

1 RESOLUTION NO. 2016-351

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE September 26, 2016 COMMITTEE Rules

6  
7 **A Resolution authorizing the County Executive to execute a settlement agreement, in an**  
8 **amount not to exceed \$5,000.00, to settle all claims arising out of or concerning issues**  
9 **raised in a lawsuit, Lyn Watters v. Summit County, Ohio, et al., for the Executive, the**  
10 **Prosecutor and the Sheriff, and declaring an emergency.**

11  
12 WHEREAS, Lyn Watters, a County Sheriff's Deputy, filed a lawsuit against Summit  
13 County, Ohio and the Summit County Sheriff's Department, Lyn Watters v. Summit County,  
14 Ohio, et al., Case No. 5:14-CV-2390, before Magistrate Judge George J. Limbert in the United  
15 States District Court for the Northern District of Ohio, alleging violation of federal and state  
16 disability and gender discrimination statutes (the "Lawsuit"); and

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18 WHEREAS, on June 29, 2016, Magistrate Judge Limbert issued a memorandum and  
19 opinion granting the County's motion for summary judgment; and

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21 WHEREAS, Ms. Watters subsequently filed an appeal to the United States Sixth Circuit  
22 Court of Appeals (the "Appeal"); and

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24 WHEREAS, in consultation with the County Prosecutor, the County Executive and the  
25 County Sheriff have reached terms of settlement with Ms. Watters through their legal counsel to  
26 settle the Lawsuit for an amount not to exceed \$5,000.00; and

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28 WHEREAS, pursuant to the settlement agreement, the County will pay an amount not to  
29 exceed \$5,000.00 to Elfvin, Klingshirn, Royer & Torch, LLC, Ms. Watters' counsel, for  
30 reimbursement of costs and fees and withdraw the County's motion for a bill of costs before  
31 Magistrate Judge Limbert in the United States District Court; and

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33 WHEREAS, pursuant to the settlement agreement, Ms. Waters will dismiss the Appeal  
34 with prejudice; and

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36 WHEREAS, this Council finds and determines, after reviewing all pertinent  
37 information, that it is necessary and in the best interest of the County of Summit to settle the  
38 Lawsuit for an amount not to exceed \$5,000.00 for the aforementioned reasons;

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

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43 SECTION 1

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45 The County Executive is hereby authorized to execute a settlement agreement, in an  
46 amount not to exceed \$5,000.00, to settle all claims arising out of or concerning issues raised in a  
47 lawsuit, Lyn Watters v. Summit County, Ohio, et al., Case No. 5:14-CV-2390, before Magistrate  
48 Judge George J. Limbert in the United States District Court for the Northern District of Ohio,  
49 related to alleged violation of federal and state disability and gender discrimination statutes.  
50 Pursuant to the settlement agreement, the payment of \$5,000.00 to Elfvin, Klingshirn, Royer &  
51 Torch, LLC, Ms. Watters' counsel, for reimbursement of costs, is hereby authorized. The  
52 settlement agreement shall include a release by Lyn Watters of all claims against the County of

1 RESOLUTION NO. 2016-351

2 PAGE TWO

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4 SECTION 1 (Cont.)

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6 Summit and the County of Summit's Sheriff's Department and require a dismissal of Ms.  
7 Watters appeal to the United States Sixth Circuit Court of Appeals with prejudice.

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9 SECTION 2

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11 This Resolution is hereby declared an emergency in the interest of the health, safety and  
12 welfare of the citizens of the County of Summit and for the further purpose of immediately  
13 sparing county taxpayers further expense related to Ms. Watters' lawsuit against the County of  
14 Summit and the County of Summit Sheriff's Department.

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16 SECTION 3

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

21  
22 SECTION 4

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24 It is found and determined that all formal actions of this Council concerning and relating  
25 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
26 deliberations of this Council and of any of its committees that resulted in such formal action,  
27 were in meetings open to the public, in compliance with all legal requirements, including Section  
28 121.22 of the Ohio Revised Code.

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31 INTRODUCED September 12, 2016

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33 ADOPTED September 26, 2016

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38 CLERK OF COUNCIL

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45 PRESIDENT OF COUNCIL

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47 APPROVED September 27, 2016

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EXECUTIVE

ENACTED EFFECTIVE September 27, 2016

Voice Vote: YES: 10-0 - Crawford, Dickinson, Donofrio, Feeman,  
Kostandaras, Prentice, Rodgers, Schmidt, Walters, Wilhite  
ABSENT: Lee