

1 RESOLUTION NO. 2017-505

First Reading Passage Requested

(D. Matz)

2 SPONSOR Ms. Shapiro

3 DATE November 27, 2017

COMMITTEE Rules

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7 **A Resolution authorizing the County Executive to execute a settlement agreement and**
8 **release, for an amount not to exceed \$140,000.00, to settle all claims arising out of or**
9 **concerning issues raised in a lawsuit, John Warner v. Summit County, Ohio, et al., for the**
10 **Executive, the Prosecutor and the Sheriff, and declaring an emergency.**

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12 WHEREAS, John Warner filed a complaint against the County, the County Sheriff,
13 several Sheriff's Deputies, Advanced Correction Care and other individuals concerning a
14 medical condition while incarcerated at the County Jail, John Warner v. Summit County, Ohio,
15 et al., Case No. CV-2015-10-4797, before Judge Joy Malek Oldfield in the County of Summit
16 Court of Common Pleas (the "Lawsuit"); and

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18 WHEREAS, in consultation with the County Prosecutor, the County Executive and the
19 County Sheriff have reached terms of settlement with Mr. Warner through his legal counsel to
20 settle the Lawsuit, for an amount not to exceed \$140,000.00; and

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22 WHEREAS, pursuant to the settlement agreement and release, Mr. Warner will dismiss
23 the Lawsuit with prejudice, and discharge the County, the County Sheriff and related parties
24 from his claims against them; and

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26 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
27 that it is necessary and in the best interest of the County of Summit to settle the Lawsuit for an
28 amount not to exceed \$140,000.00, for the aforementioned reason;

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

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33 SECTION 1

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35 The County Executive is hereby authorized to execute a settlement agreement and release
36 for an amount not to exceed \$140,000.00, to settle all claims arising out of or concerning issues
37 raised in John Warner v. Summit County, Ohio, et al., Case No. CV-2015-10-4797, before Judge
38 Joy Malek Oldfield in the County of Summit Court of Common Pleas (the "Lawsuit"). The
39 settlement agreement shall include a release and discharge by John Warner of all claims against
40 the County of Summit, the County Sheriff and related parties.

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42 SECTION 2

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44 This Resolution is hereby declared an emergency in the interest of the health, safety and
45 welfare of the citizens of the County of Summit and for the further reason of immediately
46 sparing county taxpayers further expense related to Mr. Warner's Lawsuit against the County,
47 the County Sheriff and related parties.
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2 PAGE TWO

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4 SECTION 3

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

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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.

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19 INTRODUCED November 27, 2017

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21 ADOPTED November 27, 2017

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26 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED November 28, 2017

EXECUTIVE

ENACTED EFFECTIVE November 28, 2017

Voice Vote: 11-0 YES: Crawford, Dickinson, Donofrio, Feeman, Hamilton,
Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite