

10-28-14

103

RESOLUTION NUMBER R- 309291

DATE OF FINAL PASSAGE NOV 03 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN JANE DOE AND THE CITY OF SAN DIEGO

WHEREAS, on February 9, 2012, JANE DOE filed suit against the City of San Diego
[City] alleging personal injuries arising from an incident which occurred on March 8, 2011.

Plaintiff brought suit in the San Diego Superior Court, and defendants later removed the case to
the United States District Court for the Southern District of California. The suit is entitled *Doe,*
Jane v. COSD, et al.: USDC 12cv00689-MMA (DHB), Case No 12-cv-00689-MMA
(DHB)[Litigation]; and

WHEREAS, in Closed Session on August 7, 2014, the City Council, by the following
votes: Yeas, Districts 1, 2, 3, 4, 6, 7 and 8; Nays, None; and absent, Districts 5 and 9, 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;

WHEREAS, the City and its insurance carriers are still calculating the final cost of the
City's contribution to the settlement;

NOW, THEREFORE,

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

1. The Mayor or his designee to pay the sum of \$5,900,000 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, arising

from the personal injury claim of Jane Doe, U.S. District Court Case Number: 12cv00689-MMA (DHB);

2. The Chief Financial Officer to appropriate and expend \$5,900,000 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 as follows:

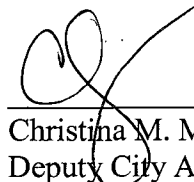
a. A check for the amount of Two Million One Hundred Fifty Thousand Dollars (\$2,150,000), made payable to Dicks & Workman Client Trust Account for Jane Doe;

b. A check for the amount of Seven Hundred and Fifty Thousand Dollars (\$750,000) made payable to BHG Structured Settlements, Inc.; and

c. A check for the amount of Three Million Dollars (\$3,000,000) made payable to Dicks & Workman Attorneys at Law, APC.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

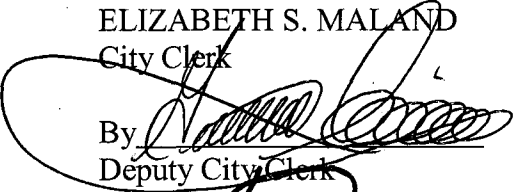


Christina M. Milligan
Deputy City Attorney

CMM:gcb
10/2/2014
CC No. 3000007287
Doc. No.: 874423

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~OCT 28 2014~~.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/31/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000007287
 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: \$5,900,000.00

Vendor: Dicks & Workman Client Trust Account for Jane Doe, BHG Struntured Settlements Inc & Dicks & Workman Attorneys at Law, APC

Purpose: Settlement US District Court Case No. 12cv00689-MMA (DHB)

Date: September 29th, 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		\$5,900,000.00
TOTAL AMOUNT									\$5,900,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on OCT 28 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 NOV 03 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.

(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- **309291**