

**MOTION**

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled City of Los Angeles v. Clarke Contracting Corporation, Los Angeles Superior Court Case No. BC467844. (This matter involves a lawsuit filed by the City of Los Angeles for express indemnity against Clarke Contracting Corporation to recover a portion of a settlement by the City with the plaintiffs in a related case entitled Susan Morris and P.J. Pesce v. City of Los Angeles), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE and INSTRUCT the City Attorney, without further instructions, to accept a settlement in the above-entitled matter in the amount of \$285,000.
2. AUTHORIZE and INSTRUCT the City Attorney, without further instructions, to deposit any funds received into the Sewer Construction and Maintenance Fund No. 208, Revenue Source Code 5121, Damage Claims and Settlements.
3. AUTHORIZE the City Attorney to execute the necessary documents to carry out the settlement in accordance with the above terms.
4. 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.

This matter was recommended for approval by the Budget and Finance Committee (Krekorian – Englander – Blumenfield - Bonin) at its meeting on November 3, 2014, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY \_\_\_\_\_  
PAUL KREKORIAN  
Councilmember, 2nd District

SECONDED BY \_\_\_\_\_  
MITCHELL ENGLANDER  
Councilmember, 12th District

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CF 14-0191  
November 3, 2014

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