

RESOLUTION NUMBER R- 106718

DATE OF FINAL PASSAGE MAR 29 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN AXON SOLUTIONS, INC., SAN DIEGO DATA PROCESSING CORPORATION, AND THE CITY OF SAN DIEGO

WHEREAS, on November 12, 2009, Axon Solutions, Inc., filed suit against San Diego Data Processing Corporation and the City of San Diego (City) alleging Breach of Contract, Misappropriation of Trade Secrets, Copyright Infringement, Declaratory Relief, Quantum Meruit, Goods and Services Sold and Delivered, and Accounts Stated arising from the >>>>>. Plaintiffs brought suit in the United States District Court, Southern District of California. The suit is entitled *Axon Solutions, Inc. v. San Diego Data Processing Corporation and the City of San Diego*, Case No. 09cv2543 MMA (RBB) (Litigation); and

WHEREAS, in Closed Session on February 7, 2011, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 6, 7, 8; Nays, District 5; and absent, District 4, approved settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

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

- 1. The sum of \$1,900,000 to be paid from

Fund	Fund Title	Cost Center	Commitment Item	Cost Per Fund
720045	Public Liability Fund	1515000011	512007	1,440,388
700000	Muni Sewer Rev	2000110001	512007	84,542

700001	Metro Sewer Util.	2000110001	512007	91,678
700011	Water Util Op.	2000110001	512007	130,705
700033	Airports Ent.	2111000001	512007	3,673
700036	Plan & Dev. Ent	1611000016	512007	79,268
700043	Golf Course Ent.	1714160001	512007	17,594
700039	Refuse Disp. Ent.	2115110001	512007	1,476
700039	Refuse Disp. Ent.	2115120001	512007	25,575
700039	Refuse Disp. Ent.	2115000001	512007	3,453
700039	Refuse Disp. Ent.	2115130001	512007	1,226
700048	Recycling Ent.	2115120001	512007	2,163
700048	Recycling Ent.	2115130001	512007	15,284
700048	Recycling Ent.	2115110001	512007	596
700048	Recycling Ent.	2115000001	512007	2,379
Total Cost				\$1,900,000


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 Litigation.

2. The Comptroller to issue a check in the amount of \$ 1,900,000 payable to Axon

Solutions, Inc.

APPROVED: JAN I. GOLDSMITH, City Attorney

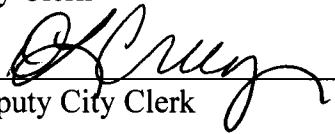
By


 Joe Cordileone,
 Chief Deputy City Attorney

JC:kat
 2/10/2011
 Or.Dept:Risk

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of march 29, 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: Mar 29, 11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor