

1 RESOLUTION NO. 2020-137

2
3 SPONSOR Ms. Shapiro

4
5 DATE _____ COMMITTEE Rules

6
7 **A Resolution authorizing the County Executive to execute a settlement agreement and**
8 **release, for an amount not to exceed \$167,500.00, to settle any and all claims arising out of**
9 **or concerning issues raised in the lawsuit, Lavar Martin v. Summit County, for the**
10 **Executive and the Summit County Court of Common Pleas - Juvenile Division, and**
11 **declaring an emergency.**

12
13 WHEREAS, Lavar Martin filed a complaint against Summit County, concerning alleged
14 unpaid overtime to him and other detention facility employees at the Summit County Court of
15 Common Pleas - Juvenile Division, Lavar Martin v. Summit County, Case No. 5:19-cv-02641-
16 JRA, before Judge John R. Adams in the United States District Court, Northern District of Ohio
17 (the “Lawsuit”); and

18
19 WHEREAS, in consultation with outside counsel, the County Executive and the Summit
20 County Court of Common Pleas - Juvenile Division Judge have reached terms of settlement with
21 Mr. Martin and all detention facility employees who are members of the settlement class through
22 their legal counsel to settle the Lawsuit, for an amount not to exceed \$167,500.00; and

23
24 WHEREAS, pursuant to the settlement agreement and release, Mr. Martin and the
25 detention facility employees who are members of the settlement class will dismiss the Lawsuit
26 with prejudice, and discharge the County and all related parties from the claims against them;
27 and

28
29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
30 that it is necessary and in the best interest of the County of Summit to settle the Lawsuit for an
31 amount not to exceed \$167,500.00, for the aforementioned reason;

32
33 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
34 of Ohio, that:

35
36 SECTION 1

37
38 The County Executive is hereby authorized to execute a settlement agreement and release
39 for an amount not to exceed \$167,500.00, to settle all claims arising out of or concerning issues
40 raised in Lavar Martin v. Summit County, Case No. 5:19-cv-02641-JRA, before Judge John R.
41 Adams in the United States District Court, Northern District of Ohio (the “Lawsuit”). The
42 settlement agreement shall include a release and discharge by Lavar Martin and all detention
43 facility employees who are members of the settlement class of all claims against the County of
44 Summit and related parties.

45
46 SECTION 2

47
48 This Resolution is hereby declared an emergency in the interest of the health, safety and
49 welfare of the residents of the County of Summit and for the further reason of immediately
50 settling claims related to Mr. Martin’s Lawsuit against the County.

1 RESOLUTION NO. 2020-137

2 PAGE TWO

3

4 SECTION 3

5

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.

9

10 SECTION 4

11

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.

17

18

19 INTRODUCED May 11, 2020

20

21 ADOPTED _____

22

23

24

25

26 _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

27

28 APPROVED _____

29

30

31

32

33 _____
EXECUTIVE

34

35 ENACTED EFFECTIVE _____