

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING SETTLEMENT OF ALL ~~02113~~ **02117** OF
ERNEST DAVIS IN THE CASE OF ERNEST DAVIS V. OFFICER M.L.
CENTOLA, ET AL., CIVIL ACTION NUMBER 1:02-CV-2532-HTW IN
THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF GEORGIA; TO CAUSE PAYMENT TO BE MADE IN THE
AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00); AND
FOR OTHER PURPOSES.

WHEREAS, on September 13, 2002, the Plaintiff initiated the case of Ernest Davis v.
Officer M.L. Centola, Sergeant R.P. Miniatis, City of Atlanta, Beverly J. Harvard, and John Does,
alleging that the Defendants are liable for personal injury arising during Plaintiff's arrest on October
1, 2000; and

WHEREAS, on October 1, 2000, Officer Centola, while operating a patrol car on Jonesboro
Road, attempted to stop a vehicle driven by Plaintiff and followed Plaintiff a short distance to his
residence, where Plaintiff parked his car and exited; and

WHEREAS, although Officer Centola instructed Plaintiff to get on the ground, Plaintiff did
not comply, allegedly because of a disability, but put both hands in the air; and

WHEREAS, Officer Centola, later assisted by Sgt. Miniatis, forced Plaintiff to the ground
and handcuffed him; and

WHEREAS, most of this incident was videotaped by a camera mounted on Officer Centola's
patrol vehicle; and

WHEREAS, during this incident, Plaintiff sustained a broken arm, incurring over \$12,000.00
in medical expenses; and



WHEREAS, as a result of his injury, Plaintiff has a permanent impairment and has pins in his arm; and

WHEREAS, because Officer Centola received a 25-day suspension in connection with sustained work rule violations during this incident, counsel for the City of Atlanta Law Department may not represent Officer Centola in addition to the other defendants due to a conflict of interest; and

WHEREAS, based upon the conflict of interest between Defendants Harvard and City of Atlanta and Officer Centola, the City of Atlanta Law Department would recommend that the City hire outside counsel to represent Officer Centola should this matter not be settled out of court; and

WHEREAS, should Plaintiff prevail in this matter, he is entitled by law to recover his reasonable attorneys' fees; and

WHEREAS, counsel for the parties have tentatively agreed to settle all claims in this matter for a total of \$85,000.00, including attorney's fees, contingent upon the approval of the Atlanta City Council and the Mayor; and

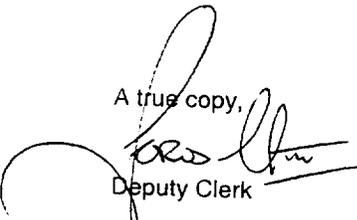
WHEREAS, by this settlement, Defendants admit no liability; and

WHEREAS, the offer of settlement acceptable to the Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against the City and Officer Centola, Sgt. Miniatis and former Chief of Police Beverly Harvard arising out of the case of Ernest Davis v. Officer M.L. Centola, et al.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude settlement of all claims against the City of Atlanta and Officer Centola, Sgt. Miniatis and former Chief Harvard arising out of the lawsuit filed by the Plaintiff in the United States District Court for the Northern District of Georgia, as set forth in Civil Action Number 1:02-CV-2532-HTW.

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Eighty-Five Thousand Dollars (\$85,000.00) at the direction of the City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of a check in the amount of \$85,000.00, payable to Ernest Davis and William T. Mitchell, Esq.. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.



A true copy,

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

DEC 02, 2002
DEC 04, 2002

12/02/02 Council Meeting

ITEMS ADOPTED ON CONSENT

AGENDA

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1925 | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926 | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927 | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928 | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929 | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969 | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976 | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095 | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998 | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |
| | | 92. 02-R-2033 |
| | | 93. 02-R-2034 |
| | | 94. 02-R-2035 |
| | | 95. 02-R-2036 |
| | | 96. 02-R-2037 |

ITEMS ADVERSED ON CONSENT

AGENDA

- | | |
|----------------|----------------|
| 97. 02-R-2027 | 107. 02-R-2047 |
| 98. 02-R-2038 | 108. 02-R-2048 |
| 99. 02-R-2039 | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 | |
| 106. 02-R-2046 | |

Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118

(Do Not Write Above This Line)

02

2117

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PUBLIC SAFETY AND LEGAL
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LINDAK. DISANTIS
CITY ATTORNEY

Linda K. Disantis

- 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 _____

Referred To _____

RSA Committee

11/24/02 Date

[Signature] Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

[Signature]

[Signature]

[Signature]

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 _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other

Members _____

Refer To _____

CERTIFIED

FINAL COUNCIL ACTION

2nd

1st & 2nd

3rd

Readings

Consent

V Vote

RC Vote

DEC 02 2002

CERTIFIED

DEC 09 2002

Ronald D. [Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
DEC 4 2002

YCH