

1 **JOINT RESOLUTION APPROVING SETTLEMENT**
2 **AGREEMENT**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Francis D. Gibson**

6 Senate Sponsor: Jerry W. Stevenson

8 **LONG TITLE**

9 **General Description:**

10 This resolution approves a settlement agreement involving wrongful death and civil
11 rights claims against the State of Utah and the University of Utah.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ approves a settlement for claims related to the death of Lauren McCluskey in the
15 following cases:

16 • United States District Court, District of Utah, Civil No.

17 2:19-cv-00449-HCN-JCB; and

18 • Third Judicial District Court, State of Utah, Civil No. 200903724.

19 **Special Clauses:**

20 None

22 *Be it resolved by the Legislature of the state of Utah:*

23 WHEREAS, following the tragic death of Lauren McCluskey, her parents, Jill and
24 Matthew McCluskey, individually and on her behalf sued the State of Utah and the University of
25 Utah, including certain current and former employees of the University, in both the United States
26 District Court, District of Utah, Civil No. 2:19-cv-00449-HCN-JCB, and the Third Judicial
27 District Court, State of Utah, Civil No. 200903724;

28 WHEREAS, the plaintiffs claimed the defendants' conduct during the period surrounding



29 Lauren's death violated Title IX and the Fourteenth Amendment, entitling the plaintiffs to relief
30 as well as giving rise to a "wrongful death" cause of action pursuant to Utah Code Section
31 [78B-3-106](#);

32 WHEREAS, the plaintiffs sought at least \$56,000,000 as relief for the defendants'
33 alleged violations and on their "wrongful death" claim;

34 WHEREAS, the plaintiffs, in Lauren's honor, established the Lauren McCluskey
35 Foundation to promote campus safety, and specifically the safety of women on campuses, among
36 other goals;

37 WHEREAS, the University, in order to improve campus safety, established its new
38 Center for Violence Prevention, among other initiatives;

39 WHEREAS, on October 21, 2020, the parties, mutually desiring to resolve all litigation
40 between them fully and finally, signed a Settlement Agreement establishing the following;

41 WHEREAS, the defendants agreed to pay the plaintiffs a settlement of \$10,500,000 no
42 later than March 31, 2021;

43 WHEREAS, the University agreed to make a charitable donation to the Lauren
44 McCluskey Foundation of \$3,000,000 no later than March 31, 2021;

45 WHEREAS, the parties agreed that this donation and any earnings on it will be used
46 exclusively to support the campus safety charitable activities of the Lauren McCluskey
47 Foundation and no other purpose, including without limitation any political action;

48 WHEREAS, the University agrees to construct a new Athletics Department facility with
49 an indoor track suitable for a Track & Field team to practice, compete, and host competitions,
50 and that this facility will either bear the name of Lauren McCluskey or jointly the name of Lauren
51 McCluskey and the name of a major donor to the construction of the building, no later than
52 December 31, 2030;

53 WHEREAS, the plaintiffs acknowledge that the University's success in raising
54 philanthropic funds to complete the Athletics Department facility will depend in large part on the
55 plaintiff's participation in and support of these efforts;

56 WHEREAS, should the University be unsuccessful, despite its best and good faith
57 efforts, in raising philanthropic funds to complete the Athletics Department facility by December
58 31, 2030, the University will make an additional donation to the Lauren McCluskey Foundation
59 of \$3,000,000;

60 WHEREAS, the University agrees to name its Center for Violence Prevention the

61 "McCluskey Center for Violence Prevention," in perpetuity for the life of the center;

62 WHEREAS, within 15 days of receiving the settlement and donation, the plaintiffs agree
63 to file all documents required and take all action necessary for dismissal with prejudice of the
64 aforementioned cases, and furthermore, upon these payments, to release the State of Utah, its
65 Board and Commissioner of Higher Education, the University of Utah, its trustees and
66 independent reviewers, and their agents, their insurers, their current and former employees, and
67 all parties to the Litigation, in their official capacities and individually, from all grievances,
68 complaints, claims, or costs of any kind, including attorney fees, that the plaintiffs had, now
69 have, or may have in the future in connection with events causing damages of any kind relating in
70 any way to Lauren, and any other matter known or unknown including, without limitation, claims
71 under any governing policy, rule, regulation or federal or state law;

72 WHEREAS, pursuant to Utah Code Section [63G-10-202](#), litigation settlements which
73 will cost government entities more than \$1,000,000 to implement require the Utah Legislature's
74 approval before execution; and

75 WHEREAS, after the Legislature grants approval by means of this resolution, the state
76 risk manager shall have authority to settle the above-referenced claims pursuant to Utah Code
77 Subsection 63G-10-503(5):

78 NOW, THEREFORE, BE IT RESOLVED that the Utah Legislature approves the
79 proposed settlement agreement for McCluskey v. Utah, Civil No. 2:19-cv-00449-HCN-JCB, and
80 McCluskey v. Utah, Civil No. 200903724.