

RESOLUTION NUMBER R- 308620

DATE OF FINAL PASSAGE DEC 24 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT OF A PRE-LITIGATION SUBROGATION CLAIM FILED BY TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA ON BEHALF OF JAIN MALKIN AND JAIN MALKIN, INC.

WHEREAS, a pre-litigation subrogation claim was filed by the Travelers Property Casualty Company of American on behalf of Jain Malkin and Jain Malkin Inc. on February 7, 2011 against the City of San Diego [City], alleging extensive damages arising from a water main break which occurred in the 5000 block of Santa Fe Street in the City on August 11, 2010; and

WHEREAS, in Closed Session on September 24, 2013, the City Council approved the settlement of the pre-litigation subrogation claim filed by the Travelers Property Casualty Company of American for \$535,000, by the following vote: Yeas - District(s) 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays - None; NOW THEREFORE,

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

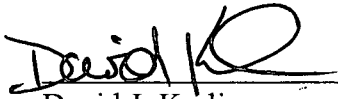
1. That the Council President in his capacity under Charter section 256(i), or his designee, is authorized and directed to pay the sum of \$535,000 from the Water Utility Operating Fund 700011, in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City its agents and employees, arising from the pre-litigation subrogation claim filed by the Travelers Property Casualty Company of America on behalf of Jain Malkin and Jain Malkin, Inc.; and

2. Authorizing the Chief Financial Officer to expend the amount of \$535,000 from the Water Utility Operating Fund 700011, contingent upon the Chief Financial Officer first

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

3. Authorizing the Comptroller to issue one check in the sum of \$535,000 made payable to the Travelers Property Casualty Company of America.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
David J. Karlin  
Deputy City Attorney

DJK:ctm  
10/11/2013  
Or.Dept:City Attorney  
CC No. [INSERT Comptroller's Certificate #]  
Doc. No. 652879

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 10 2013

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved pursuant to Charter section 265(i).

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

Passed by the Council of The City of San Diego on DEC 10 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 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 DEC 24 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.

(Seal)

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

By *Tracy Zumaya*, Deputy

Office of the City Clerk, San Diego, California

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