



Legislation Details (With Text)

File #: 19-835 **Version:** 1
Type: Resolution **Status:** Passed
File created: 8/26/2019 **In control:** City Council
On agenda: 9/3/2019 **Final action:** 9/3/2019
Title: Adopt a resolution approving the settlement agreement between John Doe by and through his guardian Carolyn Clark and the City of Naperville.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Settlement Agreement

Date	Ver.	Action By	Action	Result
9/3/2019	1	City Council	adopted	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Adopt a resolution approving the settlement agreement between John Doe by and through his guardian Carolyn Clark and the City of Naperville.

DEPARTMENT: Legal Department

SUBMITTED BY: Jennifer Lutzke, Senior Assistant City Attorney

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

On April 19, 2017, the guardian of a minor child “John Doe” filed a lawsuit in the Northern District of Illinois asserting that two police officers unreasonably seized him and failed to protect him from a danger that they created and asserted a *Monell* claim against the City of Naperville alleging that it has a pattern and practice of similarly violating other’s constitutional rights.

DISCUSSION:

After the *Monell* claim was dismissed and summary judgment was granted in favor of one of the officers, the City reached a settlement with the guardian of the minor child subject to City Council approval. The attached resolution approves the settlement agreement.

FISCAL IMPACT:

The City will make a one-time payment to the minor by and through his guardian for \$85,000.00. The City will also make a one-time payment to the minor’s attorney for \$40,000.00.