

RESOLUTION NUMBER R- 312007
DATE OF FINAL PASSAGE OCT 22 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN LORIN TOEPPE AND THE CITY OF SAN DIEGO.

WHEREAS, on February 27, 2014, Plaintiff Lorin Toeppe filed suit against the City of San Diego [City] alleging personal injuries from an incident involving a tree limb that occurred on July 21, 2013. Plaintiff brought suit in the Superior Court for the County of San Diego. The suit is entitled *Lorin Toeppe v. City of San Diego, et al.*, Superior Court Case No. 37-2014-00004836-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on September 11, 2018, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 8, and 9; Nays, none, and absent, 7, approved the settlement; and

WHEREAS, the City Council in closed session on September 11, 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,

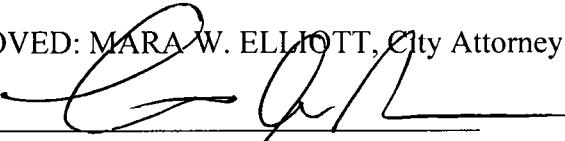
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$750,000.00 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney's fees, against City of San Diego, its agents and employees, arising from the personal injury complaint of Lorin Toeppe.

2. Authorizes the Chief Financial Officer to expend \$750,000.00 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 two checks: one check in the sum of \$275,000.00 made payable to "MetLife Assignment Company, Inc." and one check in the sum of \$475,000.00 made payable to "Balaban & Spielberger Client Trust Account and Lorin Toeppe."

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Catherine A. Richardson
Chief Deputy City Attorney

CAR:slc
September 17, 2018
Or.Dept: City Attorney
CC No. 3000011507
Doc. No.: 1838216

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 16 2018

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/22/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 16 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 22 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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Jenda Irwin*, Deputy

Office of the City Clerk, San Diego, California
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