

**RESOLUTION R-2022-129
LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council Approving the Settlement of
Pending Litigation in the Matter of Michael Rivera v. Mark Rockovich, 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 a majority vote of the Council members, a recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, Plaintiff was temporarily incarcerated at the Luzerne County Correctional Facility in the fall of 2017 and again in early 2018 pending resolution of a criminal matter in which he was the named defendant; and

WHEREAS, Plaintiff filed a Complaint in the Luzerne County Common Pleas on March 16, 2018 which was subsequently amended, alleging his constitutional rights were violated for being treated differently than other administrative custody prisoners and failing to provide him administrative due process rights, among other things;

WHEREAS, the Plaintiff desires to settle his claims against Luzerne County; and

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

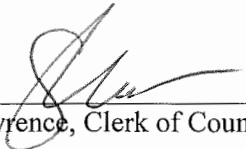
NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending litigation for all claims asserted against Luzerne County in the matter of Michael Rivera v. , Mark Rockovich, Luzerne County, et. al. in the amount of \$6,500.00. This settlement is a full and complete settlement and release of any and all claims by Michael Rivera against Luzerne County.

This resolution shall become effective six days after adoption.

ADOPTED at a meeting of Luzerne County Council held on August 23, 2022.

ROLL CALL VOTE (11-0)


YES: Bienias, Lescavage, Lombardo, McDermott, McGinley, Mitchell, Perry, Radle, Thornton, SJ Urban and Wolovich

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Kendra Radle, Chair

LUZERNE COUNTY MANAGER

By: 
Randy Robertson, County Manager