

RESOLUTION NUMBER R- 311014

DATE OF FINAL PASSAGE APR 04 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
D.J. ST. JON (ST. JON), OVERLAND PACIFIC & CUTLER  
(OPC) AND THE CITY OF SAN DIEGO (CITY)

WHEREAS, on December 7, 2016, ST. JON filed suit, known as *St. Jon v. City of San Diego, et. al.* San Diego County Superior Court, Case No. 37-2016-00042926-CU-CR-CTL against OPC and the City alleging damages arising from the implementation of the Amended Judgment in the lawsuit known as *De Anza Cove Homeowners Association, et al. v. City of San Diego, et al.*, San Diego County Superior Court Case Number GIC 82119. Additionally, ST. JON had a claim pending, pursuant to said Amended Judgment, before the Special Master appointed to allocate payments to De Anza Cove Homeowners Association residents.

WHEREAS, ST. JON, OPC and the CITY globally resolved all claims of ST. JON arising from *St. Jon v. City of San Diego, et. al.* San Diego County Superior Court, Case No. 37-2016-00042926-CU-CR-CTL and resolved St. John's claims pending before the Special Master related to the implementation of the Amended Judgment, each party to bear their own fees and costs, in exchange for a total payment of \$105,000, which includes a \$75,000 contribution by the City and \$30,000 contribution by OPC.

WHEREAS, in Closed Session on January 24, 2017, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 9; Nays 8; and Absent - None, approved the Settlement.

WHEREAS, the City Council in closed session on January 24, 2017, authorized settlement of the litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

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

1. Authorizes the Mayor or his designee to pay the sum of \$75,000 from the Public Liability Fund No. 72045, 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 *St. Jon v. City of San Diego, et. al.* San Diego County Superior Court, Case No. 37-2016-00042926-CU-CR-CTL against OPC and the City alleging damages arising from the implementation of the Amended Judgment in the lawsuit known as *De Anza Cove Homeowners Association, et al. v. City of San Diego, et al.*, and also ST. JON's claim pending before the Special Master appointed to allocate payments to De Anza Cove Homeowners Association residents under the terms of the Amended Judgment.

2. Authorizes the Comptroller to issue a check in the amount of \$75,000, made payable to Bordin Martorell LLP.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
John Riley  
Chief Deputy City Attorney

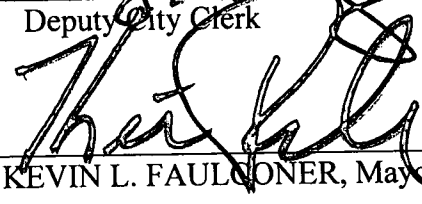
JER:aml  
March 17, 2017  
Doc. No. 1443692

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 04 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/4/17  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 04 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 04 2017.

**(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 *Hy Moody*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311014