

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

41  
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.  
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