

**RESOLUTION TO RESOLVE THE PENDING LITIGATION INVOLVING
JOHN MILLER AND THE TOWN OF MILTON**

WHEREAS, a mandatory Third Circuit Court of Appeals mediation was held on April 12, 2007 in Philadelphia, PA regarding Miller v Town of Milton et al; and

WHEREAS, subject to the approval of Town of Milton Town Council, a resolution to the case was negotiated between the Town Solicitor and counsel for Mr. Miller .

NOW THEREFORE, be it resolved by the Mayor and Council of the Town of Milton, Delaware as follows:

1. That the Town Council of the Town of Milton on behalf of the Town of Milton, Delaware does hereby enter into a resolution of the matter currently pending in the Third Circuit Court of Appeals for the Federal Courts of the United States of America entitled Miller v. Town of Milton, et al; with the Plaintiff, John Miller
2. As part of this resolution, the Town Council of Milton authorizes an expenditure of Eighty-Three Thousand, Seven Hundred and Fifty Dollars (\$83, 750.00) to Mr. Miller as resolution of any and all claims against the Town of Milton and the other named parties;
3. Further, that no admission of liability on behalf of the Town of Milton or any of the named parties is made as part of this resolution of this case;
4. This resolution obviates the need for any further litigation in this case;
5. The Mayor and Town Solicitor of the Town of Milton are authorized to sign any documents needed to make this matter be resolved, including but not limited to, Stipulation of Confidentiality, Resolution by Alternative Dispute Resolution Means

(ADR) and any other documents necessary for filing with the Third Circuit Court of Appeals and the United States District Court for the District of Delaware.

Motion made by Council member, Frey and seconded by Council member, Prettyman.

Further a Roll Call vote was taken where the motion passed/~~failed~~ by 7 to 0.

April 19, 07
DATE

THE TOWN OF MILTON,
Donald Post
DONALD POST, MAYOR

I, **THE UNDERSIGNED**, Secretary of the Town Council of the Town of Milton, do hereby certify that the above resolution was passed on the 19 day of April, 2007.

Gordon J. Nelson
SECRETARY