

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Cheyenne Desertrain v. City of Los Angeles, et al., United States District Court Case No. CV10-09053-RGK Ninth Circuit Case No. 11-56957 (this matter arose from litigation challenging the constitutionality of Los Angeles Municipal Code Section 85.02, which prohibits individuals from using a vehicle as living quarters. On June 19, 2014, the Ninth Circuit declared that Ordinance to be unconstitutionally vague and it is no longer being enforced), SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to pay a total of \$1,100,000 in settlement of the above-entitled matter from the City Attorney Fund No. 100, Department 59, Account 009780.
2. AUTHORIZE the City Attorney to draw a demand thereon and made payable to: Law Offices of Carol Sobel.
3. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.
4. AUTHORIZE the City Attorney to negotiate with Ms. Carol Sobel, the Plaintiffs' attorney, to request that Ms. Sobel assume any potential federal tax liability incurred by the Plaintiffs as a result of the award of this settlement, or hold the Plaintiffs harmless relative to any tax liability based on the settlement.

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
BOB BLUMENFIELD
Councilmember, 3rd District

CF 15-0804

August 19, 2015