

93-R-17

A RESOLUTION

**Authorizing the Settlement and Release of all Claims in
*Yakhnis v. City of Evanston, et al.***

WHEREAS, Case No. 2016-L-10475 in the Circuit Court of Cook County, County Department, Law Division, concerns a personal injury lawsuit against the City and one of its employees in connection with a motor vehicle accident; and

WHEREAS, upon the demand of the City's excess liability insurance provider ("Excess Liability Insurer"), on November 17, 2017, Plaintiff (a resident of Cook County, Illinois) and her attorney, counsel for Defendants, and counsel for the City's Excess Liability Insurer participated in a voluntary mediation of this matter, which resulted in a tentative settlement; and

WHEREAS, the parties seek to settle and release all claims pursuant to the terms of a Release and Settlement Agreement ("Settlement Agreement") negotiated by attorneys of record in this litigation;

WHEREAS, the City's Excess Liability Insurer will pay Plaintiff a settlement amount of approximately three million and five hundred thousand dollars (\$3,500,000.00) ("Insurance Settlement Payment") pursuant to the terms of the Settlement Agreement; and

WHEREAS, pursuant to the terms of the Settlement Agreement, on November 28, 2017, Plaintiff obtained an order from the court dismissing with prejudice all claims brought against all Defendants in Case No. 2016-L-10475; and

WHEREAS, in compliance with Section 2(e) of the Open Meetings Act, 5 ILCS 120/2(e), the City must approve final action on settlement of this litigation in open session; and

WHEREAS, pursuant to the terms of the Settlement Agreement and the City's excess liability insurance policy, the City will pay Plaintiff a settlement amount not to exceed one million two hundred and fifty thousand dollars (\$1,250,000.00) ("City's Settlement Payment"); and

WHEREAS, issuance of the Insurance Settlement Payment and the City's Settlement Payment is not an admission of liability.

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: The City is hereby authorized to approve settlement with Plaintiff and issue the City's Settlement Payment pursuant to the terms of the Settlement Agreement. The City's Settlement Payment is not an admission of liability.

SECTION 2: Resolution 93-R-17 shall be in full force and effect from and after its passage and approval, in the manner provided by law.

Attest:



Devon Reid, City Clerk



Stephen H. Hagerly, Mayor

Adopted: December 11, 2017