

**RESOLUTION R-2018-51
LUZERNE COUNTY COUNCIL**

***A Resolution by the Luzerne County Council Approving the Settlement of Pending Litigation in the
Matter of Moser (Simon) v. Luzerne County***

WHEREAS, Section 4.07 B3 of the Luzerne County Home Rule Charter Provides that County Manager shall have the authority to recommend the settlement of litigation involving the County, subject to the approval of County Council; and

WHEREAS, Section 2.09 B5 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, any recommendation by the County Manager to settle litigation involving the County; and

WHEREAS, the subject litigation stems from an accident on County maintained property occurring on May 13, 2014, causing alleged injuries to the child of the Plaintiff, Melissa Moser; and

WHEREAS, Ms. Moser instituted this litigation action against Luzerne County in October, 2014, by filing with the Luzerne County Court of Common Pleas (Case. No. 2014-12099); and

WHEREAS, Melissa Moser desires to settle their claims against Luzerne County;

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending litigation for all claims asserted by Melissa Moser in the matter of *Moser (Simon) v. Luzerne County* in the amount of \$95,000.00. This settlement is a full and complete settlement of any and all claims Melissa Moser has against Luzerne County that arise out of the accident involving Ms. Moser's son occurring on May 13, 2014.

This resolution shall become effective six days after adoption.

ADOPTED at a meeting of the Luzerne County Council held February 27, 2018.

ROLL CALL VOTE (8-1)

YES: Houck, Kelleher, McGinley, Perry, Saidman, Schnee, Vough and Waitkus

NO: Brominski

Attest: _____

Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: _____

Tim McGinley, Chair

LUZERNE COUNTY MANAGER

By: _____

C. David Pedri, Esq., County Manager