

1 RESOLUTION NO. 2019-331

2
3 SPONSOR Ms. Shapiro

4
5 DATE September 9, 2019 COMMITTEE Rules

6
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 Tokio Marine Houston Casualty**
9 **Company, the County's liability insurer, toward the costs of legal representation and**
10 **services on behalf of the County and Tokio Marine Houston Casualty Company, in a**
11 **lawsuit the County anticipates will be filed against it by the Administrator of the Estate of**
12 **Brittany Rae Berry aka Brittany Rae Schlarb, for the Executive and the Sheriff, and**
13 **declaring an emergency.**

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15 WHEREAS, the County has been notified by legal counsel for the Administrator for the
16 Estate of Brittany Rae Berry aka Brittany Rae Schlarb that the Administrator intends to file a
17 lawsuit arising out of the death while in custody of Brittany Schlarb, allegedly because of the
18 actions of County employees and employees of Advanced Correctional Healthcare, Inc. from
19 June 21, 2018 through June 25, 2018; and

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21 WHEREAS, the County's liability insurer, Tokio Marine Houston Casualty Company,
22 has agreed to defend the County and has retained legal counsel, Mazanec, Raskin & Ryder Co.,
23 L.P.A., to provide legal representation and services on behalf of the County and Tokio Marine
24 Houston Casualty Company in the Lawsuit; and

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26 WHEREAS, pursuant to the terms of its insurance contract with Tokio Marine Houston
27 Casualty Company, the County has a \$75,000.00 self-insured retention on a claims-made basis;
28 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 Tokio Marine Houston Casualty
32 Company in the lawsuit, the County is required to pay the first \$75,000.00 of costs, representing
33 its self-insured 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 for the County Executive to
37 pay an amount not to exceed \$75,000.00, to Tokio Marine Houston Casualty Company toward
38 the costs of legal representation and services by legal counsel, Mazanec, Raskin & Ryder Co.,
39 L.P.A., on behalf of the County and Tokio Marine Houston Casualty Company in the 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 I

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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 Tokio Marine Houston Casualty Company,
48 the County's liability insurer, toward the costs of legal representation and services by legal
49 counsel, Mazanec, Raskin & Ryder Co., L.P.A., on behalf of the County and Tokio Marine
50 Houston Casualty Company in a lawsuit to be filed by the Administrator for the Estate of
51 Brittany Rae Berry aka Brittany Rae Schlarb.
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SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the residents of the County of Summit and for the further purpose of immediately obtaining legal representation and services by legal counsel, Mazanec, Raskin & Ryder Co., L.P.A., on behalf of the County and Tokio Marine Houston Casualty Company in the lawsuit.

SECTION 3

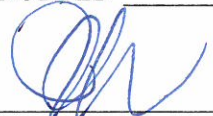
Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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 August 19, 2019

ADOPTED September 9, 2019



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED September 10, 2019



EXECUTIVE

ENACTED EFFECTIVE September 10, 2019

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