

RESOLUTION NO. 321-2017

A RESOLUTION AUTHORIZING THE COMMISSIONER OF LAW TO EXECUTE ANY NECESSARY DOCUMENTS TO SETTLE LITIGATION BROUGHT BY 430 CURRENT AND FORMER FIREFIGHTERS IN THE MATTER OF BLANKENSHIP, ET AL., VS. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (FAYETTE CIRCUIT COURT CIVIL ACTION NO. 05-CI-5024) RELATED TO CLAIMS FOR UNPAID WAGES, AT A COST NOT TO EXCEED SEVENTEEN MILLION SEVEN HUNDRED THIRTY-TWO THOUSAND FOUR HUNDRED TEN DOLLARS AND THIRTY-TWO CENTS (\$17,732,410.32), INCLUSIVE OF APPROPRIATE TAX AND PENSION FUND PAYMENTS.

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WHEREAS, approximately 430 former and current Lexington-Fayette County firefighters brought or joined in a civil action filed in Fayette Circuit Court, styled *Blankenship, et al., vs. LFUCG* (civil action number 05-CI-5024), alleging claims of violation of the Kentucky Wage and Hour Law for unpaid wages; and

WHEREAS, LFUCG has contested the claims since the litigation was filed, appeals of certain matters having been filed with Kentucky Court of Appeals and the Kentucky Supreme Court, the courts having issued adverse opinions in cases related to other local governments, and this matter having now been remanded to the Fayette Circuit Court; and

WHEREAS, LFUCG continues to deny all of the allegations and claims raised in the litigation; and

WHEREAS, the parties involved in the litigation acknowledge that there remain bona fide disputes between them as to liability for all of the claims raised in the litigation; and

WHEREAS, notwithstanding the bona fide disputes, the parties believe it is better to avoid the uncertainty and expense of further litigation and that their respective interests, claims and defenses will best be served by the compromise, settlement, and dismissal, with prejudice, of the litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 That the Commissioner of Law, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute any necessary documents to settle litigation brought by 430 current and former firefighters in the matter of *Blankenship, et al., vs. Lexington-Fayette Urban County Government* (Fayette Circuit

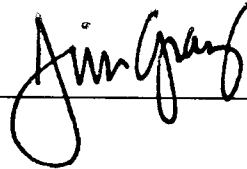
Court civil action no. 05-CI-5024) related to claims for unpaid wages, at a cost not to exceed seventeen million seven hundred thirty-two thousand four hundred ten dollars and thirty-two cents (\$17,732,410.32), inclusive of appropriate tax and pension fund payments.

Section 2 - That an amount not to exceed the sum of \$17,732,410.32, be and hereby is approved for payment to the respective plaintiffs and/or their attorneys, pursuant to the terms of the settlement, from account #1101-194101-73203 (\$7,705,844.41), account #1101-505701-63154 (\$7,294,155.59), account #1101-505701-63513 (\$2,620,007.39), account #1101-505701-63624 (\$105,765.25), and account #1101-505701-63622 (\$6,637.68).

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 25, 2017

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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