

COMMITTEE OF THE WHOLE

10-0260R

RESOLUTION APPROVING SETTLEMENT OF CLAIM OF JAMES CROUD
AS TRUSTEE FOR THE NEXT-OF-KIN OF DAVID CROUD IN THE
AMOUNT OF \$100,000.

CITY PROPOSAL:

RESOLVED, that the city council approves settlement in the amount of \$100,000 of all claims or causes of actions asserted against the city of Duluth and its officers and employees in the matter venued in United States District Court for the District of Minnesota and identified as *James Croud as trustee for the next of kin of David Croud vs. St. Mary's Medical Center, et. al., Court File: 08-CV-5372 (PJS/JSM)*, and further authorizes the proper city officials to execute all documents necessary to conclude this matter on a full, final and complete basis, funds payable from Fund 610-036-1651-5841.

Approved for presentation to council:

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

ADM/ATTY MAL:cjk 5/6/2010

STATEMENT OF PURPOSE: This resolution authorizes a settlement in the civil action commenced by David Croud as trustee for the next-of-kin of David Croud and against St. Mary's Medical Center, the city of Duluth and officers of the Duluth police department. The action arises out of the arrest of David Croud on October 12, 2005, and his death on October 18, 2005, at the St. Mary's Medical Center. The parties engaged in extensive discovery and litigation proceedings. St. Mary's Medical Center previously settled with the plaintiff. The plaintiff and officials for the city participated in court mediated settlement negotiations on May 4, 2010, and agreed to a settlement in the amount of \$100,000. The city administration and the city attorney recommend approval of this settlement.