

RESOLUTION NUMBER R- **311621**

DATE OF FINAL PASSAGE APR 08 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN MARY JO GRUBBS AND THE CITY OF SAN  
DIEGO

WHEREAS, on January 23, 2017, MARY JO & EDWARD GRUBBS filed suit against the City of San Diego alleging personal injuries arising from a trip and fall near the intersection of Park Boulevard and Madison Avenue on April 17, 2016. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *Mary Jo Grubbs, et al. v. City of San Diego*: San Diego Superior Court Case No. 37-2017-00002671-CU-PO-CTL; and

WHEREAS, in Closed Session on February 26, 2018, the City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, 8, and 9; Nays, 2; and All Present, approved the Settlement; and

WHEREAS, the City Council in Closed Session on February 26, 2018, 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. A resolution authorizing the Mayor or his designee to pay the sum of \$1,000,000.00 from 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 complaint filed by Mary Jo Grubbs and Edward Grubbs, entitled *Mary Jo Grubbs and Edward Grubbs v. City of San Diego*, San Diego Superior Court Case No. 37-2017-00002671-CU-PO-CTL.

2. Authorizes the Chief Financial Officer to expend \$1,000,000.00 from 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. Authorizes the Comptroller to issue a check in the amount of \$1,000,000.00, made payable to Casey Gerry Schenk Francavilla Blatt & Penfield LLP Client Trust Account.

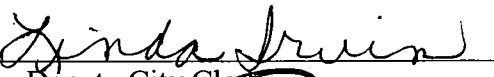
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Kelly L. McGeehan  
Deputy City Attorney

KLM:jn  
February 26, 2018  
Or. Dept: City Attorney  
CC: 3000010883  
Doc. No.: 1688993

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 20 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/2/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

**The City of San Diego  
COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000010883  
DEPT. NO.: 1211

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: \_\_\_\_\_ Fund: \_\_\_\_\_

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: \$1,000,000.00

Vendor: Casey Gerry Schenk Francavilla Blatt & Penfield LLP Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of personal injury complaint of Mary Jo Grubbs and Edward Grubbs, Risk Mgmt File No. 13201.

Date: March 6, 2018

By: Lina Chlm   
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	151500011		\$1,000,000.00
TOTAL AMOUNT									\$1,000,000.00

FUND OVERRIDE

CC 3000010883

Passed by the Council of The City of San Diego on MAR 20 2018, 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 03 2018

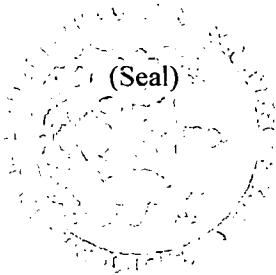
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

By Linda Irwin, Deputy



Office of the City Clerk, San Diego, California  
Resolution Number R- 311621