

AN ORDINANCE BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

02-0-0694

AUTHORIZING SETTLEMENT OF ALL CLAIMS OF STEPHEN JOY IN THE CASE OF STEPHEN G. JOY V. K.L. WEST, CASE NUMBER 1:00-CV-0925-JTC IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, APPEAL DOCKET NO. 02-103990 IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF ELEVEN THOUSAND DOLLARS (\$11,000.00); AND FOR OTHER PURPOSES.

WHEREAS, on April 7, 2000, Stephen G. Joy, a partner with the law firm of Smith, Currie & Hancock, initiated the case of Stephen G. Joy v. K.L. West pursuant to 42 U.S.C. §§ 1983 and 1988; and

WHEREAS, Mr. Joy's lawsuit stems from an arrest which occurred on February 11, 1999, at approximately 4:40 p.m., when Mr. Joy and a co-worker left the Rio Bravo Restaurant on Peachtree Street and jaywalked across Peachtree toward the Harris Tower of Peachtree Center, where Smith, Currie & Hancock is located; and

WHEREAS, Defendant Kenneth L. West, who was then a patrol officer with the Atlanta Police Department, was on duty working foot patrol in the beat including Peachtree Center and observed Mr. Joy cross Peachtree Street in violation of O.C.G.A. § 40-6-92; and

WHEREAS, Officer K.L. West then approached Mr. Joy and his co-worker to ask for identification, and from that point most of the facts regarding what transpired are in dispute; and

WHEREAS, it is undisputed that Officer West informed Mr. Joy that he was obstructing him from doing his job by asking the officer to return his license and to hurry the process, and that Mr. Joy responded that he just wanted to get his warning and



driver's license so that he could go pick up his children; and

WHEREAS, it is undisputed that Mr. Joy had consumed two glasses of wine with lunch; and

WHEREAS, it is undisputed that Officer West informed Mr. Joy he was being placed under arrest; and

WHEREAS, when Officer West was handcuffing Mr. Joy, Mr. Joy ended up on the ground -- the officer claims he fell, while Joy contends that he was pushed -- and he received a wound to his chin and lip which required stitches, and a deep bruise in the hip area; and

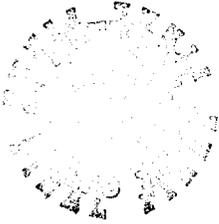
WHEREAS, Officer West denies he used any force in excess of that which was reasonable and necessary to restrain Mr. Joy; and

WHEREAS, after the arrest, Mr. Joy was transported to the Grady Detention Center, where he refused treatment; and

WHEREAS, Mr. Joy was detained in the Detention Center until approximately 2:00 a.m., when he posted bond and went immediately to Piedmont Hospital; and

WHEREAS, Officer West charged Mr. Joy with jaywalking, disorderly conduct while under the influence, and felony obstruction of an officer in the performance of his duties, which charges ultimately were dismissed by the prosecutor; and

WHEREAS, Mr. Joy alleges violations of his Fourth Amendment rights, claiming that he was arrested without probable cause and by use of excessive force; and



WHEREAS, Mr. Joy contends that he suffered damages of approximately \$600 in medical expenses, criminal defense fees totaling almost \$4,000.00, a suit that cost \$300.00, court reporter fees of \$120 in the criminal proceeding, and the costs of pursuing this civil action; and

WHEREAS, Mr. Joy has incurred approximately \$15,000.00 in attorneys' fees to date; and

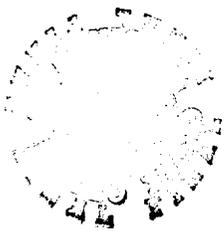
WHEREAS, the United States District Court for the Northern District of Georgia denied Officer West's motion for summary judgment, finding that there is a genuine issue of material fact as to whether there was probable cause to arrest Mr. Joy and as to whether there was a need to use force in effecting this arrest; and

WHEREAS, the City of Atlanta Law Department appealed the District Court's decision to the United States Court of Appeals for the Eleventh Circuit on behalf of Officer West; and

WHEREAS, the Eleventh Circuit mediation center ordered the parties to mediate this matter, and the attorneys and their clients participated in a four-hour mediation session; and

WHEREAS, after meeting with a mediator in an effort to reach a compromise in this matter, counsel for the parties agreed to settle all claims in this matter for \$11,000.00, including attorneys' fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

WHEREAS, by this settlement, Defendant admits no liability; and



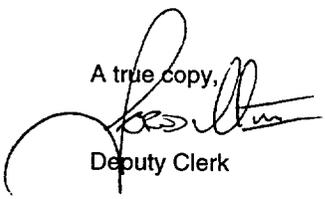
WHEREAS, the offer of settlement acceptable to Mr. Joy is, in the opinion of the Interim City Attorney, in the City's best interest and appropriate to settle all claims against Defendant arising out of the case of Stephen G. Joy v. K.L. West.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS that:

Section 1. Section 2-783(h)(1) of the Atlanta City Code is waived for the sole purpose of reaching a monetary settlement in excess of \$2,000.00 in the civil action captioned Stephen G. Joy v. K.L. West.

Section 2. The Interim City Attorney is authorized to conclude settlement of all claims against Kenneth L. West arising out of the lawsuit filed by Stephen G. Joy in the United States District Court, as set forth in Civil Action Number: 1:00-CV-1:00-CV-0925-JTC, Appeal Docket No. 02-103990.

Section 3. The Interim Chief Financial Officer is authorized to pay the total of ELEVEN THOUSAND DOLLARS (\$11,000.00) at the direction of the Interim City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of one (1) check in the amount \$11,000.00, payable to "Stephen G. Joy and Eidson & Associates, P.C." . The tax identification number for Eidson & Associates, P.C., is 581276656. Such payment will be in full consideration of the dismissal of all claims against the defendant.

A true copy,

 Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

JUN 03, 2002
 JUN 10, 2002

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

06/03/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADVERSED ON CONSENT AGENDA

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
20. 02-O-0966
21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
37. 02-R-0897
38. 02-R-0898
39. 02-R-0903
40. 02-R-0950
41. 02-R-0968
42. 02-R-0975
43. 02-R-0910
44. 02-R-0911
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46. 02-R-0913
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 72. 02-R-0939
 73. 02-R-0940
 74. 02-R-0941
 75. 02-R-0942
 76. 02-R-0943
 77. 02-R-0944
 78. 02-R-0945
 79. 02-R-0946
 80. 02-R-0947
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02-0-0694

(Do Not Write Above This Line)

AN ORDINANCE

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AUTHORIZING SETTLEMENT OF ALL CLAIMS OF STEPHEN JOY IN THE CASE OF STEPHEN G. JOY vs. K. L. WEST, CASE NUMBER 1:00-CV-0925-JTC IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, APPEAL DOCKET NO. 02-103990 IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF ELEVEN THOUSAND DOLLARS (\$11,000.00); AND FOR OTHER PURPOSES.

[Signature]
Deputy Attorney

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER JUN 03 2002
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER COUNCIL

Date Referred 5/6/02

Referred To: Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

Committee First Reading

Committee PS&L
Date 4-9-02
Chair
Referred to

Committee PS&L

Date 5-14-02
Chair
Action:
Fav. Adv, Hold (see rev. side)
Other:

Members
Refer To

Committee PS&L

Date 5-28-02
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 Readings
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
JUN 03 2002

ATLANTA CITY COUNCIL PRESIDENT

[Signature]
Catherine W. Woodard

CERTIFIED
JUN 03 2002

MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
MAYOR
JUN 10 2002