

**RESOLUTION R-2023-56
LUZERNE COUNTY COUNCIL**

A Resolution by the Luzerne County Council Approving the Settlement of Pending Litigation in the Matter of Sarah Schiavone and Mickayla Meredith, as Administrators of the Estate of Hailey Povisil v. Luzerne County, Wellpath, LLC, Correct Care Solutions, LLC, and Melissa Yankovich

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, Plaintiffs brought suit in the United States District Court for the Middle District of Pennsylvania, at docket no. 3:21-CV-1686, alleging a violation of 42 U.S.C.A. Section 1983 stemming from the January 2018 suicide of Hailey Povisil while she was incarcerated at the Luzerne County Correctional Facility; and

WHEREAS, the Plaintiffs desire to settle their claims against Luzerne County; and

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

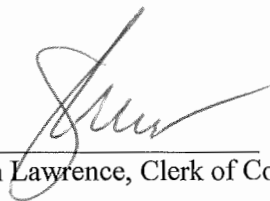
NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending litigation for all claims asserted against Luzerne County in the *Matter Sarah Schiavone and Mickayla Meredith, as Administrators of the Estate of Hailey Povisil v. Luzerne County, Wellpath, LLC, Correct Care Solutions, LLC, and Melissa Yankovich* in the aggregate amount of \$780,000.00. Luzerne County's contribution towards this settlement shall be \$390,000.00 from the general fund. This settlement is a full and complete settlement and release of any and all claims by the Estate of Hailey Povisil against the County of Luzerne.

This resolution shall become effective six days after adoption.

ADOPTED at a meeting of the Luzerne County Council held March 28, 2023.

ROLL CALL VOTE (11-0)

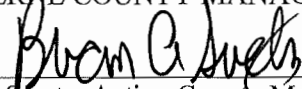
YES: Bienias, Lescavage, Lombardo, McDermott, McGinley, Mitchell, Perry, Radle, Thornton, SJ Urban and Wolovich

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Kendra Radle, Chair

LUZERNE COUNTY MANAGER

By: 
Brian Swetz, Acting County Manager