

RESOLUTION NUMBER R- 306847

DATE OF FINAL PASSAGE JUN 13 2011

A RESOLUTION OF THE COUNCIL FOR THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN DIANNE SULLY; NICOLE LEXIS SULLY; THE ESTATE OF KENNETH SULLY AND THE CITY OF SAN DIEGO

WHEREAS, on March 15, 2010, Dianne Sully, Nicole Lexis Sully and Estate of Kenneth Sully filed suit against the City of San Diego [City] alleging personal injuries arising from a wrongful death incident which occurred on April 6, 2009. Plaintiffs brought suit in the Superior Court of California, Central Division. The suit is entitled *Dianne Sully; Nicole Lexis Sully; Estate of Kenneth Sully v. City of San Diego*, et al., San Diego Superior Court Case No 37-2010-00087770-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on January 25, 2011, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8; Nays, District(s) None; and absent, District(s) None, authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth below; NOW, THEREFORE,

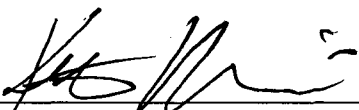
BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$1,800,000 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 wrongful death claims of Dianne and Nicole Sully and the Estate of Kenneth Sully, San Diego Superior Court Case No. 37-2010-00087770-CU-PO-CTL.

2. The Chief Financial Officer to appropriate and expend \$1,800,000 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first finishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

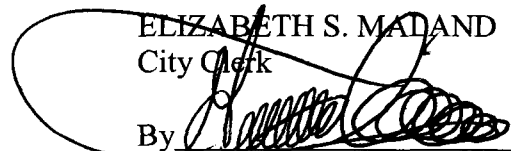
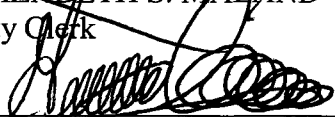
3. The Comptroller to issue two checks: the first check in the sum of \$1,500,000, made payable to the Bunn Law Group Trust; the second check in the sum of \$300,000, made payable to Prudential Assigned Settlement Services Corp.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith W. Phillips
Deputy City Attorney

KWP:my
1/31/2011
Or.Dept:Risk

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting on JUN 07 2011.


ELIZABETH S. MADAND
City Clerk
By 
Deputy City Clerk

Approved: 6.13.11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor