

**RESOLUTION R-2019-29**  
**LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council Approving the Settlement of  
Pending Litigation in the Matter of Estate of Gilliam v. Schindler Elevator Corporation, et al.,  
and Luzerne County v. Schindler Elevator Corporation*

WHEREAS, Section 4.07.B.3 of the Luzerne County Home Rule Charter provides the County Manager shall have the authority to recommend the settlement of litigation involving the County, subject to the approval of County Council; and

WHEREAS, Section 2.09.B.5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, a recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, Plaintiff, the Estate of Gilliam, filed a Complaint against various elevator companies who allegedly installed and maintained elevators at the Luzerne County Correctional Facility. Mr. Gilliam was incarcerated at the Luzerne County Correctional Facility when, on July 18, 2016, while involved in a physical altercation with Correction Officer Christopher Moules, the two hit the elevator door on the 5<sup>th</sup> floor, it opened and they fell several stories resulting in both of their deaths;

WHEREAS, on September 14, 2017, original Defendant Schindler Elevator Corporation filed a third party complaint against Luzerne County seeking indemnity and contribution from Luzerne County and alleging that Luzerne County had a non-delegable duty to maintain the elevator in a safe condition; and

WHEREAS, on July 18, 2018, Luzerne County asserted a claim against Schindler Elevator Corporation seeking damages for the repair of the 5<sup>th</sup> floor elevator; and

WHEREAS, the attorneys for all the parties agree to settle all of the claims;

WHEREAS, the Luzerne County Manager has recommended settlement of the above-captioned litigation; and

WHEREAS, Luzerne County Council also desires to resolve the pending litigation in this matter.

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending litigation for all claims asserted by Luzerne County against Schindler Elevator Corporation for in the amount of \$25,000.00 to be paid to Luzerne County for damages for the repair of the 5<sup>th</sup> floor elevator located in the Luzerne County Correctional Facility. This settlement is a full and complete settlement and release of any and all claims by the County of Luzerne and against the County of Luzerne.

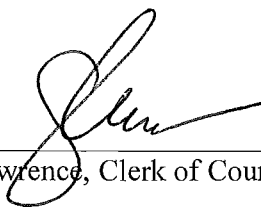
This resolution shall become effective six days after adoption.

ADOPTED at a meeting of the Luzerne County Council held January 8, 2019.

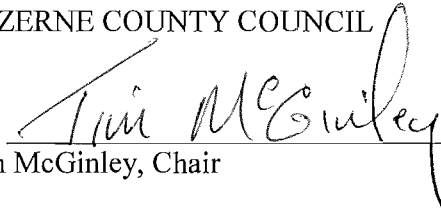
ROLL CALL VOTE (10-0)

YES: Haas, Houck, Kelleher, McGinley, Perry, Saidman, Schnee, SA Urban, Vough and Waitkus


Attest:

  
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By:   
Tim McGinley, Chair

LUZERNE COUNTY MANAGER

By:   
C. David Pedri, Esq., County Manager