



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
www.cityofdenton.com

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Attorney's Office

**CM/ DCM/ ACM:** Mack Reinwand, City Attorney

**AGENDA DATE:** March 5, 2024

### **SUBJECT**

Consider adoption of an ordinance approving a Settlement Agreement and Release implementing the terms of the settlement in litigation styled "*City of Denton v. Jesse Ray Eakers, Jr., Penske Truck Leasing Co. L.P., Fleetco Inc., The Cincinnati Insurance Companies, and Southerland Transport, L.L.C.*;" Cause No. 23-6616-431, pending in the 431<sup>st</sup> Judicial District Court, Denton County, Texas; and directing the City Manager or designee and the City's attorneys to effectuate as necessary and appropriate the terms of a Settlement Agreement and Release to effectuate this approval; and declaring an effective date.

### **BACKGROUND**

On 08/02/21, Defendant Eakers crashed a trailer into 2 parked firetrucks that were responding to a fire in the area and were blocking traffic on I-35, causing significant property damage to the firetrucks. Penske owned the cab of the vehicle, and Fleetco owned the connecting trailer with insurance coverage provided from Cincinnati for both the cab and trailer. Cincinnati denied coverage of the City's property damage claim stating that the trailer was leased to Southerland Transport, also its customer, but that Southerland had an alleged agreement with a third-party named Transforce to provide drivers to operate Southerland's vehicles and the Transforce driver took the vehicle without permission.

### **OPTIONS**

As settlement of the matter was already previously discussed, within previously delegated settlement authority, the option is to formally ratify and approve the settlement.

### **RECOMMENDATION**

Proceed with formal approval.

### **EXHIBITS**

Exhibit 1 – AIS

Exhibit 2 – Ordinance and Settlement Agreement and Release

Respectfully submitted:

/s/ Devin Alexander  
Deputy City Attorney

Prepared by:  
Amy Hoffee  
Paralegal

Legal Staff Contact:  
Devin Alexander