TKM 116 (R-2017-479) (COR. COPY)

RESOLUTION NUMBER R
DATE OF FINAL PASSAGE

APR 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN LUIS JESUS LOBATON, HEDY JULCA, DIEGO STEVEN LOBATON, AND B.C., A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, HEDY JULCA, AND THE CITY OF SAN DIEGO

WHEREAS, on June 26, 2015, LUIS JESUS LOBATON, HEDY JULCA, DIEGO STEVEN LOBATON, and B.C., a minor, by and through his guardian ad litem, HEDY JULCA, filed suit against the City of San Diego [City], et al. alleging personal injuries arising from an incident that occurred on July 29, 2014. Plaintiffs brought suit in the United States District Court for the District of Southern California. The suit is entitled Luis Lobaton, et al v. City of San Diego, et al, Case No. 15cv1416 GPC (DHB) [Litigation]; and

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, 8, 9; Nays, None; 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 and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

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

1. The sum of \$150,000.00 to be paid from the Public Liability Fund No. 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, excluding

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attorneys' fees and litigation costs, which will be determined later by the Court, against the City, its agents and employees, arising from the Litigation.

Authorizing the Chief Financial Officer to appropriate and expend \$150,000.00 2:

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 a check in the amount of \$150,000.00 made

payable to Randall B. Hamud, Attorney at Law, in trust for Luis Lobaton, Diego Lobaton, Hedy

Julca and Bruce Chourp.

APPROVED: MARA W. ELLIOTT, City Attorney

By

Deputy City Attorney

KJS:lla

3/28/2017

4/3/2017 (COR. COPY)

Or.Dept: City Attorney

CC No. 3000009837

Doc. No.: 1473685

I hereby certify that the foregoing Resolution was passed by the Council of the City of

San Diego, at this meeting of APR 1 1 2017

ELIZABETH S. MALAND

City Clerk

Deputy City Clerk

(R-2017-479) (COR. COPY)

Approved: _	4/11/17
-	(date)

Vetoed:

(date)

KEVIN L. FAULCONER, Mayor

KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

TOTAL AMOUNT THEREBY CERTIFY that the money required for the ellotment 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. Fund: Purpose: By: GOSPTROLLERS DEPARTMENT ACCOUNTING DAY TOTAL AMOUNT PURPO OVERSHILLER COST Center WBS Original Amount FUND OVERSHILLER SEPARTMENT FUND OVERSHILLER SEPART	THEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available treasury, or is anticipated to come into the Treasury, and is otherwise unallotted. Fund:
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TOTAL AMOUNT \$150,000.00	
	01 720045 OTHR-00000000-GG 512006 1515 1515000011 \$150,000
CC3000009837	01 720045 OTHR-00000000-GG 512006 1515 1515000011 \$150,000 TOTAL AMOUNT \$150,000 FUND OVERRID

Passed by the Council of The City of San Dieg		on APR 1 1 2017		, by the following vote:	
•		· .	•		
Councilmembers	Yeas	Nays	Not Present	Recused	
Barbara Bry	Ø				
Lorie Zapf	\mathbb{Z}				
Chris Ward	\mathbf{Z}				
Myrtle Cole	Z				
Mark Kersey	\mathbb{Z}				
Chris Cate	Z				
Scott Sherman	/				
David Alvarez	\mathbb{Z}				
Georgette Gomez	$ ot \hspace{-1em} \not \square$				
Date of final passage	APR 11 2017				
AUTHENTICATED BY:			KEVIN L. FA	AULCONER San Diego, California.	
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(Seal)		City		S. MALAND of San Diego, California.	
		Ву	he A.	, Deput	
		Office of the	ne City Clerk, San	Diego California	
	Resc	ollution Numb	3.	11037	