



## Legislation Text

---

**File #:** 22-1085, **Version:** 1

---

Resolution to Authorize Settlement of Mark Jonker and Pasithorn Suwanabol v. City of Ann Arbor and Cadillac Asphalt, L.L.C., Washtenaw County Circuit Court Case No. 21-000684-CZ

Prepared by: Tim Wilhelm, Deputy City Attorney

Reviewed by: Atleen Kaur, City Attorney

Whereas, In July 2021, Plaintiffs Mark Jonker and Pasithorn Suwanabol, filed a lawsuit against the City and its contractor, Cadillac Asphalt, LLC, for water damage to the basement of their residence;

Whereas, The City and Cadillac denied the allegations in Plaintiffs' Complaint, and the parties have engaged in discovery;

Whereas, The parties now desire to settle and resolve the lawsuit and all disputes between them and without an admission of liability on the part of any party, wherein the City will pay \$10,000.00 and Cadillac will pay \$28,000.00 to Plaintiffs in exchange for dismissal of the lawsuit and all claims with prejudice and mutual releases by all parties; and

Whereas, The City Attorney's Office updated City Council on this case in an attorney-client privileged and confidential legal advice memorandum dated June 14, 2022;

RESOLVED, That City Council authorizes the City Attorney to fully resolve the case entitled *Mark Jonker and Pasithorn Suwanabol v. City of Ann Arbor and Cadillac Asphalt, L.L.C.*, Washtenaw County Circuit Court Case No. 21-000684-CZ for a payment of \$10,000.00 from the City to Plaintiffs contingent on the receipt of a full and final settlement agreement signed by all parties and mutual releases of all claims by all parties and entry of an dismissal 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, mutual releases and dismissal order.

Sponsored by: Mayor Taylor