

4/23/2013
#103

(R2013-578)

RESOLUTION NUMBER R- **308118**

DATE OF FINAL PASSAGE APR 23 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
TO ALLOCATE SETTLEMENT FUNDS IN THE CASE OF *ACADEMY
OF OUR LADY OF PEACE v. CITY OF SAN DIEGO* U.S. DISTRICT
COURT CASE 09CV0962 CAB (MDD)

WHEREAS, on May 5, 2009, the Plaintiff Academy of Our Lady of Peace (OLP) filed a lawsuit against the City entitled Academy of Our Lady of Peace v. City of San Diego, case number 09CV0962 CAB (MDD), in the United States District Court, Southern District of California (Action); and

WHEREAS, the Action proceeded to trial, and on October 19, 2012, a jury verdict was reached in favor of OLP; and

WHEREAS, on February 11, 2013, the City Council, by a vote of 6-2-1, agreed to settle the Action by the entry of a Consent Decree issued by the court; and

WHEREAS, on March 1, 2013, the court, approved and issued the Consent Decree; and

WHEREAS, the Consent Decree directed the City to pay the sum of Five Hundred Thousand Dollars (\$500,000) to OLP within ninety (90) days of the date of the court's entry of the Consent Decree; and

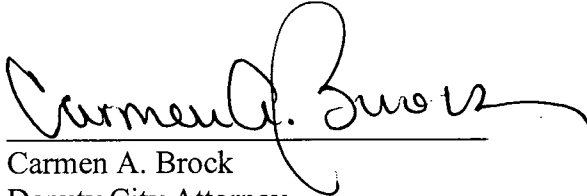
WHEREAS, this resolution is not subject to veto by the Mayor because the Consent Decree is a direct order issued by the Federal District Court;

NOW, THEREFORE,

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

1. The sum of \$500,000 to be paid from the Public Liability Fund 720045 in full compliance with the Consent Decree;
2. The Chief Financial Officer to issue one check in the amount of \$500,000 made payable to the Academy of Our Lady of Peace as ordered by the Consent Decree;
3. The expenditure of \$500,000 from the Public Liability Fund No. 720045.

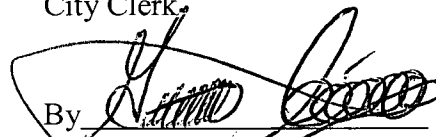
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Carmen A. Brock
Deputy City Attorney

CAB:mfc
April 8, 2013
Doc. No. [2013-578]

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 23 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Passed by the Council of The City of San Diego on APR 23 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 23 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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