

1 RESOLUTION NO. 2022-223

First Reading Passage Requested

(D. Matz)

2
3 SPONSOR Executive Shapiro

4
5 DATE August 1, 2022

COMMITTEE Rules

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7 **A Resolution authorizing the Executive to execute a settlement agreement and release, for**
8 **an amount not to exceed \$135,000.00, to settle any and all claims arising out of or**
9 **concerning issues raised in the lawsuit, Katelyn Simmons, et al. v. Summit County, Ohio, et**
10 **al., for the Executive and the Sheriff, and declaring an emergency.**

11
12 WHEREAS, Katelyn and Christine Simmons (the “Plaintiffs”) filed a lawsuit against the
13 County of Summit, concerning alleged mistreatment and improper care for Katelyn Simmons
14 while she was incarcerated in the Jail, Katelyn Simmons, et al. v. Summit County, Ohio, et al.,
15 Case No. 5:20-cv-00883-CEF, before Judge Charles Esque Fleming in the United States District
16 Court, Northern District of Ohio (the “Lawsuit”); and

17
18 WHEREAS, this Council previously adopted Resolution No. 2020-168, which authorized
19 the Executive to pay an amount not to exceed \$75,000.00, representing the County’s self-insured
20 retention to the County’s insurance carrier, Tokio Marine Houston Casualty Company. No
21 additional County funds are required for settlement of the Lawsuit; and

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23 WHEREAS, in consultation with outside counsel and the County’s insurance carrier, the
24 Executive and the Sheriff have reached terms of a full and final settlement with the Plaintiffs
25 through their legal counsel to settle the Lawsuit, for an amount not to exceed \$135,000.00; and

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27 WHEREAS, pursuant to the settlement agreement and release, the Plaintiffs will settle
28 the Lawsuit and forever discharge the County and all related parties from any and all claims
29 against them; and

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
32 that it is necessary and in the best interest of the County of Summit to settle the Lawsuit for an
33 amount not to exceed \$135,000.00, for the aforementioned reason;

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

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38 SECTION 1

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40 The Executive is hereby authorized to execute a full and final settlement agreement and
41 release for an amount not to exceed \$135,000.00, to settle any and all claims arising out of or
42 concerning issues raised in Katelyn Simmons, et al. v. Summit County, Ohio, et al., Case No.
43 5:20-cv-00883-CEF, before Judge Charles Esque Fleming in the United States District Court,
44 Northern District of Ohio (the “Lawsuit”). The settlement agreement shall include a release and
45 dismissal entry with prejudice by Katelyn and Christine Simmons of any and all claims against
46 the County of Summit and all related parties.

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48 SECTION 2

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50 This Resolution is hereby declared an emergency in the interest of the health, safety and
51 welfare of the residents of the County of Summit and for the further reason of immediately
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2 PAGE TWO

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4 SECTION 2 (Continued)

5
6 settling any and all claims arising out of or concerning issues raised in the Lawsuit against the
7 County and all related parties.

8
9 SECTION 3

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

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15 SECTION 4

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17 It is found and determined that all formal actions of this Council concerning and relating
18 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
19 deliberations of this Council and of any of its committees that resulted in such formal action,
20 were in meetings open to the public, in compliance with all legal requirements, including Section
21 121.22 of the Ohio Revised Code.

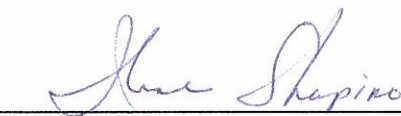
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24 INTRODUCED August 1, 2022

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26 ADOPTED August 1, 2022

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31 CLERK OF COUNCIL


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33 PRESIDENT OF COUNCIL

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36 APPROVED August 2, 2022

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38 
39 EXECUTIVE

40 ENACTED EFFECTIVE August 2, 2022

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite