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**CITY OF TEMPE**  
**REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 11/13/2014**  
**Agenda Item: 5A8**

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**ACTION:** Authorize the Mayor to execute the settlement between the City of Tempe and Lexis Kiernan regarding the matter of Kiernan v. City of Tempe.

**FISCAL IMPACT:** The total amount of the settlement is \$500,000. Sufficient funds from Risk Management's self-insured retention fund have been appropriated.

**RECOMMENDATION:** Approve the \$500,000 settlement in Kiernan v. City of Tempe in accordance with the terms of the settlement agreement.

**BACKGROUND INFORMATION:** This matter, Kiernan v. City of Tempe, United States District Court No. CV2013-1707-PHX-MHB, involves an allegation that the City of Tempe was negligent in the manner in which a Tempe Police Officer detained an individual who was resisting a lawful arrest. The City denies the allegation. Prior to settlement of the matter, Plaintiff dismissed the officer from the lawsuit, leaving only the negligence claim against Tempe. In settling the matter, the City of Tempe secured a full release of liability and Ms. Kiernan has agreed to settle any claims she may have had against Tempe.

**ATTACHMENTS:** Settlement Agreement.

**STAFF CONTACT(S):** Judi Baumann, City Attorney, (480) 350-8779

Department Director: Judi Baumann, City Attorney

Legal review by: Judi Baumann, City Attorney

Prepared by: Catherine M. Bowman, Assistant City Attorney