

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: DECEMBER 14, 2017 AGENDA ITEM NUMBER: 15

SUBJECT: RESOLUTION APPROVING SETTLEMENT OF THE CASE OF DIANE EMMERT NIXON, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DINO VANN NIXON VS. FORSYTH COUNTY, ET AL. (CASE NO. 15 CVS 4605-SUPERIOR COURT DIVISION) RELATING TO COUNTY DEFENDANTS AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: yes no

SIGNATURE: _____ **DATE:** December 13, 2017
COUNTY MANAGER

RESOLUTION APPROVING SETTLEMENT OF THE CASE OF DIANE EMMERT NIXON, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DINO VANN NIXON VS. FORSYTH COUNTY, ET AL. (CASE NO. 15 CVS 4605-SUPERIOR COURT DIVISION) RELATING TO COUNTY DEFENDANTS AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

WHEREAS, on or about July 31, 2015, an action was filed on behalf of Diane Emmert Nixon, Individually and as Administrator of the Estate of Dino Vann Nixon against Forsyth County, William T. Schatzman, individually and in his capacity as Sheriff of Forsyth County, Robert E. Slater, Major, individually and in his capacity as Detention Bureau Commander with the Forsyth County Sheriff's Office, and Travelers Casualty and Surety Company, as Surety of the Sheriff's Bond (previously named in the Complaint as Hartford Fire Insurance Company) (the "County Parties"), additionally Correct Care Solutions, L.L.C. and various medical professionals working with Correct Care Solutions were named in the lawsuit filed in the Superior Court of Forsyth County relating to the death of Dino Vann Nixon while incarcerated in the Forsyth County Law Enforcement Detention Center; and

WHEREAS, the County Parties acknowledge that the resolution of the said case does not constitute an admission of any wrongdoing or liability; and

WHEREAS, the County Parties now desire to fully and finally resolve the said case relating to Forsyth County, Sheriff Schatzman, Major Slater, and Travelers Casualty and Surety Company and have negotiated a resolution of the case which will require the execution by the County Parties and/or their counsel of a Release by Plaintiff, and payment by the County, to or on behalf of Diane Nixon, in the amount of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00).

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby approves the terms of the settlement, in the amount of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) in resolution of all claims raised by Diane Emmert Nixon, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

BE IT FURTHER RESOLVED that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, necessary documents to settle the above-referenced case as it relates to the County Parties, and the County Chief Financial Officer is hereby authorized and directed to make a payment, on behalf of Forsyth County, Sheriff Schatzman, Major Slater, and Travelers Casualty and Surety Company, to or on behalf of Diane E. Nixon, in the amount of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00), in exchange for execution of a Release by Ms. Nixon, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

Adopted this the 14th day of December 2017.