

RESOLUTION NUMBER R- 310025

DATE OF FINAL PASSAGE OCT 28 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF
DEREK SHUBIN AND STEVEN COGLE

WHEREAS, on February 6, 2015, Plaintiffs Derek Shubin and Steven Cogle filed suit against the City of San Diego [City] and former Parking Enforcement Officer Anibal Solis alleging personal injuries arising from an incident which occurred on April 9, 2014. The suit is entitled *Derek Shubin and Steven Cogle v. City of San Diego and Anibal Solis*, Case No. USDC 15cv0252 JAH (BLM);

WHEREAS, in Closed Session on September 15, 2015, the City Council, by the following votes:

Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 8; Nays, None; and Absent, District(s) 9; approved the Settlement Agreement; and

WHEREAS, the City Council in closed session on September 15, 2015, 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; NOW, THEREFORE,

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

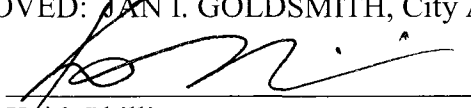
1. The Mayor or his designee to pay the sum of \$86,450 from the Public Liability Fund 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, Anibal Solis

arising from the personal injury claims of Derek Shubin and Steven Cogle, United States District Court Case No. 15cv0252 JAH (BLM).

2. The Chief Financial Officer to expend \$86,450.00 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 amounts of: \$86,450 made payable to the "Gilleon Law Firm Trust Account."

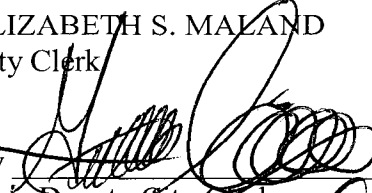
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Phillips
Deputy City Attorney

KP:my
October 7, 2015
Or.Dept:045
CC No. 3000008247
Doc. No.: 1102409

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 20 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/26/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: CC 3000008247
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: \$86,450.00

Vendor: Gilleon Law Firm Trust Account

Purpose: USD Court Case No. 15cv052 JAH (BLM)

Date: October 6, 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		\$86,450.00
TOTAL AMOUNT									\$86,450.00

FUND OVERRIDE

CC 3000008247

Passed by the Council of The City of San Diego on OCT 20 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr 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 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 28 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.

(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- 310025