

1 RESOLUTION NO. 2013-034

2
3 SPONSOR Mr. Pry

4
5 DATE February 11, 2013 COMMITTEE Personnel

6
7 **A Resolution authorizing the County Executive to execute a settlement agreement, in an**
8 **amount not to exceed \$51,081.00, to settle all claims arising out of or concerning issues**
9 **raised in a lawsuit, *Arian Davis v. County of Summit, et al.*, Case No. 5:12-cv-02496, before**
10 **Judge Sara Lioi in the United States District Court for the Northern District of Ohio,**
11 **Eastern Division, with the County to pay an amount not to exceed \$31,081.00 as its share of**
12 **the settlement, and appropriating funds, for the Court of Common Pleas-General Division,**
13 **the Prosecutor and the Executive, and declaring an emergency.**

14
15 WHEREAS, Arian Davis filed a lawsuit, against the County of Summit and the County
16 of Summit Court of Common Pleas—General Division, *Arian Davis v. County of Summit, et al.*,
17 Case No. 5:12-cv-02496, before Judge Sara Lioi in the United States District Court for the
18 Northern District of Ohio, Eastern Division, arising out of Mr. Davis' employment with the
19 Court of Common Pleas—General Division; and

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21 WHEREAS, in consultation with the County Prosecutor, the County Executive and the
22 Court of Common Pleas—General Division have reached terms of settlement with Mr. Davis
23 through his legal counsel to settle the case in an amount not to exceed \$51,081.00; and

24
25 WHEREAS, the Ohio Office of Risk Management ("ORM") will pay the amount of
26 \$20,000.00 through Ohio Judges' Professional Liability Self-Insurance Program as ORM's share
27 of the settlement; and

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29 WHEREAS, the County will pay an amount not to exceed \$31,081.00 out of the Court of
30 Common Pleas-General Division's Special Projects Revenue Fund, No. 28684-2140-60501, as
31 its share of the settlement; and

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33 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
34 that it is necessary and in the best interest of the County of Summit to settle the lawsuit filed by
35 Mr. Davis in an amount not to exceed \$51,081.00 for the aforementioned reasons;

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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, in an
43 amount not to exceed \$51,081.00, to settle all claims arising out of or concerning issues raised in
44 a lawsuit, *Arian Davis v. County of Summit, et al.*, Case No. 5:12-cv-02496, before Judge Sara
45 Lioi in the United States District Court for the Northern District of Ohio, Eastern Division. The
46 settlement agreement shall include a release by Arian Davis and his spouse, Delilah J. Davis, of
47 all claims against the County of Summit and the County of Summit Court of Common Pleas—
48 General Division. The County's share of the settlement shall be an amount not to exceed
49 \$31,081.00.
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2 PAGE TWO

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4 SECTION 2

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6 Funds are hereby appropriated as follows:

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8 ACCOUNT No. DESCRIPTION AMOUNT
9 Court of Common Pleas
10 General Division
11 Special Projects Revenue Fund
12 28684-2140-60501 Settlement \$31,081.00
13

14 SECTION 3

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16 The County Fiscal Officer is hereby authorized and directed to effect the within
17 appropriations.

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19 SECTION 4

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21 This Resolution is hereby declared an emergency in the interest of the health, safety and
22 welfare of the citizens of the County of Summit and for the for the further purpose of
23 immediately sparing County taxpayers further expense related to Mr. Davis' lawsuit.
24

25 SECTION 5

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27 Provided this Resolution receives the affirmative vote of eight members, it shall take
28 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
29 effect and be in force at the earliest time provided by law.
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31 SECTION 6

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33 It is found and determined that all formal actions of this Council concerning and relating
34 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
35 deliberations of this Council and of any of its committees that resulted in such formal action,
36 were in meetings open to the public, in compliance with all legal requirements, including Section
37 121.22 of the Ohio Revised Code.
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40 INTRODUCED January 28, 2013

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42 ADOPTED February 11, 2013

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45 
46 CLERK OF COUNCIL

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48 
49 PRESIDENT OF COUNCIL

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51 APPROVED February 12, 2013

52 EXECUTIVE

February 12, 2013
ENACTED EFFECTIVE

Voice Vote:11-0. YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee
Prentice, Rodgers, Roemer, Schmidt, Shapiro