respective best interests to enter into this Agreement. Therefore, in consideration of the foregoing, the Settling Parties now desire to resolve any and all claims relating to or arising out of the Action.

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

1. Authorize the sum of \$150,000 to be paid from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the class action suit of the Isaiah Project, Inc., United States District Court Case No. 09-cv-2699 BTM (WVG).
2. Authorize the Chief Financial Officer to appropriate and expend the amount of \$150,000 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
3. Authorize the Comptroller to issue a check in the amount of \$150,000, made payable to The Isaiah Project, Inc. and their attorney of record Dreher Law Firm.

APPROVED: JAN I. GOLDSMITH, City Attorney

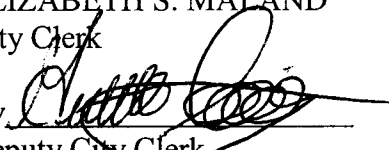
By


Daniel F. Bamberg
Deputy City Attorney

DFB:nmm
12/20/2010
CC3000003862
Or.Dept:City Attorney
R-2011-580

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of Jan. 11, 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1-12-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor