

RESOLUTION NUMBER R- 308456

DATE OF FINAL PASSAGE OCT 08 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
LUKE ACUNA AND THE CITY OF SAN DIEGO AND
SHAUN LEE BAILEY

WHEREAS, on March 27, 2012, Plaintiff Luke Acuna filed suit against the City of San Diego [City] and Shaun Lee Bailey alleging personal injuries arising from an incident which occurred on November 17, 2011. The suit is entitled *Luke Ruben Acuna v. City of San Diego, et al.*, Case No 37-2012-00094286-CU-PA-CTL [Litigation]; and

WHEREAS, in Closed Session on June 18, 2013, the City Council, by the following votes:

Yeas, District(s) 1, 2, 3, 4, and 7; Nays, None; and Absent, District(s) 5, 6, 8, and 9 approved the Settlement Agreement; and

WHEREAS, the City Council in Closed Session on June 18, 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:

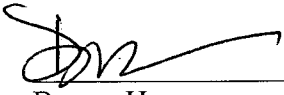
1. The sum of \$18,500,000 to be paid from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, and Shaun Lee Bailey arising

from the personal injury claim of Luke Acuna, a minor, San Diego Superior Court Case No. 37-2012-00094286-CU-PA-CTL.

2. The Chief Financial Officer to appropriate and expend \$18,500,000 from the Public Liability Fund, 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. The Comptroller to issue checks in the amounts of: \$6,742,500.00 made payable to Estey & Bomberger; \$1,757,500.00 made payable to Acuna Qualified Settlement Fund; \$4,000,000.00 made payable to Elizabeth S. del Pozo, T'ee of the Luke Acuna SNT; \$2,000,000.00 made payable to Prudential Assigned Settlement Services Corp; \$3,000,000.00 made payable to BHG Structured Settlements, Inc.; \$1,000,000.00 made payable to New York Life Insurance Company.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Bonny Hsu
Deputy City Attorney

BH:my
September 9, 2013
Or.Dept: City Atty
Doc. No. R-2013-575

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 9/24/13.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

Passed by the Council of The City of San Diego on SEP 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" 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 OCT 08 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

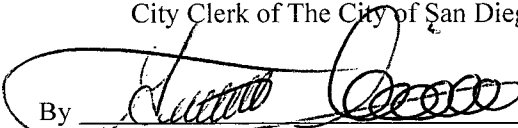
TODD GLORIA, COUNCIL PRESIDENT

as interim 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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