

County Council of Cuyahoga County, Ohio

Resolution No. R2015-0020

Sponsored by: **County Executive Budish on behalf of Office of the Prosecuting Attorney**

A Resolution approving a proposed settlement in the matter of *Patricia A. Allen, Administrator of the Estate of Albert W. Fabian, Jr. v. Cuyahoga County, et al.*, United States District Court, Northern District of Ohio, Case No. 12-CV-1659; authorizing the Director of Law and/or his designee to execute the settlement and any related documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

WHEREAS, Patricia A. Allen in her capacity as the Administrator of the Estate of Albert W. Fabian, Jr., filed an action captioned *Patricia A. Allen, Administrator of the Estate of Albert W. Fabian, Jr., v. Cuyahoga County, et al.*, which is docketed in the United States District Court (N.D. Ohio) Case No. 12-CV-1659 which action included claims against Cuyahoga County and various officials and/or employees and/or agents thereof alleging civil rights violations and claims under state tort law ("Matter"); and

WHEREAS, the parties hereto have settled the Matter, which settlement has been approved by Probate Court Judge Anthony J. Russo as outlined in the Probate Court Entry dated December 22, 2014 in the amount of \$200,000.00 as a full and final settlement of any and all claims and any and all attorneys' fees arising out of the Matter; and

WHEREAS, pursuant to the Probate Court Entry dated December 22, 2014, the settlement amount of \$200,000.00 is to be distributed as specified; and

WHEREAS, Council, having been briefed about the facts and the history of the case, approves of the proposed settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. County Council hereby approves a settlement agreement with the Plaintiff in the amount of \$200,000.00, inclusive of all costs and attorneys' fees.

SECTION 2. The Law Director (or his authorized designee) is hereby authorized to execute a settlement agreement and any other documents to effectuate the settlement in accordance with this Resolution.

SECTION 3. If any specific appropriation is necessary to effectuate this settlement, the Director of the Office of Budget and Management is hereby directed to submit the requisite resolution for County Council's first meeting in February 2015 to appropriate any necessary funds to effectuate this settlement. Such appropriation is hereby approved.

SECTION 4. It is necessary that this Resolution become immediately effective in order that the proceedings in the case may cease and to continue the usual and daily operations of the County Departments affected by this matter. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Brady, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

Yeas: Conwell, Jones, Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher and Brady

Nays: None


County Council President

1/27/2015
Date


County Executive

1/29/15
Date


Clerk of Council

1/27/2015
Date

Journal CC017
January 27, 2015