

**RESOLUTION R-2019-73
LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council Approving the Settlement of
Litigation in the Matter of Edward Hernandez v. Luzerne County, et al.*

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, the Luzerne County Manager has recommended settlement of the above-captioned litigation; 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 affirmative vote of at least a majority of current Council members, a recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, allegations contained within Plaintiff's pleadings stem from a June 28, 2016 incident involving Plaintiff while he was incarcerated at the Luzerne County Correctional Facility; and

WHEREAS, Plaintiff alleges that he sustained a broken neck, scalp laceration requiring 28 stitches, and herniated cervical disc as the result of the force used to subdue him; and

WHEREAS, Plaintiff brought suit against Luzerne County alleging a violation of 42 U.S.C.A. Section 1983; and

WHEREAS, the parties desire to settle his claims against Luzerne County; 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 against Luzerne County in the matter of *Edward Hernandez v. Luzerne County, et al.* in the amount of \$250,000.00. Luzerne County's contribution towards the settlement is its \$50,000.00 insurance deductible. This settlement is a full and complete settlement and release of any and all claims by Edward Hernandez against the County of Luzerne.

This resolution shall become effective six days after adoption.


ADOPTED at a meeting of the Luzerne County Council held May 14, 2019.

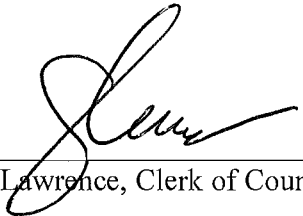
ROLL CALL VOTE (10-0)

YES: Bilbow, Haas, Kelleher, McGinley, Perry, Saidman, Schnee, Vough and Waitkus

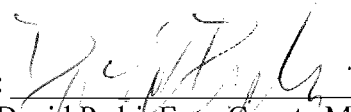
ABSTAIN: SAUrban

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

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