



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 16

Agenda Date: May 5, 2022

In Control: City Council A Session

DEPARTMENT: Office of the City Attorney

DEPARTMENT HEAD: Andy Segovia

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Settlement of litigation styled Diane Peppar, et al. v. The City of San Antonio, Texas et al., Cause No. 5:16-CV-00221-RCL (lead case) consolidated with Elena Scott, et al. v. City of San Antonio, et al., Cause No. 5:16-CV-00158-RCL

SUMMARY:

This item will approve the settlement of a lawsuit styled Diane Peppar, et. al. v. The City of San Antonio, Texas et al., Cause No. 5:16-CV-00221-RCL (lead case) consolidated with Elena Scott, et al. v. City of San Antonio, et al., Cause No. 5:16-CV-00158-RCL pending in the United States District Court, Western District of Texas, San Antonio Division in a total amount of \$450,000.00. This settlement will be funded from the Self Insured Liability Fund.

BACKGROUND INFORMATION:

On February 4, 2016, SAPD Officer John Lee was asked to effect service of a felony arrest warrant on Antronie Scott. At the time, Mr. Scott was seated in his parked vehicle, along with his wife, Elena Scott. Officer Lee stopped his patrol vehicle at the left rear corner of the Scott vehicle. He saw Scott look at him through the back window; Lee believed he looked surprised and angry. Scott exited his vehicle aggressively as Lee exited the patrol vehicle with his weapon drawn. Lee instructed Scott to show him his hands. Scott spun around towards Lee quickly with his hands

close to his body, then raised his hands towards Lee with a black item visible in his hand. Lee believed Scott had a gun. In fear for his life, Lee shot, striking Scott in the chest. Lee called for EMS and began applying pressure to the wound. Scott later died of his injuries.

Subsequent to the incident, multiple parties filed suit against the City and Officer Lee. The Court dismissed the City from the suit.

The parties have agreed to settle the claims against Officer Lee as follows – Elena Scott, \$150,000.00; Antronie Scott, Jr., \$150,000.00, Diane Peppar, \$150,000.00, subject to City Council approval. The funds are available from the FY 2022 Liability Fund Adopted Budget.

ISSUE:

Settlements over \$50,000 require City Council approval.

ALTERNATIVES:

If this settlement is not approved by the City Council, this case will proceed to a jury trial. It is in the best interest of the City to settle this matter to avoid the uncertainties and risks associated with litigation.

FISCAL IMPACT:

If approved, \$150,000.00 will be paid to Elena Scott, and \$150,000.00 to Antronie Scott, Jr. through their attorney of record, Robert Wilson of the Law Offices of Thomas J. Henry and \$150,000 to Diane Peppar, through her attorney of record, Daryl Washington of the Washington Law Firm.. This will be funded in accordance with the FY2022 Liability Fund Adopted Budget.

RECOMMENDATION:

Staff recommends approval of this item.