

In the City Council
City of Lodi
Lodi, California

RESOLUTION NO. 1192

RESOLUTION DIRECTING COMPROMISE OF SUIT OF
THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY
VS CITY OF LODI AND AUTHORIZING PAYMENT THEREIN.

WHEREAS, there is now pending and set for trial on March 6, 1944 in the Superior Court in and for the County of San Joaquin, State of California, a certain action entitled "The Pacific Telephone and Telegraph Company, a corporation, Plaintiff vs City of Lodi, a municipal corporation, Defendant Numbered 31966, and,

WHEREAS, the said action is a result of the judgment obtained in the various cases of E. D. Emery vs The Pacific Telephone and Telegraph Company wherein the said Emery was awarded the sum of \$37,725.00 including interest and costs by the District Court of Appeals of the State of California, and,

WHEREAS, under and pursuant to a certain Joint Pole Agreement dated November 7, 1910 as said agreement was interpreted by the Court in the Emery case referred to above, this, City might be liable to pay one-half of the judgment amount obtained as aforesaid, and,

WHEREAS, this City Council being fully apprised of the facts and of the law in this matter and having fully considered the same, believes that it is to the best interests of this city that this action be not brought to trial, in as much as continued appeals taken by either party would cost far in excess of a payment of a reasonable sum in compromise thereof, which sum might finally be in excess of \$30,000.00, and,

WHEREAS, The Pacific Telephone and Telegraph Company, through its attorneys, Pillsbury, Madison and Sutro and Neumiller and Dietz have offered to compromise the said suit and action and dismiss the same on the payment of the sum of \$16,148.01 by this City to said The Pacific Telephone and Telegraph Company, therefore,

BE IT RESOLVED by this City Council of the City of Lodi in regular session on this 1st day of March, 1944, that a warrant be drawn on the City Treasury payable from the General Fund therein and in favor of The Pacific Telephone and Telegraph Company and that said warrant be delivered by Glenn West, City Attorney of the City of Lodi to the said The Pacific Telephone and Telegraph Company upon their dismissal of the suit or action subject of this Resolution, and upon said company satisfying its judgment for costs on appeal in said action, such dismissal to be with prejudice and amount to a compromise and settlement in full of all claims sued upon in said action.

March 1, 1944

The foregoing Resolution No. 1192 regularly passed and adopted in regular meeting of the City Council of the City of Lodi held Wednesday, March 1, 1944 by the following vote:

AYES: Councilmen, Coffield, Weine, Riggs, Spooner
and Rinn

NOES: Councilmen, None

ABSENT: Councilmen, None

(Signed) J. F. BLAKELY
City Clerk