



A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

01-0-0700

A RESOLUTION AUTHORIZING AN OFFER OF JUDGMENT ON ALL CLAIMS OF EDWARD MITCHELL AGAINST THE CITY OF ATLANTA IN THE CASE OF EDWARD MITCHELL V. THE CITY OF ATLANTA, CIVIL ACTION NUMBER: 1:99-CV-1859, FILED IN THE UNITED STATES DISTRICT COURT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000); AND FOR OTHER PURPOSES.

WHEREAS, on July 20, 1999, Plaintiff Edward Mitchell initiated the case of Edward Mitchell v. City of Atlanta, pursuant to the Americans with Disabilities Act ("ADA), 42 U.S.C. Section 12101 et. seq.

WHEREAS, in September 1998 Edward Mitchell applied for a position as a corrections officer with the City of Atlanta; and

WHEREAS, in connection with his application, Mitchell was required to submit to a physical examination; and

WHEREAS, during his health screening it was confirmed that he suffered from insulin dependant diabetes; and

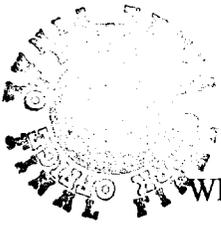
WHEREAS, on January 6, 1999, the Plaintiff was notified that he would not be hired for the position of corrections officer because of his insulin dependant diabetes condition; and

WHEREAS, the Plaintiff filed an EEO Complaint on January 11, 1999; and

WHEREAS, on February 24, 1999, the Plaintiff's filed was reactivated; and

WHEREAS, after months of trying to contact the Plaintiff, the Department of Corrections made a job offer to the Plaintiff on May 7, 1999; and

WHEREAS, the Plaintiff started working with the Department of Corrections as an officer on June 1, 1999; and



WHEREAS, the Plaintiff filed this lawsuit seeking reimbursement for lost wages, compensatory damages, costs, and attorneys' fees; and

WHEREAS, by Order dated February 27, 2001, United States District Court Judge Jack T. Camp granted summary judgment to Plaintiff; and

WHEREAS, as a result of the Order, the legal issue to be determined at trial is whether the Defendant regarded the Plaintiff as disabled; and

WHEREAS, Plaintiff has refused a settlement offer; and

WHEREAS, the City Attorney has determined that an offer of judgment should be made covering all claims in this matter for \$15,000, not including reasonable attorneys' fees and costs, which will be determined by the court; and

WHEREAS, this offer of judgment is contingent upon approval of the Atlanta City Council and the Mayor; and

WHEREAS, by offer of judgment, Defendant admits no liability; and

WHEREAS, the offer of judgment acceptable to Plaintiff Mitchell is, in the opinion of the City Attorney, appropriate to settle all claims against Defendant arising out of the case of Edward Mitchell v. City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude through the offer of judgment, settlement of all claims against the City of Atlanta, exclusive of fees and costs arising out of the lawsuit filed by Edward Mitchell in the United States District Court, as set forth in Civil Action Number: 1:99-CV-1859.

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Fifteen Thousand Dollars (\$15,000) at the direction of the City Attorney from the account



of 1A01529017 T31001. Payment shall be in the form of a check in the amount of \$15,000, payable to Plaintiff Edward Mitchell. Such payment will be in full consideration of the dismissal of all claims against Defendant City of Atlanta, exclusive of fees and costs.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

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

MAY 21, 2001

MAY 30, 2001

*President Pro Tem Bond Presided*

RCS# 2865  
5/21/01  
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

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

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA

01-O-0721  
01-O-0752  
01-O-0753  
01-O-0494  
01-O-0712  
01-R-0763  
01-R-0765

CONSENT

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

1. 01-O-0582
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
21. 01-O-0568
22. 01-O-0569
23. 01-O-0616
24. 01-O-0638
25. 01-O-0643
26. 01-O-0665
27. 01-O-0716
28. 01-O-0759
29. 01-R-0667
30. 01-R-0669
31. 01-R-0670
32. 01-R-0656
33. 01-R-0675
34. 01-R-0676
35. 01-R-0725
36. 01-R-0744
37. 01-R-0750
38. 01-R-0758
39. 01-R-0456
40. 01-R-0654

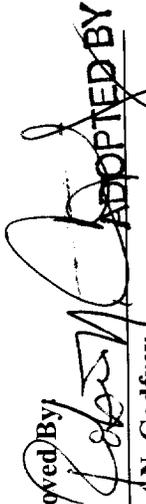
41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

61. 01-R-0685
  62. 01-R-0686
  63. 01-R-0687
  64. 01-R-0688
  65. 01-R-0689
  66. 01-R-0690
  67. 01-R-0691
  68. 01-R-0692
  69. 01-R-0693
  70. 01-R-0694
  71. 01-R-0695
  72. 01-R-0697
  73. 01-R-0761
  74. 01-R-0762
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**01-R-0700**  
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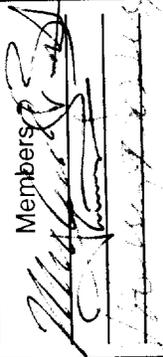
Approved/By:   
Robert N. Godfrey  
Deputy City Attorney  
MAY 21 2001

- 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. Mark  
Referred to \_\_\_\_\_

Committee PSLA  
Date 5/15/01  
Chair C. T. Mark  
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**  
MAY 21 2001  
  
COUNCIL PRESIDENT PROTTEM

**CERTIFIED**  
MAY 21 2001  
  
MUNICIPAL CLERK

**MAYOR'S ACTION**  
**APPROVED**  
MAY 30 2001  
WITHOUT SIGNATURE  
BY OPERATION OF LAW