

RESOLUTION NUMBER R- 309232

DATE OF FINAL PASSAGE OCT 08 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT IN
JOHNNEISHA KEMPER V. COUNTY OF SAN DIEGO, ET AL.,
SAN DIEGO SUPERIOR COURT CASE NO. 37-2010-
00094707-CU-CR-CTL

WHEREAS, on June 22, 2010, JOHNNEISHA KEMPER filed suit against the City of San Diego ("City") and several San Diego police officers alleging violations of her civil rights under 42 U.S.C. § 1983, arising from an incident that occurred on May 24, 2008, at 4722 Thorn St., San Diego, California; and

WHEREAS, Plaintiff brought suit in the San Diego Superior Court entitled *Johnneisha Kemper v. County of San Diego, et al.*, San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL ("Lawsuit");

WHEREAS, counsel for the respective parties negotiated a compromise of the Lawsuit, subject to approval by the San Diego City Council, calling for the payment of \$225,000.00 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, including the named police officers, arising from *Johnneisha Kemper v. County of San Diego, et al.*, San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL, without an admission of liability, and made solely to avoid the cost and risk associated with continued litigation; and

WHEREAS, in Closed Session on July 29, 2014, the San Diego City Council, by the following votes: Yeas, District(s) - 1, 2, 3, 4, 5, 6, 7, 8, 9 and Absent, None, approved settlement of the Lawsuit on the above ; NOW THEREFORE,

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

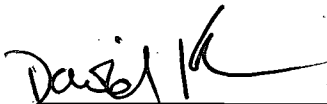
1. Authorizes the Mayor or his designee to pay the sum of \$225,000.00 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, arising from Johnneisha Kemper v. County of San Diego, et al., San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL.

2. Authorizes the Chief Financial Officer to appropriate and expend the sum of \$225,000.00 from the Public Liability Fund No. 720045, 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.

3. Authorizes the Comptroller to issue a check in the amount of \$225,000.00, made payable to the "Law Offices of Shawn A. McMillan A.P.C. – Attorney/Client IOLTA Trust Account."

APPROVED: JAN I. GOLDSMITH, City Attorney

By



David J. Karlin
Deputy City Attorney

DJK:aml
09/15/2014
Or. Dept: SDPD
CC No. 3000007215
Doc. No. 836455

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 23 2014.

ELIZABETH S. MALAND
City Clerk

By *Mary Stevanovich*
Deputy City Clerk

Approved: 10/8/14
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000007215
 DEPT. NO. 1515

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$225,000.00

Vendor: Law Offices of Shawn A. McMillian-Attorney /Client IOLTA Trust Account

Purpose: San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL

Date: September 5th, 2014

By: Holly Hernandez
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512006	1515	1515000011		\$225,000.00
TOTAL AMOUNT									\$225,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000007215

Passed by the Council of The City of San Diego on SEP 23 2014, 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"/>
Ed Harris	<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"/>
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 2014

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

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By *May Stranding*, Deputy

Office of the City Clerk, San Diego, California

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