

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

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