

A RESOLUTION APPROVING THE SETTLEMENT OF THE FOLLOWING LITIGATION: (1) BRUCE LEE v THE COUNTY OF WASHENAW ET AL (CASE NO. 08-12350-GL); AND (2) BEATRICE McKEOWN v THE COUNTY OF WASHTENAW ET AL (CASE NO. 09-0457-GL) AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS REQUIRED AS PART OF THE SETTLEMENT

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 2, 2009

WHEREAS, on June 1, 2006 a number of Washtenaw County Sheriff's Office personnel were involved in a physical altercation with Clifton Lee and his brother Bruce Lee in the West Willow neighborhood of Ypsilanti Township; and

WHEREAS, three separate lawsuits were filed against the County, County Sheriff and various individual County defendants arising from this incident; and

WHEREAS, the County's insurance limit to cover civil claims arising from this incident was \$5 million dollars, with the County's having a \$250,000 Self Insured Retention ("SIR") Amount which must be paid by the County before any of the insurance proceeds could be used; and

WHEREAS, the estate of Clifton Lee filed a lawsuit, alleging, in part, wrongful death and a federal violation of civil rights claim under 42 USC Section 1983; and

WHEREAS, this case settled for \$4 million dollars, with the County contributing its \$250,000 SIR and the remaining \$3,750,000 coming from insurance; and

WHEREAS, after the settlement of this suit, there was \$1,250,000 of insurance proceeds left to cover any other claims arising out of the June 1, 2006 incident; and

WHEREAS, Bruce Lee filed suit against the County, County Sheriff and individual County Defendants alleging, in part, physical and psychological damages, as well as violation of his federal civil rights under 42 USC Section 1983; and

WHEREAS, Beatrice McKeown, the mother of Clifton and Bruce Lee, filed a separate lawsuit against the County, County Sheriff and various individual County Defendants alleging, in part, intentional interference with familial relations, as well as violation of her federal civil rights under 42 USC Section 1983; and

These two remaining cases have been consolidated before the Honorable Julian Abele Cook, Jr. in federal district court in Detroit; and

WHEREAS, the parties to these voluntarily agreed to mediate the claims before the Honorable Richard Kauffman, former Chief Judge of Wayne County; and

WHEREAS, as a result of this mediation, the parties have agreed, subject to final approval by the Washtenaw County Board of Commissioners, to settle both cases for \$1,375,000; and

WHEREAS, since there was only \$1,250,000 of insurance monies remaining after the settlement of the Estate of Clifton Lee lawsuit, it is necessary for the County to pay \$125,000 in addition to the remaining insurance proceeds to complete the proposed settlement; and

WHEREAS, under the County insurance coverage, the County is reimbursed for approximately 94% of its attorney fees spent in defending litigation once the SIR has been met; and

WHEREAS, in the present cases, the County has met its SIR obligation and thus is entitled to reimbursement for its attorney fees; and

WHEREAS, to date the County has spent \$201,382.70 for which it will be reimbursed for \$189,299.74 (94% of the amount paid); and

WHEREAS, once approved, the County's \$125,000 portion of the settlement will be paid with the attorney fee reimbursement funds, not the general fund; and

WHEREAS, Corporation Counsel and County Administration believe that it is in the best long-term interest of the County to approve the comprehensive settlement of these lawsuits at this time.

NOW THEREFORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners approves the comprehensive settlement of the following pending lawsuits: (Bruce Lee v The County of Washtenaw, et al, Case No. 08-12350-GL) and (Beatrice McKeown v The County of Washtenaw, et al Case No. 09-0457-GL) for \$1,375,000, of which the County shall be responsible for \$125,000.

BE IT FURTHER RESOLVED that the County's \$125,000 of the settlement amount shall be paid from the attorney fee reimbursement amount received from the County's insurance carrier and shall not be paid from the County's general fund.

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the County Administrator to execute any documents necessary to complete the comprehensive settlement upon consultation with Corporation Counsel and the County's contract attorneys working on these cases.