

00-R-1135
(Do Not Write Above This Line)

A Resolution

By Public Safety and Legal Administration Committee

A Resolution authorizing the settlement of all claims in the case of Charles Greeley v. City of Atlanta, et al., State Court of Fulton County, Georgia, Civil Action File No. 99VS158602C, for the amount of \$12,000.00

ADOPTED BY
AUG 0 7 2000

COUNCIL

Approved *Susan Lewis Sanford*

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair *C. T. Martin*
Referred to _____

Committee _____
Date _____
Chair *C. T. Martin*
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

Removed from Consent by

CERTIFIED Request of

Morris

CERTIFIED
AUG 7 2000

ATLANTA CITY COUNCIL PRESIDENT

Richard A. Pate

CERTIFIED
AUG 0 7 2000

Frank Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 16 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

A RESOLUTION

00- R-1135

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF
ALL CLAIMS IN THE CASE OF CHARLES GREELEY V.
CITY OF ATLANTA, ET AL., STATE COURT OF FULTON
COUNTY, GEORGIA, CIVIL ACTION FILE NO.
99VS158602C, FOR THE AMOUNT OF \$12,000.00.**

WHEREAS, Charles Greeley v. City of Atlanta, et al., is a case in which the Plaintiff, Charles Greeley, is suing for personal injuries received when he was wrongfully arrested by a City of Atlanta Police Officer and for the subsequent deprivation of his constitutional and federally protected rights under 42 U.S.C. § 1983; and

WHEREAS, the Plaintiff has alleged that the Defendants wrongfully arrested and detained him in violation of the Fourth Amendment, and deprived him of his right to due process in violation of the Fifth and Fourteenth Amendments; and

WHEREAS, the Plaintiff, as a result of the arrest and detention, suffered personal injury in the form of loss of personal liberty, and claims of emotional distress; and

WHEREAS, the arrest and detention of the plaintiff occurred after City of Atlanta Police Officer Joseph Price concluded erroneously that the plaintiff was a commercial limousine driver unlawfully searching for a fare at Hartsfield International Airport; and

WHEREAS, Officer Price erroneously demanded that the plaintiff produce a commercial limousine license and operating permit; and

WHEREAS, the plaintiff did not have a license or permit to produce, nor was the plaintiff legally required to possess a license or permit, because he was a private limousine driver who was waiting to pick up a personal friend of his employer from the terminal at Hartsfield International Airport.

WHEREAS, Officer Price received information from both Mr. Greeley and Mr. Dagnese, the owner of the limousine and Mr. Greeley's employer, that they were waiting to pick up a personal friend of Mr. Dagnese; and

WHEREAS, the ordinance that was erroneously enforced was a City of Atlanta ordinance; and

WHEREAS, pursuant to 42 U.S.C. § 1983 and § 1988, if the plaintiff should be awarded compensatory damages, the City would be required to pay reasonable attorney fees of the

plaintiff which could total more than Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, the plaintiff is willing to settle all claims in this case for Twelve Thousand Dollars (\$12,000.00), an amount that includes costs and attorneys fees; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interest of the City.

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

SECTION ONE: That the City Attorney is hereby authorized to conclude the settlement of all claims of Charles Greeley against the City of Atlanta, Beverly Harvard, Joseph Price and Sgt. Van Hobbs, Jr. set forth in Civil Action File No. 99 vs 158602C in the State Court of Fulton County, State of Georgia, for the amount of Twelve Thousand Dollars (\$12,000.00).

SECTION TWO: That the Chief Financial Officer is authorized to pay to Attorney Jodi Dick and Charles Greeley, the sum of Twelve Thousand Dollars (\$12,000.00) which shall be paid from Account Number 2H01 529017 T31001 .

OMC- Amendment Incorporated by tep 8/16/00

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

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

AUG 07, 2000

AUG 16, 2000

RCS# 2173
8/07/00
5:56 PM

Atlanta City Council

Regular Session

00-R-1135

Settlement of Claims

ADOPT AS AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 2
ABSENT 1

Y McCarty	E Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	E Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

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