

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the cases entitled: David Aguilar, et al. v. City of Los Angeles, et al, Los Angeles Superior Court (LASC) Case No. EC060225; Barbara Kausch, et al. v. City of Los Angeles, LASC Case No. BC510353; and Beau Maxon, et al. v. City of Los Angeles, LASC Case No. BC517514 (this matter involves a traffic accident which occurred on August 22, 2012, at Ben Avenue and Magnolia Boulevard), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney to expend up to \$8,500,000 in settlement of the above-entitled matters.
2. FIND that the settlement is in the best interests of the City.
3. FIND that the City intends to make an interfund borrowing or advance from the Reserve Fund to pay the settlement on an interim basis, which loan or advance will be refunded or reimbursed with the proceeds of a judgment obligation bond issue, and a Resolution will be presented in open session at a later date.
4. AUTHORIZE the Controller to transfer \$8,500,000 from the Reserve Fund to the Unappropriated Balance and appropriate therefrom to Liability Claims Fund No. 100/59 Miscellaneous Liability Payouts, Account No. 009798 to be reimbursed by proceeds from a future Judgment Obligation Bond issuance.
5. AUTHORIZE the City Attorney to draw demands for \$8,500,000 from Liability Claims Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, and made payable as follows:
 - a. \$2,310,000 to Cohen and Marzban, Law Corporation; and Daniel Woloszyn.
 - b. \$1,780,000 to Cohen and Marzban, Law Corporation; and Barbara Kausch.
 - c. \$2,125,000 to Cohen and Marzban, Law Corporation; and Beau Maxon.
 - d. \$375,000 to Cohen and Marzban, Law Corporation; and Skylar Maxon.
 - e. \$1,190,000 to Tavakoli and Associates and David Aguilar.
 - f. \$720,000 to Metlife Tower Resources Group, Inc.
6. AUTHORIZE the City Attorney 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 – Blumenfield – Bonin: “Yes”; Englander “No”) at its meeting on December 12, 2016, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
BOB BLUMENFIELD
Councilmember, 3rd District

REW
CF 16-1425
December 12, 2016

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