



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: August 27, 2019

DATE: Wednesday, August 21, 2019

TO: Board of County Commissioners

FROM: Michael Large, Deputy District Attorney
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THROUGH: Cathy Hill, Comptroller – Risk Manager
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Paul Lipparelli, Assistant District Attorney
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SUBJECT: Recommendation to approve the settlement of the claim of Cathy Woods a/k/a Anita Carter, by and through her Personal Representative Linda Wade vs Washoe County, *et al.* Case No. 3:16-cv-00494, for a total sum of [\$3,000,000] for all claims against all Washoe County defendants. (All Commission Districts.)

SUMMARY

Seeking the approval of the Board to settle the referenced claim against all Washoe County defendants for a total sum of [\$3,000,000]. Pursuant to Washoe County Code ("WCC") 65.240(5), the Board has sole authority to settle any claim or suit for damages in this amount.

Washoe County Strategic Objective supported by this item: Stewardship of Our Community.

PREVIOUS ACTION

There has been no previous action by the Board on this matter.

BACKGROUND

This matter arose from a liability issue. Beginning in 1979, Ms. Woods was criminally charged and ultimately convicted of the 1976 murder of Michelle Mitchell in Reno, Nevada.

In 2014, previously unavailable DNA testing of material found at the scene of the 1976 murder implicated another individual. This individual was involved in several other homicides in the Bay Area of California, and it is now known that he was physically present the Reno area around the time of the murder. Ms. Woods was granted a new trial

AGENDA ITEM # _____

based on the newly discovered DNA evidence and the Washoe County District Attorney's Office dismissed the charges against her in "the interests of justice."

This lawsuit was brought by Ms. Woods under 42 U.S.C. § 1983 asserting violations of her constitutional rights against Washoe County, former elected Washoe County District Attorney Calvin Dunlap, and other Defendants involved in the investigation of Ms. Woods in 1979.

This settlement contains no admission of liability and will resolve all claims brought against Washoe County and Mr. Dunlap.

FISCAL IMPACT

Sufficient funds for the settlement of \$3,000,000 exist in FY 2019-20 in fund 619.

RECOMMENDATION

It is recommended that the Board approve the settlement of the claim of Cathy Woods a/k/a Anita Carter, by and through her Personal Representative Linda Wade vs Washoe County, *et al.* Case No. 3:16-cv-00494, for a total sum of [\$3,000,000] for all claims against all Washoe County defendants.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

"Move to approve the settlement of the claim of Cathy Woods a/k/a Anita Carter, by and through her Personal Representative Linda Wade v. Washoe County, *et al.* Case No. 3:16-cv-00494, for a total sum of [\$3,000,000] for all claims against all Washoe County defendants."