

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0214

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

A Resolution approving a proposed settlement in the matter of Dashone Dunlap, et. al. vs. Administrative Judge of Cuyahoga County Court of Common Pleas, Juvenile Division Kristen W. Sweeney, et. al., United States District Court Case No. 1:17-CV-1926; authorizing the County Executive and/or his designee to execute the settlement agreement 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, Dashone Dunlap, Sayequee Hale, Marcus Jackson, and Marquez Daniel filed a civil action docketed as Dashone Dunlap, et. al. vs. Administrative Judge of Cuyahoga County Court of Common Pleas Kristen W. Sweeney, et. al., United States District Court Case No. 1:17-CV-1926; and

WHEREAS, Dashone Dunlap, Sayequee Hale, Marcus Jackson, and Marquez Daniel, and the County of Cuyahoga, for and on behalf of Kristin W. Sweeney, Administrative Judge of Cuyahoga County Court of Common Pleas, Juvenile Division, and Joshua Zimmerman wish to fully and completely resolve with finality any and all alleged claims of whatever kind or nature that Dashone Dunlap, Sayequee Hale, Marcus Jackson, and Marquez Daniel have, had, or may have against the County of Cuyahoga and/or Kristen W. Sweeney, Administrative Judge of Cuyahoga County Court of Common Pleas, Juvenile Division; and any of their current and /or former officials, officers, servants, agents, and employees, including Joshua Zimmerman and Freddie Hodges; and

WHEREAS, the parties hereto have reached a Settlement Agreement that, if performed, 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 the Settlement Agreement with the Plaintiffs in the amount of One Hundred Seventy-Nine Thousand and Five Hundred Dollars (\$179,500.00), inclusive of all costs and attorneys' fees to be paid by means of four separate warrants, each in the amount of Forty-Four Thousand Eight Hundred and Seventy-Five Dollars (\$44,875.00) and made payable to Malik Law, LLC for Dashone Dunlap, Sayequee Hale, Marcus Jackson, and Marquez Daniel.

As part of this Settlement Agreement, County Council approves payment of one-half of mediation fees submitted, the County's portion of said fees totaling Seven Hundred Forty-Two Dollars and Eight Cents (\$742.08) payable to Black, McCusky, Souers, & Arbaugh LPA.

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, such appropriation is approved, and the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. 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 this 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 Ms. Brown, seconded by Mr. Brady, the foregoing Resolution was duly adopted.

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

Nays: None

Don P. Brady 10/24/2018
County Council President Date

[Signature] 10-24-18
County Executive Date

[Signature] 10/23/2018
Clerk of Council Date

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