

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claims of Derek Matthew Jackson in the case styled Derek Matthew Jackson v. Jackson County, MO, Case 0916-CV40129, now pending in the Circuit Court of Jackson County, Missouri, for a total payment by the County of \$270,000.00.

RESOLUTION #17359, August 23, 2010

INTRODUCED BY Dennis Waits, County Legislator

WHEREAS, Derek Matthew Jackson has filed a lawsuit, styled Derek Matthew Jackson v. Jackson County, MO, Case 0916-CV40129, now pending in the Circuit Court of Jackson County, Missouri seeking compensation for damages for personal injuries allegedly incurred due to a dangerous condition, namely a pothole on Allen Road; and,

WHEREAS, after a thorough investigation and negotiations, the County Counselor recommends a settlement in the amount of \$270,000.00 to be paid by the County to Derek Matthew Jackson through his attorneys, Foland, Wickens, Eisfelder, Roper & Hofer, P.C; and,

WHEREAS, the proposed settlement is in the best interest of the health, safety, and welfare of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Counselor be and hereby is authorized to settle the claims of Derek Matthew Jackson in

the lawsuit styled Derek Matthew Jackson v. Jackson County, MO, Case 0916-CV40129, by the total payment of \$270,000.00, in full, final and complete release of all of the claims against the County and all of its employees, officers, agents and servants as to any damages incurred; and,

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to execute any and all documents necessary to effect this settlement; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to issue a check or checks in an amount totaling \$270,000.00, in full and complete settlement of this claim, payable to Derek Matthew Jackson and/or his attorneys, Foland, Wickens, Eisfelder, Roper & Hofer, P.C, pursuant to the specific direction of the County Counselor.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Jim P. Hallen
Chief Deputy County Counselor

[Signature]
Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17359 of August 23, 2010, was duly passed on August 23, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

8.23.10
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.

ACCOUNT NUMBER: 060 5160 56380
ACCOUNT TITLE: Self Insurance Fund
Non-Departmental
Uninsured Claimants
NOT TO EXCEED: \$270,000.00

August 23 2010
Date

[Signature]
Director of Finance and Purchasing