

RESOLUTION NUMBER R- 315800

DATE OF FINAL PASSAGE OCT 03 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE CITY'S PAYMENT TO THE TORT CLAIMS TRUST ESTABLISHED BY BIRD GLOBAL, INC.'S APPROVED BANKRUPTCY PLAN TO RESOLVE ALL PENDING LAWSUITS AGAINST THE CITY ALLEGING INJURY WHILE RIDING A BIRD SCOOTER IN THE CITY

The Council of the City of San Diego (Council) adopts this Resolution based on the following.

A. On December 20, 2023, Bird Global, Inc. and its affiliates (Bird) filed a petition for relief under Chapter 11 of the United States Bankruptcy Code.

B. Prior to the bankruptcy filing, 20 lawsuits were pending against the City where the plaintiff was allegedly injured in the City while riding a rented Bird scooter:

1. *John Enright v. Bird Rides, Inc, et al.*, San Diego Superior Court Case No. 37-2018-00000231-CU-EI-CTL;
2. *Joseph Erbe v. State of California, et al.*, San Diego Superior Court Case No. 37-2022-00042505-CU-PA-CTL;
3. *Marc Anthony Perkins-Carrillo v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00037920-CU-PO-CTL;
4. *David Sullivan v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00013649-CU-PL-CTL;
5. *Taylor Freeman v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00041283-CU-PO-CTL;
6. *Destiny Smith v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2023-0006933-CU-PO-CTL;
7. *James J. Wallace, II v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00036225-CU-PO-CTL;

8. *Gregory Amundson v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00039118-CU-PO-CTL;
9. *Gregory Buce v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00025807-CU-PO-CTL;
10. *Borna Eslami v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00015724-CU-OE-CTL;
11. *Anita Garneau v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2020-00018146-CU-PO-CTL;
12. *Chantelle Landais v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2021-00053351-CU-PO-CTL;
13. *Brenda Wright v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00029698-CU-PO-CTL;
14. *Aya Soufan v. City of San Diego*, San Diego Superior Court Case No. 37-2021-00032853-CU-PO-CTL;
15. *Melissa Cooper v. City of San Diego*, San Diego Superior Court Case No. 37-2022-00035665-CU-PO-CTL;
16. *Tanisha Brown v. Orion Construction Corp., et al.*, San Diego Superior Court Case No. 37-2021-00052759-CU-PO-CTL;
17. *Lindsay Thompson v. City of San Diego*, San Diego Superior Court Case No. 37-2021-00030407-CU-PO-CTL;
18. *Sidia Willis v. City of San Diego*, San Diego Superior Court Case No. 37-2021-00037491-CU-MC-CTL;
19. *Sidia Willis v. City of San Diego*, San Diego Superior Court Case No. 37-2023-00054755-CU-PO-CTL; and
20. *Rod Haddad v. City of San Diego*, San Diego Superior Court Case No. 37-2019-00045164-CU-PO-CTL.

C. In each of the lawsuits pending against the City on the date of the bankruptcy filing, the City tendered its defense and indemnity to Bird and its insurance carriers pursuant to

the City's Shared Mobility Ordinance, Municipal Code section 83.0301, *et seq.* and the indemnification and insurance provisions in the permit issued or contract in place with Bird at the time of the accident.

D. Bird agreed to defend the City in these lawsuits but ceased paying counsel it retained to defend the City prior to the bankruptcy filing.

E. On August 2, 2024, Bird's bankruptcy plan was approved by the United States Bankruptcy Court that included the establishment and funding of a Tort Claims Trust to resolve, nationally, all lawsuits against Bird and the municipalities where the accidents occurred where plaintiffs filed bankruptcy claims prior to May 16, 2024.

F. The purchaser of Bird's assets in the approved bankruptcy plan and Bird's insurers agreed to contribute \$16,200,000 to the Tort Claims Trust.

G. All municipalities with lawsuits pending against them that were involved in the Bird bankruptcy agreed to collectively contribute \$3,000,000 to the Tort Claims Trust.

H. In Closed Session on July 1, 2024, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, none; Absent, District 8; approved the City's contribution of \$750,000 to the Tort Claims Trust consistent with the terms of Bird's approved bankruptcy plan.

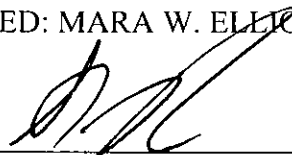
#### ACTION ITEMS

Based on the Recitals set forth above, the Council resolves as follows:

1. The Mayor or designee is authorized to pay \$750,000.00 from Public Liability Fund No. 720045, to the Tort Claims Trust pursuant to Bird's approved bankruptcy plan in settlement of all pending claims and lawsuits against the City involving Bird scooters.

2. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$750,000.00 from Public Liability Fund No. 720045 to resolve these lawsuits.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shawn M. Robinson  
Senior Deputy City Attorney

KRY:myb  
August 13, 2024  
Or. Dept: City Attorney  
CC No. 3000017125  
Doc. No. 3753820

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 01 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 10/3/24  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**The City of San Diego  
COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000017125  
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: \$750,000.00

Purpose: Bird Global, Inc., et al. United States Bankruptcy Court, Southern District of Florida, Miami Division, Case Nos. 23-20514-CLC through 23-20518-CLC

Date: September 19, 2024

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		\$750,000.00
TOTAL AMOUNT									\$750,000.00

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

Passed by the Council of The City of San Diego on OCT 01 2024, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 03 2024.

**(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.

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

(Seal)

By Linda Irwin, Deputy  
For Connie Patterson

Office of the City Clerk, San Diego, California  
Resolution Number R- 315800