

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations in order to effect settlement in the case entitled Susan Mellen, et al. v. Detective Marcella Winn, United States District Court Case No. CV15-03006 GW (this matter involves a police tort case against the City), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney to expend up to \$12,000,000 in settlement of the above-entitled matter.
2. AUTHORIZE the Controller to transfer \$6,000,000 from the Liability Claims Fund 100/59, Account 009798, Miscellaneous Liability Payouts to Fund 100/59, Account 009792, Police Liability Payouts, in Fiscal Year 2018-19.
3. AUTHORIZE the City Attorney to draw demands from Fund 100/59, Account 009792, Police Liability Payouts as follows:
 - a. \$6,000,000 in Fiscal Year 2018-19 on or before June 30, 2019, payable as follow:
 - i. \$4,000,000 payable to Neufeld Scheck and Brustin, LLP Reference: Case No. CV15-03006.
 - ii. \$2,000,000 payable to MetLife Assignment Company, Inc. Reference: Case No. CV15-03006.
 - b. \$6,000,000 in Fiscal Year 2019-20 on or before September 30, 2019, payable as follows:
 - i. \$5,000,000 payable to Neufeld Scheck and Brustin, LLP Reference: Case No. CV15-03006.
 - ii. \$1,000,000 payable to MetLife Assignment Company, Inc. Ref: Case# CV15-03006.
4. INSTRUCT the City Clerk to place on the agenda for the first regular Council meeting on July 1, 2019, or shortly thereafter, the following instructions:

AUTHORIZE the Controller to transfer \$6,000,000 from the Liability Claims Fund 100/59, Account 009798, Miscellaneous Liability Payouts to Fund 100/59, Account 009792, Police Liability Payouts, in Fiscal Year 2019-20.
5. AUTHORIZE the City Attorney, or designee, to make necessary technical adjustments, subject to the approval of the City Administrative Officer; and, AUTHORIZE the Controller to implement the instructions.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Koretz – Bonin – Blumenfield: “Yes”) at its meeting on March 18, 2018, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
PAUL KORETZ
Councilmember, 5th District

AC
CF 19-0269
March 18, 2019

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