

AN ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AUTHORIZING SETTLEMENT OF ALL CLAIMS OF GUSTAF LINDSTROM WELCH, IN THE CASE OF WELCH V. CRAWFORD, CIVIL ACTION FILE NO. 2000CV03686D, IN THE STATE COURT OF CLAYTON COUNTY, STATE OF GEORGIA, TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF FIFTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$57,500.00); AND FOR OTHER PURPOSES.

02-0-1710

WHEREAS, on September 28, 2000, Gustaf Lindstrom Welch initiated the case of G. Lindstrom Welch v. Michael D. Crawford, alleging under the common law of the State of Georgia that Defendant is liable for injuries suffered by Mr. Welch; and

WHEREAS, the lawsuit stems from the alleged events surrounding a pedestrian-automobile accident that occurred on October 1, 1998, at the intersection of West Peachtree Place, N.W. and Williams Street, N.W., in Atlanta, Georgia; and

WHEREAS, Defendant Micheal B. Crawford, Sr., a police officer with the Atlanta Police Department, who was on-duty, and driving a City-owned car, and traveling east on West Peachtree Place to return to his Zone; and

WHEREAS, Mr. Welch was working as a member of the Ambassador Force of Downtown Atlanta, and was on-duty and patrolling his assigned area, and was walking in an eastbound direction crossing Williams Street, N.W.; and

WHEREAS, Officer Crawford turned north onto Williams Street, N.W. in accordance with traffic signals, and accidentally hit Mr. Welch as Mr. Welch was crossing the intersection of West Peachtree Place and Williams Street, N.W.; and

WHEREAS, Mr. Welch received injuries to his head, right elbow, and left lower leg, and was removed from the scene by ambulance and taken to Grady Memorial Hospital for evaluation and treatment; and

WHEREAS, Mr. Welch was hospitalized at Grady Memorial Hospital for nine (9) days, and received treatment for his head and elbow injuries at Grady Memorial Hospital, and underwent two (2) surgical procedures at Grady Memorial Hospital to treat a circulatory condition that occurred in his left leg as a result of the accident; and

WHEREAS, Mr. Welch was unable to work for 13 days; and

WHEREAS, Mr. Welch requires additional medical procedures to treat long-term effects of his injuries; and

WHEREAS, Mr. Welch alleges that Officer Crawford acted in a negligent fashion; and

WHEREAS, the State Court of Clayton County, State of Georgia, denied Defendant's Motion for Summary Judgment, finding that there were genuine issues of material fact; and

WHEREAS, all parties agreed to attempt to mediate a resolution to this case before incurring additional expenses; and

WHEREAS, after participating in two (2) lengthy mediation sessions in an effort to reach a compromise in this matter, counsel for Plaintiff and Defendant agreed to settle all claims in the amount of \$57,500.00, 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 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 offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, in the City's best interest and appropriate to settle all claims against Defendant arising out of the case of Welch v. Crawford.

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

SECTION 1. Section 2-783(h)(1) of the Atlanta City Code is waived for the sole purpose of reaching a monetary settlement in the civil action captioned Welch v. Crawford.

SECTION 2. The City Attorney is hereby authorized to conclude settlement of all claims against Officer Micheal B. Crawford, Sr. arising out of the lawsuit filed by Gustaf Lindstrom Welch, in the case of Welch v. Crawford, Civil Action File No. 2000CV03686D, in the State Court of Clayton County, State of Georgia.

SECTION 3. The Chief Financial Officer is authorized to pay the total sum of Fifty-Seven Thousand, Five Hundred Dollars (\$57,500.00) at the direction of the City Attorney from the Fund, Account, and Center No. 1A101-529017-T31001. Such payment will be in full consideration of the dismissal of all claims against Defendant Micheal B. Crawford, Sr.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 21, 2002
OCT 28, 2002

10/21/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1368
2. 02-O-1710
3. 02-O-1674
4. 02-O-1645
5. 02-O-1646
6. 02-O-1647
7. 02-O-1648
8. 02-O-1672
9. 02-O-1726
10. 02-O-1728
11. 02-O-1776
12. 02-O-1779
13. 02-O-1781
14. 02-O-1783
15. 02-O-1790
16. 02-O-1791
17. 02-O-1661
18. 02-O-1793
19. 02-O-1584
20. 02-O-1636
21. 02-O-1788
22. 02-R-1176
23. 02-R-1736
24. 02-R-1737
25. 02-R-1745
26. 02-R-1769
27. 02-R-1716
28. 02-R-1740
29. 02-R-1735
30. 02-R-1797
31. 02-R-1800
32. 02-R-1663
33. 02-R-1780
34. 02-R-1802
35. 02-R-1588
36. 02-R-1773
37. 02-R-1787
38. 02-R-1799
39. 02-R-1760
40. 02-R-1761
41. 02-R-1762
42. 02-R-1763
43. 02-R-1764
44. 02-R-1765

**ITEMS ADVERSED
ON CONSENT AGENDA**

45. 02-R-1766
46. 02-R-1767
47. 02-R-1768
48. 02-R-1746
49. 02-R-1747
50. 02-R-1748
51. 02-R-1749
52. 02-R-1750
53. 02-R-1751
54. 02-R-1752
55. 02-R-1753
56. 02-R-1754
57. 02-R-1755
58. 02-R-1756
59. 02-R-1757
60. 02-R-1758
61. 02-R-1759
62. 02-R-1366

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)

Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729

02-0-1710
(Do Not Write Above This Line)

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**PUBLIC SAFETY AND
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**AUTHORIZING SETTLEMENT OF ALL CLAIMS
OF GUSTAF LINDSTROM WELCH, IN THE
CASE OF WELCH V. CRA. WFFORD, CIVIL
ACTION FILE NO. 2000C V03686D, IN THE
STATE COURT OF CLAYTON COUNTY, STATE
OF GEORGIA, TO CAUSI' PAYMENT TO BE
MADE IN THE AMOUNT OF \$57,500.00; AND
FOR OTHER PURPOSES**

ADOPTED BY

OCT 21 2002

COUNCIL

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

Date Referred 10/7/02

Referred To: Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

Committee

PLA

Date

10-1-02

Chair

Referred to

Committee

PLA

Date

10/5/02

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Clayton County

Clayton County

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

PLA

Date

Chair

Referred 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
OCT 21 2002
Clayton County, Georgia

CERTIFIED
OCT 21 2002
Clayton County, Georgia

MAYOR'S ACTION

APPROVED
Clayton County
OCT 28 2002
MAYOR