

EM SUBMISSION NO.: 2011EM024.1

PRESENTED: 2-15-12

ADOPTED: 2-16-12

**BY THE EMERGENCY MANAGER:**

**AMENDED RESOLUTION AUTHORIZING SETTLEMENT OF U.S. DISTRICT  
COURT LITIGATION CASE NO. 2:08-cv-13707, HETHERINGTON V. DICKS, ET AL**

Richard Hetherington filed suit against the David Dicks and the City of Flint; and

This case arises out of a claim that the City allegedly violated Hetherington's 1<sup>st</sup> Amendment rights; and

Pursuant to the Law Department's recommendation, Emergency Manager Brown authorized settlement of this matter on January 3, 2012, under EM Submission No. 2011EM024; and

Plaintiff's counsel has requested that the settlement payment be made by way of two separate checks, which requires an amendment to the original EM Submission No. 2011EM024; and

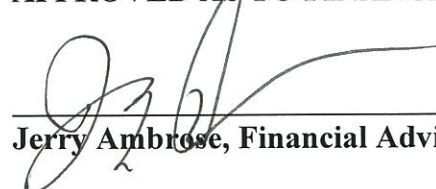
The two checks are to be prepared as follows: one to Richard Hetherington in the amount of \$47,500.00; and, one to Gregory T. Gibbs and ACLU Fund of Michigan in the amount of \$22,500.00. Settlement payment shall be made as previously set forth with appropriated funds from line item 677-266.200-956.300.

**IT IS RESOLVED** that City officials are authorized to make payment by way of two checks: one to Richard Hetherington in the amount of \$47,500.00; and, one to Gregory T. Gibbs and ACLU Fund of Michigan in the amount of \$22,500.00. Settlement payments shall be made with appropriated funds from line item 677-266.200-956.300.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Peter M. Bade, Chief Legal Officer

**APPROVED AS TO FINANCE:**

  
\_\_\_\_\_  
Jerry Ambrose, Financial Advisor

**EM DISPOSITION:**

ENACT ☒ ✓ FAIL ☐ \_\_\_\_\_

DATED 2-16-12

  
\_\_\_\_\_  
Michael K. Brown, Emergency Manager

EM SUBMISSION NO.: 2011EM024

PRESENTED: 12 / 19 / 11

ADOPTED: 1 / 3 / 12

BY THE EMERGENCY MANAGER:

**RESOLUTION AUTHORIZING SETTLEMENT OF U.S. DISTRICT COURT  
LITIGATION CASE NO. 2:08-cv-13707, HETHERINGTON V. DICKS, ET AL**

Richard Hetherington filed suit against the David Dicks and the City of Flint; and

This case arises out of a claim that the City allegedly violated Hetherington's 1<sup>st</sup> Amendment rights; and

Pursuant to the Law Department's recommendation, Emergency Manager Brown has authorized settlement of this matter; and

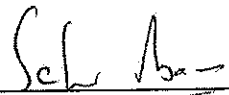
Settlement payment shall be made with appropriated funds from line item 677-266.200-956.300, in the amount of Seventy Thousand Dollars (\$70,000.00).

**IT IS RESOLVED** that City officials are authorized to make payment to Richard Hetherington and his attorneys, the Law Offices of Greg Gibbs, in the amount of Seventy Thousand Dollars (\$70,000.00), in satisfaction of any and all claims arising out of said incident, with appropriated funds from line item 677-266.200-956.300, which as of December 15, 2011, has balance of \$1,139,266.46.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Peter M. Bade, Chief Legal Officer

APPROVED AS TO FINANCE:

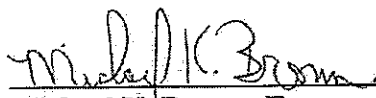
  
\_\_\_\_\_  
Jerry Ambrose, Financial Advisor

**EM DISPOSITION:**

ENACT ☒ \_\_\_\_\_

FAIL \_\_\_\_\_

DATED 1-3-12

  
\_\_\_\_\_  
Michael K. Brown, Emergency Manager

## RESOLUTION STAFF REVIEW

December 15, 2011

**Agenda Item Title:**

Resolution Authorizing Settlement – *Hetherington v Dicks, et al*

**Submitted By:**

Law Department

**Summary of Proposed Action:**

Settle Richard Hetherington's claim for damages by a payment of \$70,000.00.

**Background:**

Richard Hetherington filed a lawsuit alleging that he was retaliated against for exercising his First Amendment rights. The parties have agreed to settle the claims for \$70,000.00.

The Law Department requested authority to settle this matter from EM Brown. EM Brown approved settlement of \$70,000.00.

**Financial Implications:**


The settlement amount will be paid with appropriated funds from line item 677-266.200-956.300.

**Other Implications:**

None

**Staff Recommendation:**

Approval of this resolution.

Staff Person:   
Peter M. Bade  
Chief Legal Officer