

#105  
4/28/15

(R-2015-555)

RESOLUTION NUMBER R- 309654

DATE OF FINAL PASSAGE MAY 12 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING SETTLEMENT OF MICHELLE  
DAVIS AND NICOLE JOHNSON

WHEREAS, on June 18, 2014, Plaintiffs Michelle Davis and Nicole Johnson filed suit against the City of San Diego [City] alleging personal injuries arising from their interaction with former San Diego Police Officer Christopher Hays which occurred on November 4, 2012 and July 13, 2012, respectively. The suit is entitled *Michelle Davis, Claudia Ariza and Nicole Johnson v. City of San Diego and Christopher R. Hays*, Case No. 14cv1488 DMS (DHB); and

WHEREAS, in closed session on March 17, 2015, the City Council, by the following votes:

Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, District 8, approved the settlement of Michelle Davis and Nicole Johnson's claims for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement; 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 \$1,250,000 from the Public Liability Fund 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 Michelle Davis, United States District Court Case No. 14cv1488 DMS (DHB).

2. The Mayor or his designee to pay the sum of \$60,000 from the Public Liability Fund 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 Nicole Johnson, United States District Court Case No. 14cv1488 DMS (DHB).

3. The Chief Financial Officer to appropriate and expend \$1,310,000 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;

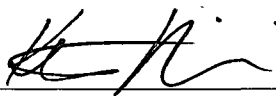
4. The Comptroller to issue three checks as follows:

a. A check for the amount of seven hundred and seventy thousand, six hundred and fifty one dollars and seventy five cents (\$770,651.75), made payable to "Gilleon Law Firm" for Michelle Davis;

b. A check for the amount of four hundred and seventy nine thousand, three hundred and forty eight dollars and twenty five cents (\$479,348.25), made payable to "MetLife Tower Resources Group, Inc." for Michelle Davis.

c. A check for the amount of sixty thousand dollars (\$60,000), made payable to "Gilleon Law Firm" for Nicole Johnson.

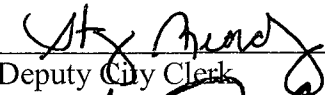
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Keith W. Phillips  
Deputy City Attorney

KWP:my  
April 6, 2015  
Or.Dept:045  
CC No. 3000007739  
Doc. No.: 989193

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 28 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5/8/15  
(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 3000007739  
 DEPT. NO. 1611

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: \$1,310,000.00

Vendor: a) Nicole Johnson. B)Gilleon Law firm Trust Account for Michelle Davis. C) Metlife Tower Resources Group Inc. for Michelle Davis

Purpose: US Distric Court Case No. 14cv1488 DMS (DHB)

Date: April 7, 2015

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		\$1,310,000.00
TOTAL AMOUNT									\$1,310,000.00

Passed by the Council of The City of San Diego on APR 28 2015, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 checked="" 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 MAY 12 2015

**(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 *Aty Chady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309654