

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT A SETTLEMENT WITH HOWARD FABIAN IN THE AMOUNT OF \$200,000.00.

WHEREAS, on August 10, 2020, Howard Fabian ("Claimant") filed a civil action against the City for damages arising out of his arrest on November 22, 2017 (Case Number 20-cv-61609); and

WHEREAS, Claimant alleges that he was injured as a result of the use of excessive force in his arrest; and

WHEREAS, Claimant claims damages for personal injuries as well as a violation of his civil rights; and

WHEREAS, the City Attorney and Claimant's attorney have negotiated a settlement in the amount of \$200,000.00; and

WHEREAS, if this settlement is approved by the City Commission, the monies will be paid from the City's self-insurance fund; and

WHEREAS, the City is in no manner admitting liability as a result of the settlement, but rather, the settlement is a business decision to avoid the uncertainties of a jury trial; and

WHEREAS, the City Attorney recommends that the City Commission approve the negotiated settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the above-described settlement is approved, payable from the City's self-insurance fund.

Section 3: That the appropriate City officials are authorized to take all necessary steps to implement the settlement.

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Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2021.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida only.

DOUGLAS R. GONZALES
CITY ATTORNEY