

**RESOLUTION R-2023-74
LUZERNE COUNTY COUNCIL**

*A Resolution by the Luzerne County Council Approving the Settlement of Pending
Litigation in the Matter of Kimberly Osterhout, Individually and as Parent and Legal
Guardian of Thomas Powell v. Luzerne County and Luzerne-Wyoming Counties
Mental Health & Developmental Services, 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 brought suit in the Luzerne County Court of Common Pleas at docket no. 2022-CV-05469, alleging inadequate care of Thomas Powell while placed in a group home under contract with Luzerne-Wyoming Counties Mental Health & Developmental Services with whom Mr. Powell is a client; and

WHEREAS, the Plaintiff desires to settle her claims against Luzerne County and Luzerne-Wyoming Counties Mental Health & Developmental Services; 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 and Luzerne-Wyoming Counties Mental Health & Developmental Services in the matter of Kimberly Osterhout, Individually and as Parent and Legal Guardian of Thomas Powell v. Luzerne County and Luzerne-Wyoming Counties Mental Health & Developmental Services with \$7,000 attributable to Luzerne County and \$7,000 attributable to Luzerne-Wyoming Counties Mental Health & Developmental Services. This settlement is a full and complete settlement and release of any and all claims by Kimberly Osterhout against the County of Luzerne and Luzerne-Wyoming Counties Mental Health & Developmental Services.

This resolution shall become effective six days after adoption.

ADOPTED at a meeting of the Luzerne County Council held June 13, 2023.

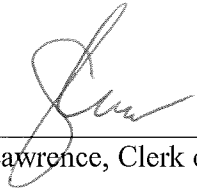
ROLL CALL VOTE (10-0) with (1) ABSTENTION

YES: Bienias, Lescavage, Lombardo, McDermott, McGinley, Mitchell, Perry, Thornton,
K Vough and Wolovich

ABSTAINED: SJ Urban

LUZERNE COUNTY COUNCIL

By: 
Kendra Vough, Chair

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
Romilda Crocamo, Esq., County Manager