#106 10/16/18 (R-2019-139)

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.

- Authorizes the Chief Financial Officer to expend \$750,000.00 from Public 2. 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 of

\$275,000.00 made payable to "MetLife Assignm	nent Company, Inc." and one check in the sum of
\$475,000.00 made payable to "Balaban & Spielb	perger Client Trust Account and Lorin Toeppe."
APPROVED: MARA W. ELLIOTT, City Attorn By Catherine A. Richardson Chief Deputy City Attorney	ney
CAR:slc September 17, 2018 Or.Dept: City Attorney CC No. 3000011507 Doc. No.: 1838216	
I certify that the foregoing Resolution was passed meeting of OCT 1 6 2018	d by the Council of the City of San Diego, at this ELIZABETH S. MALAND City Clerk
Approved: 10/22/18 (date)	By Jinda Truin Deputy City Clerk KEVIN L. FANLCONER, Mayor
Vetoed: (date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

		CERTIFICATE OF UNALLOTTED BALANCE							CC 3000011507
							ORIGINATING I	NO.: 1211	
!	HEREB	Y CERTIFY that	the money re	quired for the allotr	nent of funds	for the p	urpose set forth in	the foregoing reso	olution is available in th
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Councilmembers	Yeas	Nays	Not Present	Recused		
Barbara Bry	Ž					
Lorie Zapf	Z					
Chris Ward	Z					
Myrtle Cole	Z					
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Chris Cate						
Scott Sherman						
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