

1 RESOLUTION NO. 2020-291

2
3 SPONSOR Ms. Shapiro

4
5 DATE September 21, 2020 COMMITTEE Rules

6
7 **A Resolution authorizing the Executive to execute a settlement agreement and release, for**
8 **an amount not to exceed \$2,400,000.00, to settle any and all claims arising out of or**
9 **concerning issues raised in the lawsuit, Kathryn A. Belfance, et al. v. Steven Barry, Summit**
10 **County Sheriff, et al., for the Executive and the Sheriff, and declaring an emergency.**

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12 WHEREAS, the Estate of Antony Jones filed a complaint against Summit County, arising
13 from his death while incarcerated in the Summit County Jail, Kathryn A. Belfance, et al. v.
14 Steven Barry, Summit County Sheriff, et al., Case No. 5:18-cv-01739-BYP, before Judge Benita
15 Y. Pearson in the United States District Court, Northern District of Ohio (the "Lawsuit"); and

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17 WHEREAS, in consultation with outside counsel, the Executive and Sheriff have reached
18 terms of settlement with the Estate of Antony Jones through their legal counsel to settle the
19 Lawsuit, for an amount not to exceed \$2,400,000.00; and

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21 WHEREAS, pursuant to the settlement agreement and release, the Estate of Antony Jones
22 will dismiss the Lawsuit with prejudice, and discharge the County and all related parties from the
23 claims against them; and

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25 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
26 that it is necessary and in the best interest of the County of Summit to settle the Lawsuit for an
27 amount not to exceed \$2,400,000.00, for the aforementioned reason; and

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29 WHEREAS, as approved by this Council in Resolution No. 2019-331, in order to have
30 outside counsel provide legal representation and services on behalf of the County and its
31 insurance carrier, Tokio Marine Houston Casualty Company, in the lawsuit, the County was
32 required to pay the first \$75,000.00 of costs, representing its self-insured retention meaning no
33 additional County funds will be required for settlement of the Lawsuit;

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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 settlement agreement and release for an
41 amount not to exceed \$2,400,000.00, to settle all claims arising out of or concerning issues raised
42 in the lawsuit, Kathryn A. Belfance, et al. v. Steven Barry, Summit County Sheriff, et al., Case
43 No. 5:18-cv-01739-BYP, before Judge Benita Y. Pearson (the "Lawsuit"). The settlement
44 agreement shall include a release and discharge by the Estate of Antony Jones of all claims
45 against the County of Summit and all related parties.

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47 SECTION 2

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49 This Resolution is hereby declared an emergency in the interest of the health, safety and
50 welfare of the residents of the County of Summit and for the further reason of immediately
51 settling any and all claims related to the Lawsuit against the County and all related parties.
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2 PAGE TWO

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4 SECTION 3

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

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10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.

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19 INTRODUCED August 31, 2020

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21 ADOPTED September 21, 2020

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25 _____
26 CLERK OF COUNCIL

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28 _____
29 PRESIDENT OF COUNCIL

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31 APPROVED September 22, 2020

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33 _____
34 EXECUTIVE

35 ENACTED EFFECTIVE September 22, 2020

Voice Vote: YES 10-0 - Dickinson, Donofrio, Feeman, Koehler,
McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite
ABSENT: Prentice