00-R-1270

(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 ALPHONSO HENRY NIXON v. C.R. DEAN, JOHN DOES I, II, AND III, 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. 1-98-CV-0002-WBH, FOR $60,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

ADOPTED BY

SEP 05 2000

COUNCIL

- ☐ 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	Committee
P.S. & L.A.	
Date 8/15/00	Date
Chair C.T. Martin	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd Readings ☐3rd

☑Consent ☐V Vote ☐RC Vote

CERTIFIED

CERTIFIED SEP 5 2000

CERTIFIED SEP 05 2000

Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 14 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

00- R -1270

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF ALPHONSO HENRY NIXON v. C.R. DEAN, JOHN DOES I, II, AND III, 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. 1-98-CV-0002-WBH, FOR $60,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Alphonso Henry Nixon v. C.R. Dean, John Does I, II, and III, Beverly Harvard and the City of Atlanta,* is pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1-98-CV-0002-WBH; and

WHEREAS, Mr. Nixon alleges that on December 8, 1995 he was confronted by Police Officer C. R. Dean, Jr. in an unmarked patrol car in front of 495 Kennedy Street in the City of Atlanta; and

WHEREAS, the Plaintiff alleges that his constitutional rights were violated by the City, Chief Harvard and Officer Dean when Officer Dean's bullets fired at Nixon's automobile severed his spinal column thereby rendering Nixon a paraplegic; and

WHEREAS, the Plaintiffs and their counsel have agreed to accept $60,000 in settlement of all claims against the City of Atlanta, Chief Harvard and Officer Dean; and

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 $60,000 to settle all claims, including attorneys fees,

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Attorney is hereby authorized to settle all claims arising from the case *Alphonso Henry Nixon v. C.R. Dean, John Does I, II, and III, Beverly Harvard and the City of Atlanta,* now pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1-98-CV-0002-WBH, for the sum of Sixty Thousand Dollars ($60,000).

SECTION 2. The Chief Financial Officer is authorized to pay the sum of $60,000 to Alphonso Henry Nixon and his attorney Henry C. Johnson from Account Fund Center No. 1A101-529017-T31001.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council SEP 05, 2000
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 SEP 14, 2000

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM CONSENT AGENDA
00-O-1007
00-R-1309

CONSENT

	09/05/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 00-O-1102 2. 00-O-1143 3. 00-O-1207 4. 00-O-1295 5. 00-O-1303 6. 00-O-1313 7. 00-O-1124 8. 00-O-1125 9. 00-O-1126 10. 00-O-1127 11. 00-O-1128 12. 00-O-1133 13. 00-O-1196 14. 00-O-1298 15. 00-O-1122 16. 00-O-1300 17. 00-R-1198 18. 00-R-1230 19. 00-R-1290 20. 00-R-1312 21. 00-R-1316 22. 00-R-1265 23. 00-R-1266 24. 00-R-1267 25. 00-R-1268 26. 00-R-1270 27. 00-R-1314 28. 00-R-1229 29. 00-R-1233 30. 00-R-0886 31. 00-R-1236 32. 00-R-1237 33. 00-R-1238 34. 00-R-1239 35. 00-R-1240 36. 00-R-0241 37. 00-R-1242 38. 00-R-1243 39. 00-R-1244	40. 00-R-1235 41. 00-R-1245 42. 00-R-1246 43. 00-R-1247 44. 00-R-1248 45. 00-R-1249 46. 00-R-1250 47. 00-R-1251 48. 00-R-1252 49. 00-R-1253 50. 00-R-1254 51. 00-R-1255 52. 00-R-1256 53. 00-R-1257 54. 00-R-1258 55. 00-R-1259 56. 00-R-1260 57. 00-R-1261 58. 00-R-1262 59. 00-R-1263 60. 00-R-1264