

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0042

<p>Sponsored by: County Executive Budish on behalf of Cuyahoga County Office of the Prosecuting Attorney</p>	<p>A Resolution approving a proposed settlement in the matter of <i>Derrick Wheatt, et al., v. City of East Cleveland, et al.</i>, United States District Court, Ohio Northern District, Eastern Division Case No. 1:17-CV-0377, and <i>Eugene Johnson v. City of East Cleveland, et al.</i>, United States District Court, Ohio Northern District, Eastern Division Case No. 1:17-CV-0611; authorizing the County Executive 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.</p>
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WHEREAS, Derrick Wheatt and Laurese Glover filed the action captioned, *Derrick Wheatt, et al., v. City of East Cleveland, et al.*, United States District Court, Ohio Northern District, Eastern Division Case No. 1:17-CV-0377, and Eugene Johnson filed the action captioned *Eugene Johnson v. City of East Cleveland, et al.*, United States District Court, Ohio Northern District, Eastern Division Case No. 1:17-CV-0611, which actions included claims against Cuyahoga County and former Assistant Prosecuting Attorneys Carmen Marino and Deborah Naiman alleging federal civil rights violations and state law claims (“Matter”); and

WHEREAS, the parties hereto have reached an agreement that, if consummated, will fully settle and resolve the Matter; 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. The County Council hereby approves a settlement agreement with the Plaintiffs in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000.00), inclusive of all costs and attorneys’ fees to be paid by means of three separate warrants, each in the amount of One Million Five Hundred Thousand

Dollars (\$1,500,000.00) to be paid to each of the following individuals: Derrick Wheatt, Laurese Glover, and Eugene Johnson.

SECTION 2. The County Executive (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 March 2018 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. Schron, seconded by Mr. Brady, the foregoing Resolution was duly adopted.

Yeas: Houser, Simon, Baker, Miller, Tuma, Gallagher, Schron, Jones, Brown and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

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