

1 RESOLUTION NO. 2013-281

2
3 SPONSOR Mr. Pry

4
5 DATE June 10, 2013

6 COMMITTEE Rules

7 **A Resolution authorizing the County Executive to pay an amount not to exceed \$75,000.00,**
8 **representing the County's self-insured retention, to Houston Casualty Company, the**
9 **County's liability insurer, toward the costs of legal representation and services on behalf of**
10 **the County and Houston Casualty Company, the County's liability insurer, in a wrongful**
11 **death lawsuit, *Watts v. Summit County, et al.*, Case No. 5:13-cv-00549-BYP, before Judge**
12 **Benita Y. Pearson in the United States District Court for the Northern District of Ohio, for**
13 **the Executive and the Sheriff, and declaring an emergency.**

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15 WHEREAS, Donna Watts has filed a wrongful death lawsuit, *Watts v. Summit County, et*
16 *al.*, Case No. 5:13-cv-00549-BYP, before Judge Benita Y. Pearson in the United States District
17 Court for the Northern District of Ohio, against the County of Summit, the County Sheriff,
18 several Sheriff's Deputies, Advanced Correctional Healthcare, Inc. and several employees of
19 Advanced Correctional Healthcare, Inc. as a result of the death of James Watts III at the County
20 Jail (the "lawsuit"); and

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22 WHEREAS, the County's liability insurer, Houston Casualty Company, has agreed to
23 defend the County and has retained legal counsel, Mazanec, Raskin, Ryder & Co., L.P.A., to
24 provide legal representation and services on behalf of the County and Houston Casualty
25 Company in the lawsuit;

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27 WHEREAS, under the terms of its insurance contract with Houston Casualty Company,
28 the County has a \$75,000.00 self-insured retention on a claims made basis; and

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30 WHEREAS, in order to have Mazanec, Raskin, Ryder & Co., L.P.A. provide legal
31 representation and services on behalf of the County and Houston Casualty Company in the
32 lawsuit, the County is required to pay the first \$75,000.00 of costs, representing its self-insured
33 retention; and

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35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
36 that it is necessary and in the best interest of the County of Summit the County Executive, to pay
37 an amount not to exceed \$75,000.00, to Houston Casualty Company toward the costs of legal
38 representation and services on behalf of the County and Houston Casualty Company in the
39 lawsuit;

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41 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
42 of Ohio, that:

43
44 SECTION 1

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46 The County Executive is hereby authorized to pay an amount not to exceed \$75,000.00,
47 representing the County's self-insured retention, to Houston Casualty Company, the County's
48 liability insurer, toward the costs of legal representation and services on behalf of the County and
49 Houston Casualty Company, the County's liability insurer, in a wrongful death lawsuit, *Watts v.*
50 *Summit County, et al.*, Case No. 5:13-cv-00549-BYP, before Judge Benita Y. Pearson in the
51 United States District Court for the Northern District of Ohio (the "lawsuit").
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PAGE TWO

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose of immediately obtaining legal representation and services on behalf of the County and Houston Casualty Company in the lawsuit.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.

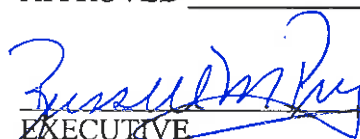
INTRODUCED June 3, 2013

ADOPTED June 10, 2013


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED June 11, 2013


EXECUTIVE

ENACTED EFFECTIVE June 11, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro