CITY OF LOS ANGELES

CALIFORNIA

Office of the CITY CLERK

Council and Public Services Room 395, City Hall Los Angeles, CA 90012 General information - (213) 978-1133 Fax: (213) 978-1040

MAYOR

SHANNON HOPPES Council and Public Services Division

ERIC GARCETTI www.cityclerk.lacity.org

HOLLY L. WOLCOTT Interim City Clerk

When making inquiries relative to this matter, please refer to the

Council File No.

September 6, 2013

To All Interested Parties:

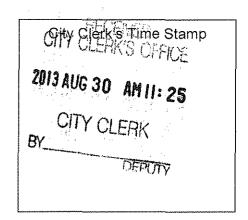
City Attorney (w/blue sheet)

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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 MAKES RECEIVED 2013 AUG 30 AM 11: 30 CITY OF LOS ANGILLE



SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 13-0975 CO	UNCIL DISTRICT
COUNCIL APPROVAL DATE August 28, 2013	
RE: THE CASE ENTITLED MORRIS AND PESCE V. CITY OF LOS A COURT CASE NO. BC448511	ANGELES, LOS ANGELES SUPERIOR
LAST DAY FOR MAYOR TO ACT	
DO NOT WRITE BELOW THIS LINE - FOR MAY	YOR USE ONLY
APPROVED	*DISAPPROVED

srb

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

ADOPTED

13-0975_motion

AUG 2 8 2013

LOS ANGELES CITY COUNTIL

