

RESOLUTION NUMBER 100-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE CASE OF DEBORAH MAKI, ET AL. V. THE CITY OF RIVIERA BEACH, ET AL., CASE NO.: 9:20-CV-80326-DMM; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF ONE HUNDRED AND TWENTY THOUSAND DOLLARS (\$120,000.00) AS FULL AND FINAL SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Deborah Maki; Janne M. Maki; Janne D. Maki; Matthew Maki, a minor; Susan Cruise; Amanda Swanson; and Hunter Swanson, collectively the “Plaintiffs”, filed suit against the City of Riviera Beach for personal injuries they sustained on March 23, 2017 during the search and execution of an arrest warrant by the City of Riviera Beach Police Department, Riviera Beach, Palm Beach County, Florida; and

WHEREAS, on or about February 3, 2020, the Plaintiffs filed suit against the City, Case No.: 502019CA013194XXXXMB, in the Fifteenth Judicial Circuit, Palm Beach County, alleging the City’s police officers violated the Constitutional Rights of the Plaintiffs as provided in the Fourth and Fourteenth Amendments by unlawfully entering the Plaintiffs’ residence, detaining the Plaintiffs, and searching and seizing the Plaintiffs while using excessive force; and

WHEREAS, on or about February 27, 2020, the City removed the above-styled case from the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, to the United States District Court Southern District of Florida in order to adequately address the Plaintiffs Constitutional claims; and

WHEREAS, both counsel for the Plaintiffs and the City mediated this matter on October 9, 2020, before a Certified Mediator, and counsel for the City, Risk Management and representatives of Gallagher Bassett concur settlement in the amount of One Hundred and Twenty Thousand Dollars (\$120,000.00) is in the City’s best interest, subject to City Council approval.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That settlement in the matter of Deborah Maki, et al. v. The City of Riviera Beach, et al, Case No.: 9:20-CV-80326-DMM is hereby approved in the total amount of One Hundred and Twenty Thousand Dollars (\$120,000.00) inclusive of attorney’s fees and costs.

RESOLUTION NUMBER 100-20

PAGE 2 OF 3

SECTION 2. That Gallagher Bassett Services, Inc. is authorized to make payment on behalf of the City after receiving the appropriate Releases from all named Plaintiffs.

SECTION 3. That this Resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this _____ day of NOVEMBER, 2020.

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APPROVED:

**RONNIE L. FELDER
MAYOR**

**JULIA BOTEL, Ed.D
CHAIRPERSON**

ATTEST:

**CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK**

**DOUGLAS A. LAWSON
CHAIR PRO TEM**

**TRADRICK MCCOY
COUNCIL MEMBER**

**KASHAMBA MILLER-ANDERSON
COUNCIL MEMBER**

**SHIRLEY D. LANIER
COUNCILMEMBER**

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

**REVIEWED AS TO LEGAL
SUFFICIENCY**

**Dawn S. Wynn
CITY ATTORNEY**