

00-*R*-1060

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF JOHN P. NESBITT, JR. and ANDREW JOSEPH MARTIN v. J.G. WINGO, B.S. DAWKINS, BEVERLY HARVARD AND THE CITY OF ATLANTA, PENDING IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1-96-CV-1038-CAM, FOR \$35,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved: *Rosa and Rubens*
Deputy City Attorney
ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER **JUL 17 2000**
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER **COUNCIL**

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

P.S. & L.A.

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

As directed
Clifford Henderson
Deputy City Attorney

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
JUL 17 2000

CERTIFIED
JUL 17 2000

Rosa and Rubens
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 26 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

**A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

00- R -1060

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF JOHN P. NESBITT, JR. and ANDREW JOSEPH MARTIN V. J.G. WINGO, B.S. DAWKINS, BEVERLY HARVARD AND THE CITY OF ATLANTA, PENDING IN THE U.S.D.C., CIVIL ACTION FILE NO. 1:96-CV-1038-CAM, FOR \$35,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, John P. Nesbitt, Jr., and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1:96-CV-1038-CAM, arises from arrests effected on May 15, 1994 at the Midtown Music Festival; and

WHEREAS, the Plaintiffs allege that their constitutional rights were violated during the course of said arrests; and

WHEREAS, the Plaintiffs and their counsel have agreed to accept \$35,000 in settlement of all claims against the City of Atlanta, its officers and employees;

WHEREAS, the City Attorney has done an extensive review of the facts and law and has determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$35,000 to settle all claims,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:



SECTION 1. The City Attorney is hereby authorized to settle the case of John P. Nesbitt, Jr. and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia, for the sum of Thirty Five Thousand Dollars (\$35,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$35,000 to John P. Nesbitt, Jr., Andrew Joseph Martin, and their attorney, Jeffrey J. Dean, in this case, from Account No. 1A101-529017-T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JULY 17, 2000

JULY 26, 2000