

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0219

Sponsored by: County Executive Budish/Department of Law	A Resolution approving a proposed settlement in the matter of <u>Janet Lowder v. Cuyahoga County, et al.</u> , United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:19-CV-02873; 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.
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WHEREAS, the Estate of Gregory Fox, Deceased, by Janet Lowder, Administrator, filed a civil action docketed as Janet Lowder v. Cuyahoga County, et al., United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:19-CV-02873; and

WHEREAS, the Estate of Gregory Fox and the County of Cuyahoga, Ohio, wish to fully and completely resolve with finality all alleged claims of whatever kind or nature that the Estate of Gregory Fox has or may have against the County of Cuyahoga and its officers, officials, and employees; and

WHEREAS, the parties hereto have reached a settlement agreement that, if performed, will fully settle and resolve all such alleged claims; 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 Cuyahoga County Council hereby approves the settlement agreement with Plaintiff and the Cuyahoga County in the matter of Lowder v. Cuyahoga County, et al., United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:19-CV-02873, in the total amount of Nine Hundred and Fifty Thousand Dollars (\$950,000.00), inclusive of all costs and attorneys' fees.

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 Mr. Brady, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal CC040
October 13, 2020

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]