



Legislation Details (With Text)

File #: 23-0103 **Version:** 1 **Name:** 1/23/23 - Settlement of Rasiel Alvarez-Rodriguez
Type: Resolution **Status:** Passed
File created: 1/23/2023 **In control:** City Council
On agenda: 1/23/2023 **Final action:** 1/23/2023
Enactment date: 1/23/2023 **Enactment #:** R-23-027

Title: Resolution to Authorize Settlement of Rasiel Alvarez-Rodriguez v. City of Ann Arbor et al., Washtenaw County Circuit Court Case No. 21-001289-NI

Sponsors: Christopher Taylor

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/23/2023	1	City Council	Approved	Pass

Resolution to Authorize Settlement of *Rasiel Alvarez-Rodriguez v. City of Ann Arbor et al.*, Washtenaw County Circuit Court Case No. 21-001289-NI

Prepared by: Jennifer Richards, Assistant City Attorney

Reviewed by: Atleen Kaur, City Attorney

Whereas, In November 2021, Plaintiff Rasiel Alvarez-Rodriguez filed a lawsuit against the City and one of its police officers, Officer James Boylan, alleging neck and back injuries and associated damages resulting from a low-speed rear-end motor vehicle accident with an unmarked police vehicle that occurred on June 14, 2019;

Whereas, The City denied the allegations in the complaint and engaged in discovery;

Whereas, Following discovery, Officer James Boylan was dismissed from the lawsuit on the basis that he is entitled to governmental immunity from liability and the City remains a party to the lawsuit;

Whereas, The parties now desire to settle and resolve the lawsuit without an admission of liability on the part of any party, wherein the City will pay \$39,000.00 to Plaintiff in exchange for a full and final settlement agreement signed by the parties, a release of all claims against the City, and dismissal of the lawsuit with prejudice; and

Whereas, The City Attorney’s Office has advised City Council on this matter in attorney-client privileged and confidential legal advice memoranda dated October 7, 2022 and January 18, 2023;

RESOLVED, That City Council authorizes the City Attorney to fully resolve the case entitled *Rasiel Alvarez-Rodriguez v. City of Ann Arbor et al.* Washtenaw County Circuit Court Case No. 21-0001280-NI for a payment of \$39,000.00 from the City to Plaintiff contingent on the receipt of a full and final settlement agreement signed by the parties, release of all claims against the City, and entry of dismissal of the lawsuit with prejudice by the Court, all of which shall be subject to City Attorney approval as to form and substance; and

RESOLVED, That the Mayor, Clerk, City Administrator and City Attorney are authorized to take actions to implement this resolution, including signing a settlement agreement.

Sponsored by: Mayor Taylor