

#104  
5/21/13

(R-2013-653)

RESOLUTION NUMBER R- 308207

DATE OF FINAL PASSAGE JUN 05 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING A MEDIATED SETTLEMENT  
BETWEEN ANTHONY GUY AND THE CITY OF SAN DIEGO

WHEREAS, Plaintiff Anthony Guy filed suit in state court against the City of San Diego and three San Diego Police Officers alleging excessive force was used during Plaintiff's arrest on January 2, 2005. On April 5, 2006, the case was removed from state court and transferred to the United States District Court of the Southern District of California. The suit is entitled *Anthony Guy v. City of San Diego, et al.*, United States District Court case no. 06cv00766-JM (JMA) (Litigation); and

WHEREAS, Plaintiff prevailed at a jury trial on an excessive force claim brought against one of the San Diego Police Officers, and the case is currently on appeal over the issue of whether Plaintiff is entitled to an award of additional attorneys' fees and costs. The pending appeal is entitled *Guy v. City of San Diego*, Ninth Circuit case no. 11-55810 (Appeal); and

WHEREAS, in Closed Session on March 12, 2013, the City Council approved a mediated settlement of the Litigation and Appeal in an amount consistent with amount set forth below and pursuant to such other terms more fully set forth in a stipulated dismissal of the pending Appeal;

NOW, THEREFORE,

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

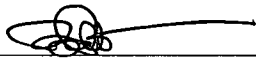
1. The sum of \$187,500 to be paid from the Public Liability Fund 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the verdict and judgment

rendered in favor of Anthony Guy in United States District Court case no. 06cv00766-JM (JMA), and all related appellate proceedings, including pending Ninth Circuit case no. 11-55810.

2. The Chief Financial Officer to appropriate and expend \$187,500 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. The Comptroller to issue a check in the amount of \$187,500 made payable to the Shewry & Van Dyke, LLP Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:   
George F. Schaefer  
Deputy City Attorney

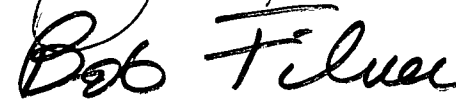
GFS: gab  
May 2, 2013  
Or.Dept: Office of the City Attorney  
CC No. 3000006067  
Doc. No.: 2013-578

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 21 2013

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk

Approved: 6/5/13  
(date)

  
BOB FILNER  
Mayor

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

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

Passed by the Council of The City of San Diego on MAY 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

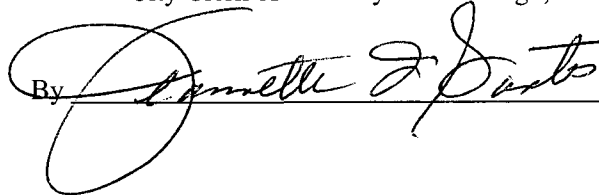
Date of final passage JUN 05 2013

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 308207