

RESOLUTION NUMBER R- 315118
DATE OF FINAL PASSAGE SEP 18 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN ELANTE SHINE AND CITY OF SAN DIEGO, ET
AL.

WHEREAS, on July 20, 2020, Elante Shine filed a lawsuit in San Diego Superior Court, against Officer Dillon Fuston, et al., alleging personal injuries from an incident that occurred on December 14, 2019, in the Gaslamp Quarter of the City of San Diego. The lawsuit was titled *Elante Shine v. City of San Diego, et al.*, San Diego Superior Court, Case No. 37-2020-00025165-CU-CR-CTL; and

WHEREAS, on October 22, 2020, the City removed the lawsuit to United States District Court, Southern District of California. The District Court lawsuit is titled, *Elante Shine v. City of San Diego, et al.*, United States District Court, Case No. 20cv2036-LAB-DEB (Litigation); and

WHEREAS, in Closed Session on July 17, 2023, by the following votes: Yeas, Districts 1, 2, 3, 4, 6, 8, and 9; Nays, none; and Absent, 5 and 7; approved the 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:

1. Authorizes the Mayor or his designee to pay the sum of \$875,000.00 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 the City of San Diego, its agents and employees, arising from the Litigation.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$875,000.00 from Public Liability Fund No. 720045, for the purpose of settling the Litigation.

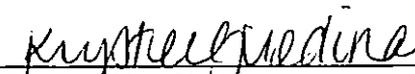
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Stacy J. Plotkin-Wolff
Senior Chief Deputy City Attorney

SJP:mgm
July 25, 2023
Or.Dept: City Attorney
CC No. 300001659
Doc. No. 3366837

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023

DIANA J.S. FUENTES
City Clerk

By 
Krystle Medina
Deputy City Clerk

Approved: 9/15/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000016059
 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: \$875,000.00

Purpose: Settlement of Elante Shine v. City of San Diego, et al., United States District Court No. 20cv2036-LAB-DEB, Claim No. 25137

Date: August 25, 2023

By: Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045	NON-PROGRAM		OTHR-00000000-GG	512006	1515	1515000011		\$875,000.00
TOTAL AMOUNT									\$875,000.00

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: _____

Vendor: _____

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

CC 3000016059

SEP 12 2023

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2023

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>315118</u>