

(R-2013- 591)  
Item 105  
4/30/13

RESOLUTION NUMBER R- 308131

DATE OF FINAL PASSAGE MAY 16 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
UBALDO GUTIERREZ AND THE CITY OF SAN DIEGO

WHEREAS, on June 9, 2011, Plaintiff Ubaldo Gutierrez filed suit against the City of San Diego [City] alleging personal injuries arising from an incident which occurred on November 6, 2011. The suit is entitled *Ubaldo Gutierrez v. City of San Diego, et al.*, Case No 37-2011-00097687-CU-PO-CTL [Litigation]; and

WHEREAS, the City Council in Closed Session on January 8, 2013, 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 in the Settlement Agreement;

NOW, THEREFORE,

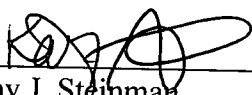
BE IT RESOLVED, by the City Council of the City of San Diego, that the council authorizes:

1. Authorizing the Mayor or his designee to pay the sum of \$175,000.00 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 of San Diego, its agents and employees, arising from the personal injury claim of Ubaldo Gutierrez, San Diego Superior Court Case No. 37-2011-00097687-CU-PO-CTL.

2. Authorizing the Chief Financial Officer to appropriate and expend \$175,000.00 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

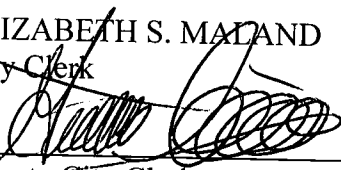
3. Authorizing the Comptroller to issue a check in the amount of \$175,000.00 made payable to the Daral B. Mazzarella Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Kathy J. Steinman  
Deputy City Attorney

KJS:lla  
April 12, 2013  
Or.Dept: City Atty  
R-2013-287

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 30 2013.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved: 5/16/13  
(date)

  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

Passed by the Council of The City of San Diego on APR 30 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 MAY 16 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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