I fem 103 (R-2015-582)

RESOLUTION NUMBER R- 309'741

DATE OF FINAL PASSAGE MAY 28 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN TRAVIS WILKERSON, ANDREW HARLIN AND VICTORIA GARCIA AND THE CITY OF SAN DIEGO

WHEREAS, on December 17, 2012, Travis Wilkerson, Andrew Harlin and Victoria Garcia filed suit against the City of San Diego [City], alleging personal injuries arising from an incident which occurred on December 3, 2011. The suit is entitled *Travis Wilkerson, Tyler Wilkerson, Andrew Harlin and Victoria Garcia V. City of San Diego, et al.*, Case No. 12cv2994 WQH (BGS); and

WHEREAS, in Closed Session on April 14, 2015, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 6, and 7; Nays, None; and Absent, 5, 8 and 9, approved the Settlement.

WHEREAS, the City Council in closed session on April 14, 2015, authorized settlement of the Litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

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

1. Authorizing the Mayor or his designee to pay the sum of \$643,100 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 *Travis Wilkerson*, et al. v. City of San

Diego, et al., United States District Court, Southern District of California Case No. 12cv2994 WQH (BGS).

- 2. Authorizing the Chief Financial Officer to appropriate and expend \$643,100 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. Authorizing the Comptroller to issue two checks, each in the amount of \$321,550, and each made payable to Michael R. Marrinan, Attorney, Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

Timothy Q. Stutler

Chief Deputy City Attorney

TCS/lla

April 17, 2015

Or.Dept: City Attorney

CC: 3000007773 R-2015-582

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 19 2015.

ELIZABETH S. MALAND City Clerk

C

Approved:

(date)

KEVIN L. FAULCONER, Mayor

Vetoed:	
(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Lorie Zapf Todd Gloria Myrtle Cole Mark Kersey Chris Cate Scott Sherman David Alvarez Marti Emerald Date of final passage MAY 2 8 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.) KEVIN L FAULCONER Mayor of The City of San Diego, California. ELIZABETH S. MALAND City Clerk of The City of San Diego, California.	Councilmembers	Yeas	Nays	Not Present	Recused				
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Office of the City Clerk, San Diego, California			Office of	the City Clerk, S	an Diego, Califorr	nia			

Resolution Number R- 309741