RESOLUTION NUMBER R- 311792

DATE OF FINAL PASSAGE JUN 1 4 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN REGINA CAPOBIANCO AND CHRISTOPHER CAPOBIANCO AND THE CITY OF SAN DIEGO.

WHEREAS, on July 11, 2016, REGINA CAPOBIANCO and CHRISTOPHER CAPOBIANCO filed suit against the City of San Diego [City] alleging personal injuries arising from an incident that occurred on July 8, 2015. Plaintiff brought suit in the Superior Court for the County of San Diego. The suit is entitled *Regina Capobianco*, et al. v. City of San Diego, et al., Superior Court Case No. 37-2016-00023309-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on May 22, 2018, the City Council, by the following votes: Yeas, District(s) 1, 3, 4, 5, 6, 7, 8, and 9; Nays, 2 and absent, None, approved the settlement; and

WHEREAS, the City Council in closed session on May 22, 2018, 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 City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$1,700,000.00 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 Regina Capobianco and Christopher Capobianco.

Authorizes the Chief Financial Officer to appropriate and expend of 2. \$1,700,000.00 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 \$1,500,000.00,
made payable to Regina Capobianco and Neil Dymott Client Trust Account, and a check in the
amount of \$200,000.00 made payable to Christopher Capobianco and Neil Dymott Client Trust
Account.
APPROVED: MARA W. ELLIOTT, City Attorney By Jane M. Boardman Chief Deputy City Attorney
JMB:slc May 30, 2018 Or.Dept: City Attorney CC No. 300011160 Doc. No.: 1761599
I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 12 2018
ELIZABETH S. MALAND City Clerk
Approved: (date) By Run Deputy Sity Clerk 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 or	n <u>JU</u>	IN 1 2 2018	, by the following vote			
Councilmembers	Yeas	Nays	Not Present	Recused			
Barbara Bry	Ø						
Lorie Zapf	Ź						
Chris Ward							
Myrtle Cole	Z						
Mark Kersey	\mathbf{Z}						
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Date of final passage	JUN 1 4 2018	<u>_</u> .					
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AUTHENTICATED BY:		May		San Diego, California.			
			ELIZABETH	I S. MALAND			
(Seal)		City C	lerk of The City of	of San Diego, California.			
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