

1 RESOLUTION NO. 2018-005

First Reading Passage Requested

(D. Matz)

2 SPONSOR Ms. Shapiro

3 DATE January 8, 2018

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 \$118,500.00, to settle all claims arising out of or**
9 **concerning issues raised in a lawsuit, Richard Kutuchief v. Richard Armsey, et al., for the**
10 **Executive, the Prosecutor and the Sheriff, and declaring an emergency.**

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12 WHEREAS, Richard Kutuchief filed a complaint against the Captain Richard Armsey
13 and Deputy Robert Sombati both of the Summit County Sheriff's Department, concerning his
14 alleged wrongful arrest on November 3, 2015, Richard Kutuchief, Esq. v. Richard Armsey, et al.,
15 Case No. 5:17-cv-00937-BYP, before Judge Benita Y. Pearson in the United States District
16 Court, Northern District of Ohio (the "Lawsuit"); and

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18 WHEREAS, in consultation with the outside counsel, the County Executive and the
19 County Sheriff have reached terms of settlement with Mr. Kutuchief through his legal counsel to
20 settle the Lawsuit, for an amount not to exceed \$118,500.00; and

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22 WHEREAS, pursuant to the settlement agreement and release, Mr. Kutuchief will
23 dismiss the Lawsuit with prejudice, and discharge the County, the County Sheriff and related
24 parties 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 \$118,500.00, 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 \$118,500.00, to settle all claims arising out of or concerning issues
37 raised in Richard Kutuchief, Esq. v. Richard Armsey, et al., Case No. 5:17-cv-00937-BYP,
38 before Judge Benita Y. Pearson in the United States District Court, Northern District of Ohio
39 (the "Lawsuit"). The settlement agreement shall include a release and discharge by Richard
40 Kutuchief of all claims against 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. Kutuchief's Lawsuit against the County,
47 the County Sheriff and related parties.

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1 RESOLUTION NO. 2018-005

2 PAGE TWO

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4 SECTION 3

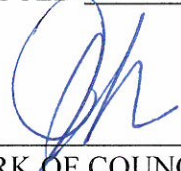
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6 Provided this Resolution receives the affirmative vote of eight members, it shall take
7 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
8 effect and be in force at the earliest time provided by law.

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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 January 8, 2018

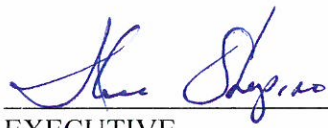
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21 ADOPTED January 8, 2018

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25 _____
26 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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28 APPROVED January 10, 2018

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32 _____
33 EXECUTIVE

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35 ENACTED EFFECTIVE January 10, 2018

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