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When making inquiries relative to  
this matter, please refer to the  
Council File No.: [18-0502](#)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

June 6, 2018

**Council File No.:** [18-0502](#)

**Council Meeting Date:** June 05, 2018

**Agenda Item No.:** 33

**Agenda Description:** The City Council shall recess to Closed Session, pursuant to Government Code Section 54956.9(d)(1), to confer with its legal counsel relative to the cases entitled: Joanna Botton v. City of Los Angeles, Los Angeles Superior Court (LASC) Case No. BC552746; and, Nancy R. Martinez and Jose Enrique Gutierrez v. City of Los Angeles, LASC Case No. BC552850. (This matter arises out of a motor vehicle collision that occurred on August 3, 2013 in Venice.)

**Council Action:** MOTION (KREKORIAN - KORETZ) - ADOPTED IN OPEN SESSION

**Council Vote:**

YES	BLUMENFIELD	YES	HARRIS-DAWSON	YES	O'FARRELL
YES	BONIN	ABSENT	HUIZAR	YES	PRICE
YES	BUSCAINO	YES	KORETZ	YES	RODRIGUEZ
ABSENT	CEDILLO	YES	KREKORIAN	ABSENT	RYU
ABSENT	ENGLANDER	YES	MARTINEZ	YES	WESSON

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**Pursuant to Charter/Los Angeles Administrative Code Section(s): 341**

**FILE SENT TO MAYOR:**

**LAST DAY FOR MAYOR TO ACT:**

**APPROVED**

**\*DISAPPROVED**

**\*VETO**

Acting Mayor

06/13/2018

**DATE SIGNED**

# ITEM NO. 33

6/5/18 Council – Regular Meeting Agenda  
Closed Session

## MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the cases entitled: Joanna Botton v. City of Los Angeles, Los Angeles Superior Court (LASC) Case No. BC552746; and Nancy R. Martinez and Jose Enrique Gutierrez v. City of Los Angeles, LASC Case No. BC552850 (this matter rises out of a motor vehicle collision which occurred on August 3, 2013 in Venice), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. AUTHORIZE the City Attorney to expend **\$2,000,000** in settlement of the above-entitled matter, **payable in Fiscal Year (FY) 2018-19.**
2. INSTRUCT the City Clerk to place on the agenda for the first regular Council meeting on **July 1, 2018**, or shortly thereafter, the following instructions:

Authorize the Controller to transfer \$2,000,000 from the Liability Claims Fund No. 100/59, Account No. 009798, Miscellaneous Liability Payouts, to Fund No. 100/59, Account No. 009796, Recreation and Parks Liability Payouts.
3. AUTHORIZE the City Attorney to draw demands from Fund No. 100/59, Account No. 009796, Recreation and Parks Liability Payouts, made payable as follows:
  - a. \$200,000 to McNicholas and McNicholas, LLP, Perez and Caballero, PC, and Joanna Botton.
  - b. \$1,500,000 to McNicholas and McNicholas, LLP, Perez and Caballero, PC and Nancy R. Martinez.
  - c. \$300,000 to McNicholas and McNicholas, LLP, Perez and Caballero, PC, and Jose Enrique Gutierrez.
4. 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 – Blumenfield - Bonin: "Yes") at its meeting on June 4, 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

REW  
CF 18-0502  
June 4, 2018