



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: August 15, 2017

Subject: Public report of litigation settlement agreements that became final during the period of May 1, 2017, through July 31, 2017.

RECOMMENDATION(S):

RECEIVE public report of litigation settlement agreements that became final during the period of May 1, 2017, through July 31, 2017, as recommended by County Counsel.

FISCAL IMPACT:

Settlement amounts are listed below.

BACKGROUND:

Three agreements to settle pending litigation, as defined in Government Code section 54956.9, became final during the period of May 1, 2017, through July 31, 2017.

Maninder Wilhelm, et al. v. Contra Costa County, et al., CCC Superior Court Case No. C15-02174. On December 13, 2016, the Board approved settlement of this medical malpractice lawsuit. The Board authorized settlement in the amount of \$2,575,000, inclusive of attorneys fees and costs, in closed session by a 5-0 vote. The settlement agreement was fully executed on June 5, 2017. The County covered \$934,000 of the total settlement amount. The funding source for the County portion is the Risk Management Medical Malpractice Internal Service Fund. The County's excess carriers covered the remaining

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/15/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 15, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Thomas Geiger, 925
335-1800

portion of the settlement amount.

BACKGROUND: (CONT'D)

Contra Costa County v. Mike Pedersen, et al., CCC Sup. Ct. Case No. C16-01676. This was an action to acquire certain property by eminent domain in the Brentwood area for the Balfour Road Shoulder Widening Project. Under the terms of the stipulation, all necessary property interests were conveyed by the property owner to the County for \$7,000, inclusive of statutory interests and costs. The Board of Supervisors authorized the settlement on June 6, 2017, in closed session, by a 4-0 vote, Supervisor Gioia absent. Judgment pursuant to the parties' stipulation was entered on June 30, 2017, and the final order of condemnation was filed on July 27, 2017. The settlement amount will be paid from county road funds.

Ambac Bond Insurance Cases, S.F. Superior Court Case No. CJC-08-004555 (JCP 4555). On May 9, 2017, the Board approved settlement of this lawsuit involving bond insurance credit ratings. The County's share of a settlement among multiple plaintiffs with defendant Ambac Assurance Corp. is \$99,667. Settlement was authorized in closed session by a 5-0 vote. The settlement agreement was fully executed on July 27, 2017.

This report includes final settlements of litigation matters handled by the Office of the County Counsel. This report does not include litigation settlements that were reported by the Risk Management Division of the County Administrator's Office as a consent item on the Board's open session agenda.

CONSEQUENCE OF NEGATIVE ACTION:

The report would not be accepted.