103-41245 (R-2015-516)

RESOLUTION NUMBER R- 309617

DATE OF FINAL PASSAGE MAY 0 5 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN JOHN DEWEY AND THE CITY OF SAN DIEGO

WHEREAS, on January 27, 2014, JOHN DEWEY filed suit against the City of San Diego alleging personal injuries suffered by John Dewey due to an alleged dangerous condition of public property that resulted in a motorcycle accident. The proposed settlement would resolve all claims brought by John Dewey. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled John Dewey v. City of San Diego, San Diego Superior Court Case No. 37-2014-00000105-CU-PO-CTL; and

WHEREAS, in Closed Session on March 17, 2015, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, None; and Absent, None, all Present, approved the Settlement.

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 \$350,000.00 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 City of San Diego, its agents and employees, arising from the property damage claim of John Dewey v. City of San Diego, San Diego Superior Court Case No. 37-2014-00000105-CU-PO-CTL.

- 2. The Chief Financial Officer to appropriate and expend \$350,000.00 from the Public Liability 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 a check in the amount of \$350,000.00, made payable to Jassim & Associates Attorney-Client Trust Acct., and John Dewey.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Stacy J. Plotkin-Wolff

Deputy City Attorney

SJP:yp 3/25/2015

Or.Dept: City Attorney CC No. 3000007717 Doc. No.: 983444

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 2 1 2015

ELIZABETH S. MALAND

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of	APR 2 1 2015 , by		y the following vote:		
Councilmembers	Yeas	Nays	Not Present	Recused	
Sherri Lightner	Ø	П	П	П	
Lorie Zapf	$\overline{\mathbb{Z}}$		П	. П	
Todd Gloria	· 🗹			П	
Myrtle Cole	Ø				
Mark Kersey	$\mathbf{Z}_{\underline{\cdot}}$				
Chris Cate	\mathbb{Z}				
Scott Sherman	, d .				
David Alvarez			Ø		
Marti Emerald	Ø				
Date of final passage	MAY 0 5 2015				
AUTHENTICATED BY:	May	KEVIN L. FAI or of The City of S		ornia.	
(Seal)	· .	City C	ELIZABETH S lerk of The City of	. MALAND f San Diego, Cal	ifornia.
		Ву	Hy Meer	7	_, Deputy
		Office of the	ce of the City Clerk, San Diego, Califo		nia
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