

COTTONWOOD HEIGHTS

RESOLUTION NO. 2016-28

A RESOLUTION ACCEPTING
REQUESTS FOR INDEMNIFICATION

WHEREAS, E. Robert Russo, Christopher McHugh, Bradley Bailey, Daniel Bartlett, Daniel Morzelewski and Kevin Wyatt (collectively, the “*CHPD Officers*”), individually and in their capacities as members of the police department of the city of Cottonwood Heights (the “*City*”), have been or may be served as defendants in an action styled *Trudy Hemingway, Daniel McGuire, Michael McGuire and Aaron Christensen vs. E. Robert Russo, Christopher McHugh, Bradley Bailey, Daniel Bartlett, Daniel Morzelewski and Kevin Wyatt, et al.* that currently is pending as case no. 2:16-cv-00313-RJS in the United States District Court for the District of Utah, Northern Division, including any removal or appeal of such case to another court (the “*Lawsuit*”); and

WHEREAS, the CHPD Officers have filed a request for indemnification (the “*Request*”) with the City as required by UTAH CODE ANN. §63G-7-902, a portion of the Governmental Immunity Act of Utah (the “*Act*”); and

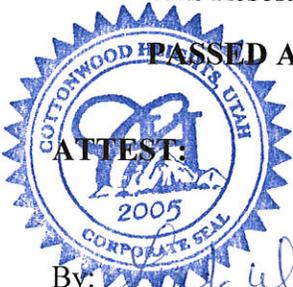
WHEREAS, the city council (the “*Council*”) of the City met in regular session on 26 April 2016 to consider, among other things, granting the Request; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to grant the Request and, by so doing, to agree to defend and indemnify the CHPD Officers for all judgments, compromise or settlement of claim based on any of their acts or conduct specified in the Lawsuit, on the terms and conditions of the Act;

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the City hereby grants the Request and hereby agrees to defend and indemnify the CHPD Officers for all judgments, compromise or settlement of claim based on any of their acts or conduct specified in the Lawsuit, on the terms and conditions of the Act.

This Resolution, assigned no. 2016-28, shall take effect immediately upon passage.

PASSED AND APPROVED effective 26 April 2016.



By: Linda W. Dunlavy
Linda W. Dunlavy, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By: Kelvyn H. Cullimore, Jr.
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 26th day of April 2016.

RECORDED this 26 day of April 2016.

Joint Request for Indemnification

PURSUANT TO *Utah Code Ann.* §63G-7-902(2), request is hereby made to the city of COTTONWOOD HEIGHTS (the "City") to defend and indemnify the undersigned against judgments, compromise or settlement of any claims made against the undersigned for the acts or conduct more fully set forth in the complaint (or any future amendment thereto) currently pending in a lawsuit styled "Trudy Hemingway, Daniel McGuire, Michael McGuire and Aaron Christensen vs. E. Robert Russo, Christopher McHugh, Bradley Bailey, Daniel Bartlett, Daniel Morzelewski and Kevin Wyatt, et al" that currently is pending as case no. 2:16-cv-00313-RJS in the United States District Court for the District of Utah, Northern Division, including any removal or appeal of such case to another court. If the City determines not to so defend and indemnify, then please so advise the undersigned immediately.

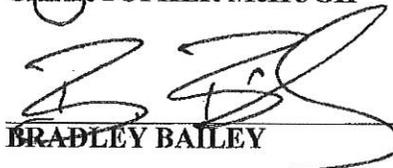
DATED 25 April 2016.



E. ROBBY RUSSO



CHRISTOPHER McHUGH



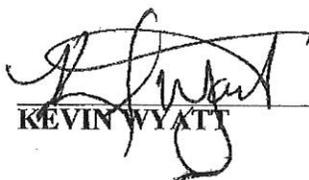
BRADLEY BAILEY



DANIEL BARTLETT



DANIEL MORZELEWSKI



KEVIN WYATT