

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** authorizing the County Counselor to settle the case of Lopez v. U.S. Engineering Co., Case No. 1016-CV07996, now pending in the Circuit Court of Jackson County, MO, as it pertains to claims against Jackson County, for the total payment by the County of the sum of \$400,000.00.

**RESOLUTION #17589**, May 2, 2011

**INTRODUCED BY** Dennis Waits, County Legislator

WHEREAS, there is pending in the Circuit Court of Jackson County, Missouri, the case of Lopez v. U.S. Engineering Co., et al., Case No. 1016-CV07996, wherein a surviving parent of Nancy Lopez, a long-time employee of the Circuit Court of Jackson County and, later in her career, of the County, alleges that Ms. Lopez's exposure to asbestos while she was working in the downtown courthouse caused her to develop mesothelioma, a form of cancer, that ultimately led to her death; and,

WHEREAS, after thorough investigation, research, and review of the claims against the County in this case, which is being defended by special litigation counsel, the County Counselor recommends that the case, as it relates to the claims against the County be settled for payment by the County of the sum of \$400,000.00, in exchange for full and complete release of all claims against the County and all current and former County officers and employees; and,

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

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the settlement in the case of Lopez v. U.S. Engineering Co., as recommended by the County Counselor, be and hereby is approved; and,

BE IT FURTHER RESOLVED that the Director of Department of Finance and Purchasing be and hereby is authorized to issue a check or checks totaling \$400,000.00 pursuant to the specific direction of the County Counselor; and,

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to execute an appropriate settlement agreement and any and all other documents necessary to give effect to this settlement.

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

APPROVED AS TO FORM:

Jay D. Hod  
Chief Deputy County Counselor

W. Alfred Nifon  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17589 of May 2, 2011 was duly passed on May 2, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

5.2.11  
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: \$400,000.00

May 2, 2011  
Date

[Signature]  
Director of Finance and Purchasing