

CITY OF LOS ANGELES
CALIFORNIA

HOLLY L. WOLCOTT
Interim City Clerk



ERIC GARCETTI
MAYOR

Office of the
CITY CLERK

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SHANNON HOPPE
Council and Public Services
Division

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

September 6, 2013

To All Interested Parties:

City Attorney (w/blue sheet)

The City Council adopted the action(s), as attached, under Council File No. 13-0975,
at its meeting held August 28, 2013.

City Clerk
io

Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED

2013 AUG 30 AM 11:30

CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE

2013 AUG 30 AM 11:25

CITY CLERK

BY _____
DEPUTY

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 13-0975

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE August 28, 2013

RE: THE CASE ENTITLED MORRIS AND PESCE V. CITY OF LOS ANGELES, LOS ANGELES SUPERIOR COURT CASE NO. BC448511

LAST DAY FOR MAYOR TO ACT SEP 09 2013
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

✓

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL 9/4/2013

E. G. [Signature]
MAYOR

BY _____
CITY CLERK
DEPUTY

2013 SEP -4 PM 1:50

CITY CLERK'S OFFICE

33

MOTION

I HEREBY MOVE that the Council ADOPT the following recommendations of the City Attorney in order to effect settlement in the case entitled Morris and Pesce v. City of Los Angeles, Los Angeles Superior Court Case No. BC448511. (This is a lawsuit for inverse condemnation, public nuisance, private nuisance, dangerous condition of public property and denial of equal protection), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. APPROVE settlement of Plaintiffs' causes of action against the City and the Department of Water and Power (DWP) in the instant matter for payment of \$2,000,000, and for a full release of Plaintiffs' claims.
2. AUTHORIZE the City Attorney to execute a settlement agreement and all other documents necessary to implement the proposed settlement with Ms. Susan Morris and Mr. P. J. Pesce for \$2,000,000. This settlement would be contingent on the City being granted an order for good faith settlement.
3. AUTHORIZE and INSTRUCT the City Attorney, without further instructions, to draw the amount of \$2,000,000 payable to P. J. Pesce and Susan Morris and Guizot & Mouser from the Sewer Operations and Maintenance Fund Number 760, Account 50JX82, titled PW – Sanitation Expense & Equipment. (The DWP may contribute funds towards this settlement which will reimburse the Sewer Operations and Maintenance Fund)
4. AUTHORIZE the City Attorney, or designee, to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.

This matter was approved by the Budget and Finance Committee (Krekorian – Blumenfield - Bonin "yes") at its meeting on August 19, 2013, in Closed Session as permitted by Government Code Section 54956.9(d)(1).

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
MITCHELL ENGLANDER
Councilmember, 12th District

ep
CF 13-0975
August 19, 2013

13-0975_motion

ADOPTED

AUG 28 2013

LOS ANGELES CITY COUNCIL

MAYOR WITH FILE