

AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK

WHEREAS, the City of Chesterfield, Missouri (the Plaintiff) is either a named plaintiff or a putative class member in a lawsuit to recover unpaid Business License Taxes (as defined in the Settlement Agreement described below), which lawsuit is styled *City of O’Fallon, Missouri, at al. v. CenturyLink, Inc., et al.*, Case No. 12SL-CC01723, and is pending in the Circuit Court of St. Louis County, Missouri (the “Lawsuit”); and

WHEREAS, the Plaintiff and Defendants (as defined in the Settlement Agreement) wish to avoid the expense and uncertainty of continued litigation and desire to settle their dispute(s) without further litigation; and

WHEREAS, a settlement agreement settling the Lawsuit was signed by the named plaintiffs (as class representatives) and Defendants, and was filed with and preliminarily approved by the Circuit Court of St. Louis County on August 22, 2014 (the “Settlement Agreement”); and

WHEREAS, the Plaintiff and CenturyLink have conducted an investigation and evaluation of the facts and the law relating to the claims in the Lawsuit and believe that the Settlement Agreement is fair, reasonable, adequate and in the best interest of all of the parties; and

WHEREAS, pursuant to the Settlement Agreement, the Plaintiff has received a Notice of CenturyLink Class Action Settlement and Approval Hearing, incorporated herein by reference, and a CenturyLink Landline Municipal Tax Settlement Claim Form, incorporated herein by reference, which identifies the estimated Back Tax Payment (as defined in the Settlement Agreement) that will be paid and released to the Plaintiff pursuant to the Settlement Agreement after the Settlement Agreement becomes Final (as defined in the Settlement Agreement); and

WHEREAS, the Plaintiff desires to approve and accept the Settlement Agreement and the estimated Back Tax Payment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS;

Section One. The City of Chesterfield, Missouri here by approves, accepts and adopts all terms and provisions of the Settlement Agreement as a binding and enforceable agreement between the City of Chesterfield Missouri and Defendants, as if the City of Chesterfield, Missouri was an original signatory thereto.

Section Two. The City of Chesterfield, Missouri further approves the estimated Back Tax Payment of \$10,158.80 as shown on the CenturyLink Landline Municipal Tax Settlement Claim Form (subject to adjustment as provided by the Settlement Agreement), along with the other relief provided in the Settlement Agreement, as adequate consideration for the release of claims by the City of Chesterfield, Missouri against Defendants.

Section Three. The City Administrator of the City of Chesterfield, Missouri, on behalf of the Plaintiff, is hereby authorized and directed to execute the CenturyLink Landline Municipal Tax Settlement Claim Form and any other documents necessary under the Settlement Agreement.

Section Four. This Ordinance shall be in full force and effect after passage and approval as required by law.

Passed and approved this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____