

1 RESOLUTION NO. 2013-352

2
3 SPONSOR Mr. Pry

4
5 DATE August 12, 2013 COMMITTEE Rules

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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, in a personal injury lawsuit, *Warner v.***
11 ***Summit County, et al.*, Case No. 2013-06-2989, before Judge Tom Parker in the County of**
12 **Summit Court of Common Pleas-General Division, for the Executive and the Sheriff, and**
13 **declaring an emergency.**

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15 WHEREAS, John Warner has filed a personal injury lawsuit, *Warner v. Summit County,*
16 *et al.*, Case No. 2013-06-2989, before Judge Tom Parker in the County of Summit Court of
17 Common Pleas-General Division, against the County of Summit, County Sheriff Steve Barry,
18 former County Sheriff Drew Alexander, several Sheriff's Deputies, Advanced Correctional
19 Healthcare, Inc. and several employees of Advanced Correctional Healthcare, Inc. as a result of
20 personal injuries Mr. Warner alleges occurred at the County 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, in a personal injury lawsuit, *Warner v. Summit County, et al.*, Case
50 No. 2013-06-2989, before Judge Tom Parker in the County of Summit Court of Common Pleas-
51 General Division (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 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 July 29, 2013

ADOPTED August 12, 2013


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED August 13, 2013


EXECUTIVE

ENACTED EFFECTIVE August 13, 2013

Voice Vote: 10-0 YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee, Rodgers, Roemer, Schmidt, Shapiro. Absent: Prentice