

EM SUBMISSION NO.: 2012EM132

PRESENTED: 2-23-12

ADOPTED: 3-1-12

BY THE EMERGENCY MANAGER:

**RESOLUTION AUTHORIZING SETTLEMENT OF U.S. DISTRICT COURT
LITIGATION CASE NO. 2:08-cv-12156, TRETHEWEY V. STIMAC, ET AL**

Michael J. Trethewey filed suit against Shawn Stimac, Joseph Jones, Thomas Vaughn, Jeffrey Binns, and/or the Michigan Department of Corrections, Michigan Department of State Police and the City of Flint on May 17, 2008; and

This case arises out of a claim of excessive use of force against Officer Stimac, State Troopers and a State Corrections Officer; and

Mr. Trethewey alleged loss of eye sight and traumatic brain injury; and

Pursuant to the Law Department's recommendation, Emergency Manager Brown has authorized settlement of this matter in accordance with the global settlement agreement and the Court's Order approving the global settlement; and

Settlement payments shall be made with appropriated funds from line item 677-266.200-956.300 as follows:

\$100,000.00 to The F. L. Gibson Group, P.C.; and,

\$100,000.00 to Michael Trethewey Supplemental Needs Trust, Linda Schwertner Trustee

IT IS RESOLVED that City officials are authorized to make payment to The F. L. Gibson Group, P.C., in the amount of One Hundred Thousand Dollars (\$100,000.00) and to the Michael Trethewey Supplemental Needs Trust, Linda Schwertner Trustee, in the amount of One Hundred Thousand Dollars (\$100,000.00) 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 February 20, 2012, has a balance of \$839,898.28.

APPROVED AS TO FORM:


Peter M. Bade, Chief Legal Officer

APPROVED AS TO FINANCE:


Jerry Ambrose, Financial Advisor

EM DISPOSITION:

ENACT ☒ FAIL ☐

DATED 3-1-12


Michael K. Brown, Emergency Manager