

RESOLUTION NO. 1992-75

APPROVING THE GENERAL MANAGER'S REVISED
RECOMMENDATION CONCERNING INDEMNIFICATION
CLAIM NOS. 1992-2 AND 1992-3 AND AMENDING
RESOLUTION NO. 1992-66

WHEREAS, by Resolution No. 1992-66 the Board of Trustees approved the recommendations of the General Manager concerning claims for indemnification by Authority employee Juan E. Adorno pursuant to the Authority's By-Laws and Indemnification Policies and Procedures; and

WHEREAS, the General Manager has met with Claimant Juan E. Adorno and his attorneys to review the recommendations for Claim Nos. 1992-2 and 1992-3 approved by the Board of Trustees in Resolution No. 1992-66; and

WHEREAS, pursuant to this meeting, the General Manager has determined that his original recommendations contained in his report dated May 7, 1992, to the Board of Trustees should be revised based upon information presented by Claimant Juan E. Adorno and his attorneys; and

WHEREAS, the General Manager has submitted his revised determinations and recommendations on Claim Nos. 1992-2 and 1992-3 to the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

Section 1. The revised determinations and recommendations of the General Manager included in Attachment A hereto on Indemnification Claim Nos. 1992-2 and 1992-3 are hereby accepted.

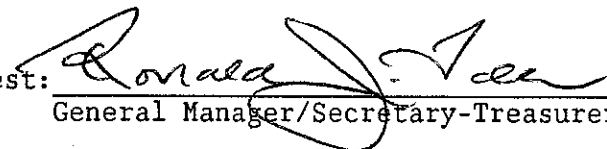
Section 2. Resolution No. 1992-66 is hereby amended to incorporate the revised determinations and recommendations included in Attachment A hereto.

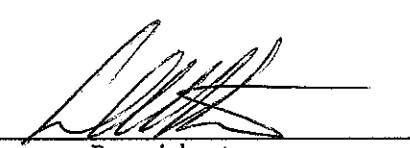
Section 3. The General Manager is hereby authorized to pay to Juan E. Adorno the sum of one hundred ten thousand seventy-four dollars and ninety-six cents (\$110,074.96) as the indemnification payment for Claim Nos. 1992-2 and 1993-3, consistent with the revised recommendations contained in Attachment A and the provisions of Resolution No. 1992-66 remaining unchanged as provided herein.

Section 4. This resolution will become effective immediately upon its adoption.

Attachment A: Negotiated Settlement with Juan E. Adorno for Indemnification Claim Nos. 1992-2 and 1992-3.

Adopted: _____ May 19 _____, 1992

Attest: 
General Manager/Secretary-Treasurer



President

ATTACHMENT A

NEGOTIATED SETTLEMENT WITH JUAN E. ADORNO
for Indemnification Claim Nos. 1992-2 and 1992-3

1. Revised determination that Juan Adorno's attorney's Jerome Eloff and Vincent Gonzalez were sole practitioners and not associated with law firms providing backup and assistance. As such, the presence of both as counsel for Juan Adorno was justified given the multiple indictments and the complexity of the charges.
2. New determination that the activities of both attorneys during research and preparation for trial were not fully coordinated resulting in more hours being charged than reasonable. Negotiated agreement that the excess hours claimed are equal to approximately 20%.
3. The total number of hours billed by both attorneys are equal to approximately 900 hours. Therefore, allowing for the 20% in excess hours from 2. above, the calculation of reasonable hours is as follows:

$$900 \text{ hours} \times 80\% = 720 \text{ hours}$$

4. Using the rate of \$150 per hour previously determined as reasonable, the calculation of reasonable fees for Juan Adorno under Claim Nos. 1992-2 and 1992-3 is as follows:

$$720 \text{ hours} \times \$150 \text{ per hour} = \$ 108,000$$

5. Therefore, the revised recommendation for Juan Adorno's Claim Nos. 1992-2 and 1992-3 is as follows:
 - a. Payment of legal fees of \$ 108,000 to be allocated by Claimant to his counsel.
 - b. Reimbursement of \$ 2,074.96 for out-of-pocket expenses paid by attorney Gonzalez.
 - c. Credit of 188 hours of lost vacation time and 24 hours of lost personal time.

(Note: Recommendations b. and c. above are identical to the original recommendations of 5/7/92 for these items.)

6. In consideration for the above, Claimant Juan E. Adorno will withdraw his counterclaims from Common Pleas Court and accept the payments and credits provided herein as full and complete settlement of all of his claims for indemnification pursuant to Case Nos. 228949, 226665 and 228994 and any pursuit costs related thereto.

5/19/92