

1 RESOLUTION NO. 2020-168

2
3 SPONSOR Ms. Shapiro

4
5 DATE June 15, 2020 COMMITTEE Rules

6
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 Tokio Marine Houston Casualty**
9 **Company, the County's liability insurer, toward the costs of legal representation and**
10 **services on behalf of the County and Tokio Marine Houston Casualty Company in Katelyn**
11 **Simmons, et al. v. Ilene Shapiro, et al., for the Executive's Department of Law and Risk**
12 **Management and the Sheriff, and declaring an emergency.**

13
14 WHEREAS, Katelyn Simmons has filed a lawsuit against the County, Summit County
15 Sheriff Steve Barry and Sheriff's Deputies Alycia Hawkins, Debra Wieland and Teresa Stark,
16 Katelyn Simmons v. Ilene Shapiro, et al., Case No. 5:20-cv-00883_BY, before Judge Benita Y.
17 Pearson in the United States District Court, Northern District of Ohio (the "Lawsuit") arising out
18 of an April 27, 2018 incident at the Summit County Jail; and

19
20 WHEREAS, the County's liability insurer, Tokio Marine Houston Casualty Company,
21 has agreed to defend the County and has retained counsel to provide legal representation and
22 services on behalf of the County and Tokio Marine Houston Casualty Company in the Lawsuit;
23 and

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

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29 WHEREAS, in order to have counsel provide legal representation and services on behalf
30 of the County and Tokio Marine Houston Casualty Company in the lawsuit, the County is
31 required to pay the first \$75,000.00 of costs, representing its self-insured retention; and

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

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

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42 SECTION 1

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44 The County Executive is hereby authorized to pay an amount not to exceed \$75,000.00,
45 representing the County's self-insured retention, to Tokio Marine Houston Casualty Company,
46 the County's liability insurer, toward the costs of legal representation and services by counsel on
47 behalf of the County and Tokio Marine Houston Casualty Company in Katelyn Simmons v. Ilene
48 Shapiro, et al., Case No. 5:20-cv-00883_BY, before Judge Benita Y. Pearson in the United
49 States District Court, Northern District of Ohio (the "Lawsuit").
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1 RESOLUTION NO. 2020-168

2 PAGE TWO

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4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the residents of the County of Summit and for the further purpose of immediately
8 obtaining legal representation and services by counsel on behalf of the County and Tokio Marine
9 Houston Casualty Company in the Lawsuit.

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11 SECTION 3

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

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17 SECTION 4

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19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and of any of its committees that resulted in such formal action,
22 were in meetings open to the public, in compliance with all legal requirements, including Section
23 121.22 of the Ohio Revised Code.

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25
26 INTRODUCED June 1, 2020

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28 ADOPTED June 15, 2020

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32 _____
33 CLERK OF COUNCIL

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38 PRESIDENT OF COUNCIL

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40 APPROVED June 16, 2020

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42 
43 _____
44 EXECUTIVE

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46 ENACTED EFFECTIVE June 16, 2020

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