

RESOLUTION NUMBER R- 306945

112
7/26/11

DATE OF FINAL PASSAGE AUG 03 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN JOHNNY SILVA AND THE CITY OF SAN DIEGO

WHEREAS, on May 21, 2008, Johnny Silva, a minor, by and through is his Guardian ad Litem, Luis Silva, filed suit against the City of San Diego alleging personal injuries arising from an incident which occurred on March 15, 2010. Plaintiff brought suit in the United States District Court. The suit is entitled *Johnny Silva v. City of San Diego, et al.*, Case No 08cv0891 JAH (POR) (Litigation); and

WHEREAS, in Closed Session on May 3, 2011, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8; Nays, Districts None; 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. 1. Authorizing the sum of \$500,000 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees against the City of San Diego, their agents and employees, resulting from the personal injury claim of Johnny Silva, United States District Court Case No. 08cv0891 JAH (POR);

2. Authorizing the Chief Financial Officer to appropriate and expend the amount of \$500,000 from the Public Liability Fund 720045 contingent upon the Chief Financial Officer

first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizing the Comptroller to issue one check in the sum of \$171,970.82, made payable to the Law Office of Eugene Iredale.

4. Authorizing the Comptroller to issue a second check in the sum of \$328,029.18, made payable to Metlife Tower Resources Group, Inc.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Donald F. Shanahan
Donald F. Shanahan
Deputy City Attorney

DFS:slc
7/5/2011
Or.Dept: City Attorney
Doc. No.: 175733

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 26 2011

ELIZABETH S. MALAND
City Clerk
By Carmela L. Trajano
Deputy City Clerk

Approved: 8.3.11
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor