#105 (R-2018-390) **3/20/18**

RESOLUTION NUMBER R. 311621

DATE OF FINAL PASSAGE APR 0 8 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTELMENT 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

meeting of	MAR 2 0 2018	passed by the Council of the City of San Diego, at tr
		ELIZABETH S. MALAND City Clerk
		By Jinda Jruin Deputy City Clerk
Approved:	4/2/18 (date)	KEVÍN L. FAULCONER, Mayor
Vetoed:	(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Councilmembers	Yeas	Nays	Not Present	Recused	
Barbara Bry	Ø			Π	
Lorie Zapf	Ø				
Chris Ward	\square				
Myrtle Cole	\mathbb{Z}	²			
Mark Kersey	Ø				
Chris Cate					
Scott Sherman	Ø				
David Alvarez					
Georgette Gomez					
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approved resolution was re	turned to the Office of t	he City Cler	k.) KEVIN L. FA	HI COMED	
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Resolution Number R-_

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