(R-2016-174) COR. COPY 10/27/15

RESOLUTION NUMBER R- 310041

DATE OF FINAL PASSAGE NOV 03 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT OF MICHELLE TYLER AND KATHERINE RAGAZZINO'S CLAIMS AGAINST THE CITY OF SAN DIEGO

WHEREAS, on January 10, 2014, Michelle Tyler and Katherine Ragazzino filed a sexual harassment suit in state court against Robert Filner and the City of San Diego alleging injuries arising from a June 11, 2013, meeting Tyler and Ragazzino had with Filner at the Office of the Mayor. The City removed the case to the United States District Court for the Southern District of California. The suit is entitled *Michelle Tyler and Katherine Ragazzino v. City of San Diego and Robert Filner*, USDC case number 14cv01179 GPC (JLB); and

WHEREAS, the parties were ordered by the Court to appear at a Mandatory Settlement Conference on July 15, 2015 during which the City reached a tentative settlement agreement with Tyler and Ragazzino subject to City Council approval; and

WHEREAS, in Closed Session on September 15, 2015, the City Council approved the settlement (Districts 1, 2, 3, 5, 6, 7, and 8 voting yes and Districts 4 and 9 were absent) in the amount set forth below; and

WHEREAS, on September 16, 2015, the Medical Care Recovery Unit of the United States Department of Navy formally demanded direct payment from the City of the federal government's claim for reimbursement of medical services rendered to Tyler in the amount of \$1,245.59. The medical services rendered were related to the alleged physical injuries Tyler sustained as a result of the June 11, 2013, meeting with Filner. The settlement reached at the Mandatory Settlement Conference entitles the City to pay this amount from the settlement proceeds; NOW, THEREFORE,

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

authorizes the following:

1. Authorizing the Mayor or his designee to pay the sum of \$99,000.00 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 personal injury claim of Michelle Tyler and Katherine Ragazzino vs.

City of San Diego, et al., USDC case number 14cv01179 GPC (JLB).

2. Authorizing the Chief Financial Officer to appropriate and expend \$99,000 from the

Public Liability Fund No. 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 totaling \$99,000.00, made payable

to: (1) United States Treasurer in the amount of \$1,245.59; and (2) Michelle Tyler, Katherine

Ragazzino, and their attorney, Carla DiMare, for \$97,754.41; however, should the United States

abandon its claim for recovery of the \$1,245.59 for medical services rendered to Tyler, the entire

\$99,000 shall be made payable to Michelle Tyler, Katherine Ragazzino, and their attorney, Carla

DiMare.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:

George F. Schaefer

Lead Deputy City Attorney

GFS:gcb 10/6/2015

10/22/15 COR. COPY

Or.Dept: City Attorney CC No. 3000008238

Doc. No.: 1156057

I certify that the meeting of	foregoing Resolution v	was passed by the Council of the City of San Diego, at this
		ELIZABETH S. MALAND City Clerk By: Deputy City Clerk
Approved:	11/2/15 (date)	KEVIN L. FAULCONER, Mayor
Vetoed:	(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of T	he City of San Diego on	OCT 2	7 2015 , by 1	_, by the following vote:		
Councilmembers	Yeas	Nays	Not Present	Recused		
Sherri Lightner	<u>o</u>					
Lorie Zapf	Ø					
Todd Gloria						
Myrtle Cole	₫ _,					
Mark Kersey	<u> </u>					
Chris Cate	I					
Scott Sherman	Ø					
David Alvarez			Ø			
Marti Emerald	\square					
Date of final passage	NOV 0 3 2015					
	solution is approved by the returned to the Office of t	the City Cle	rk.) KEVIN L. FA	AULCONER		
AUTHENTICATED BY:		M		San Diego, California.		
(Seal)		City	ELIZABETH (Clerk of The City of	S. MALAND of San Diego, California.		
		Ву	somelle 9	Deputy, Deputy		
		Office of	the City Clerk, Sa	n Diego, California		
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