

1 RESOLUTION NO. 2011-114

LATE FILING

2
3 SPONSOR Mr. Pry

4
5 DATE March 21, 2011

COMMITTEE Rules

6
7 **A Resolution authorizing the County Executive to execute a settlement agreement to settle**
8 **all claims arising out of or concerning issues raised in a lawsuit, *Gary Ellison v. County of***
9 ***Summit, et al.*, Case No. 5:10CV294, before Judge John Adams in the U.S. District Court**
10 **for the Northern District of Ohio, for the Prosecutor, the Engineer and the Executive, and**
11 **declaring an emergency.**

12
13 WHEREAS, Gary Ellison, a former employee of the County Engineer, filed a wrongful
14 termination lawsuit against the County of Summit, the Engineer's Office, the Engineer and Local
15 1032 American Federation of State County and Municipal Employees ("AFSCME") in the
16 County Court of Common Pleas, *Gary Ellison v. County of Summit, et al.*, Case No. CV 2009-
17 12-9308, before Judge Eleanor Marsh Stormer; and

18
19 WHEREAS, upon a petition by the defendants, the case was removed to the U.S. District
20 Court for the Northern District of Ohio and retitled *Gary Ellison v. County of Summit, et al.*,
21 Case No. 5:10CV294, before Judge John Adams; and

22
23 WHEREAS, in consultation with the County Prosecutor, the County Executive and
24 County Engineer have reached terms of settlement with Mr. Ellison through his legal counsel to
25 settle the case in the amount of \$35,000.00, plus the payment of any sum that Mr. Ellison
26 previously received for unemployment compensation that must be repaid by Mr. Ellison as a
27 result of the settlement; and

28
29 WHEREAS, the County further agreed to pay jury fees to the U.S. District Court, in an
30 amount not to exceed \$1,760.00; and

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32 WHEREAS, this Council has determined by reviewing all pertinent information that it is
33 necessary and in the best interest of the County of Summit to settle the lawsuit filed by Mr.
34 Ellison, in an amount not to exceed \$35,000.00, and to pay jury fees, in an amount not to exceed
35 \$1,760.00, for the aforementioned reasons;

36
37 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
38 of Ohio, that:

39
40 SECTION 1

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42 The County Executive is hereby authorized to execute a settlement agreement to settle all
43 claims arising out of or concerning issues raised in a lawsuit, *Gary Ellison v. County of Summit,*
44 *et al.*, Case No. 5:10CV294, before Judge John Adams in the U.S. District Court for the Northern
45 District of Ohio, whereby the County will pay to Mr. Ellison the amount of \$35,000.00 plus any
46 sum that Mr. Ellison previously received for unemployment compensation that must be repaid by
47 Mr. Ellison as a result of the settlement, and further authorizing the payment of jury fees to the
48 U.S. District Court, in an amount not to exceed \$1,760.00. The settlement agreement shall
49 include a release by Gary Ellison of all claims against the County of Summit.
50

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52 PAGE TWO

53
54 SECTION 2

56 This Resolution is hereby declared an emergency in the interest of the health, safety and
57 welfare of the citizens of the County of Summit and for the for the further purpose of
58 immediately sparing County taxpayers further expense related to Mr. Ellison's lawsuit.

60 SECTION 3

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

66 SECTION 4

68 It is found and determined that all formal actions of this Council concerning and relating
69 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
70 deliberations of this Council and of any of its committees that resulted in such formal action,
71 were in meetings open to the public, in compliance with all legal requirements, including Section
72 121.22 of the Ohio Revised Code.

75 INTRODUCED March 7, 2011

76 ADOPTED March 21, 2011

79 Shawley F Green
80
81 CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL

83 APPROVED March 21, 2011

85 [Signature]
86
87 EXECUTIVE

88 ENACTED EFFECTIVE March 21, 2011

Voice Vote: 10-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Rodgers, Roemer, Schmidt, Shapiro, Smith ABSENT: Prentice