

ORIGINAL

RESOLUTION NO. R-2014-16

**A RESOLUTION APPROVING THE SETTLEMENT RELEASE AND
AUTHORIZING THE PAYMENT OF SETTLEMENT FUNDS IN THE
STATE FARM VS. VILLAGE OF MAYWOOD LITIGATION**

WHEREAS, the Village of Maywood ("Village") is a home rule municipality established and existing in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village of Maywood has reached terms on the settlement of the subrogation litigation, *State Farm Mutual Automobile Insurance Co. vs. Village of Maywood*, 2014 M1 10614 which was filed in the First Municipal District in the Cook County Circuit Court.

WHEREAS, the Plaintiff has provided a signed Release of All Property Damage Subrogation Claims ("Release") to the Village, releasing its claims against the Village. A copy of the Release is attached as **Exhibit 1**.

WHEREAS, pursuant to the Release, the Plaintiff has dismissed its lawsuit against the Village. A copy of the September 29, 2014 Dismissal Order is attached as **Exhibit 2**.

WHEREAS, the Board of Trustees finds that it is in the public's best interest that the Release be approved and the payment of the settlement funds be authorized.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The President and Board of Trustees of the Village of Maywood approve and authorize the execution Release, a copy of which is attached hereto as **Exhibit 1**. Further, the Board of Trustees authorize and direct the Village President and Village Clerk, or their designees, to execute the Release, and to execute and deliver all other instruments and documents that are necessary to fulfill the Village's obligations under the Release.

SECTION 2: The President and Board of Trustees of the Village of Maywood authorizes the payment of settlement in the amount of Seven Hundred Fifty and NO/100 Dollars (\$750.00).

ADOPTED this 21st day of October, 2014, pursuant to a roll call vote as follows:

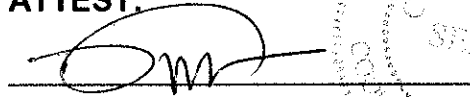
AYES: Mayor E. Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, A. Dorris, M. Rogers, M. Lightford, and R. Rivers.

NAYS: None

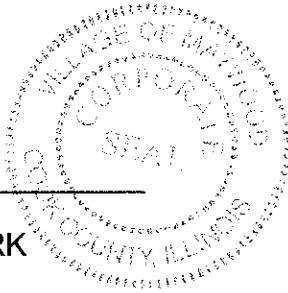
ABSENT: None

APPROVED by me as Village President, and attested to by the Village Clerk, on the 27th day of October, 2014.

ATTEST:



VILLAGE CLERK



VILLAGE PRESIDENT

RELEASE OF ALL PROPERTY DAMAGE SUBROGATION CLAIMS

Case No: 14 M1 10614

FOR AND IN CONSIDERATION OF the payment to us of the sum of \$750.00 and other good and valuable consideration, the undersigned, by and through its duly authorized agent, have released and discharged, and by these presents do for ourselves, our heirs, executors, administrators, successors and assigns, release, acquit and forever discharge, VILLAGE OF MAYWOOD and all other persons, firms and corporations of and from any and all property damage subrogation actions, causes of action, claims or demands for damages, costs, loss of use, loss of services, expenses, compensation, consequential damage or any other thing whatsoever on account of, or in any way growing out of, any and all known and unknown property damage as a result of, or to result from, an occurrence or accident that happened on or about February 7, 2013 at or near 5th Ave., in the Village of Maywood, State of Illinois.

We hereby acknowledge and assume all risk, chance or hazard that the said property damage may be or become greater or more extensive than is now known, anticipated or expected.

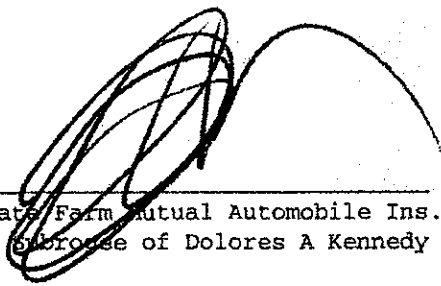
We understand that this settlement is the compromise of a doubtful and disputed claim, and that the payment is not to be construed as an admission to liability on the part of the persons, firms and corporations hereby released by whom liability is expressly denied.

This release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this release are contractual and not a mere recital.

We further state that we have carefully read the foregoing release and know the contents thereof, and we sign the same as our own free act.

Dated: September 17, 2014

CAUTION READ BEFORE SIGNING



State Farm Mutual Automobile Ins. Co.
as Successor of Dolores A Kennedy



53840\MSF

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

STATE FARM MUTUAL AUTOMOBILE INS.CO,

Plaintiff,

v.
VILLAGE OF MAYWOOD,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 14 MI 10614

ORDER

This cause coming to be heard upon motion of plaintiff to dismiss, the parties having settled this cause for the sum of \$750.00, due notice having been served and the court being advised in the premises; **WHEREFORE:**

It is hereby ordered that this cause be and is dismissed as settled, compromised and adjourned. The Court retains jurisdiction to enforce the settlement agreement.

ENTER:

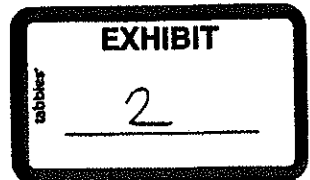
Judge Jessica A. O'Brien

Judge

SEP 29 2014

Circuit Court 2085

STEVEN D. GERTLER & ASSOCIATES, LTD.
Attorneys for Plaintiff
415 N. LaSalle Drive; Suite 402
Chicago, IL 60654
(312)781-6868
fax (312)781-0808
EMAIL: legal@stevengertler.com
Cook County Attorney No. 42422



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the annexed and foregoing is a true and correct copy of that certain Resolution now on file in my Office, entitled:

RESOLUTION NO. R-2014-16

A RESOLUTION APPROVING THE SETTLEMENT RELEASE AND AUTHORIZING THE PAYMENT OF SETTLEMENT FUNDS IN THE STATE FARM VS. VILLAGE OF MAYWOOD LITIGATION

which Resolution was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 21st day of October, 2014, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 27th day of October, 2014.

I further certify that the vote on the question of the passage of said Resolution by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

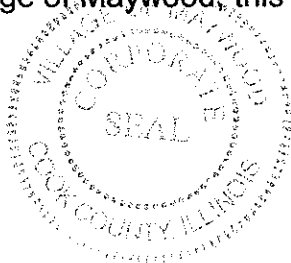
AYES: Mayor E. Perkins, Trustee(s) C. Ealey-Cross, A. Jaycox, A. Dorris, M. Rogers, M. Lightford, and R. Rivers.

NAYS: None

ABSENT: None

I do further certify that the original Resolution, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 27th day of October, 2014.



[SEAL]



Village Clerk