

**A RESOLUTION  
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 03-R-1873**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE  
LAWSUIT STYLED MURIEL ROSSER, ET AL. V. ISAAC GREEN, ET AL.,  
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
GEORGIA, CIVIL ACTION FILE NO. 1:00-CV-3245-CAM, IN THE AMOUNT  
OF TWENTY THOUSAND DOLLARS (\$20,000.00).**

**WHEREAS**, Plaintiffs Muriel Rosser, James Rosser, Vanessa Rosser and Gilda Rosser (hereinafter "Plaintiffs") filed this lawsuit against the City of Atlanta and Atlanta Police Officers Isaac Green, Earnest Britton, Heather Prytula, James Brooks and Douglas Terrell (hereinafter "the City Defendants") alleging a violation of their rights when they were arrested at a wedding reception at Club Ellery's on Campbellton Road in December of 1998; and

**WHEREAS**, Plaintiffs asserted the following causes of action against the City Defendants pursuant to 42 U.S.C. §1983: (1) the City Defendants violated Plaintiffs' Fourth Amendment rights by arresting them without probable cause; and (2) the City Defendants violated Plaintiffs' Fourth Amendment rights by using excessive and unreasonable force to arrest them. Plaintiffs also asserted state law claims of assault, battery, false arrest, false imprisonment, intentional infliction of emotional distress and malicious prosecution; and

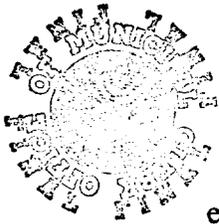
**WHEREAS**, the Court granted Plaintiffs' motion to voluntarily dismiss with prejudice Defendants City of Atlanta and Officer Earnest Britton from the case after the City Defendants filed a summary judgment motion as to Plaintiffs' claims; and

**WHEREAS**, the Court granted the remaining City Defendants (hereinafter "City Officers") summary judgment on Plaintiffs' state law claims, finding that Plaintiffs abandoned these claims by failing to address them in response to City Defendants' summary judgment motion; and

**WHEREAS**, the Court denied the City Officers summary judgment on Plaintiffs' Fourth Amendment claims, finding that genuine issues of material fact exist as to whether the officers had even arguable probable cause to arrest Plaintiffs and as to whether the City Officers used excessive force in effecting Plaintiffs' arrests; and

**WHEREAS**, the Court denied the City Officers qualified immunity because the law was clearly established at the time of the subject incident that probable cause was necessary to effect an arrest and the use of excessive force in the course of an arrest was a violation of the Fourth Amendment; and

**WHEREAS**, Defendant Officer Isaac Green has been terminated from the City of Atlanta Police Department and Plaintiffs seek to introduce evidence of same at trial; and



**WHEREAS**, the City has determined that it is in the best interests of the City to execute a settlement with Plaintiffs on behalf of the City Officers with respect to Plaintiffs' remaining claims; and

**WHEREAS**, the City shall execute any Consent Orders with the Court to effectuate the settlement.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the City Attorney is authorized to settle the case of Muriel Rosser, et al. v. Isaac Green, et al., Civil Action No. 1:00-CV-3245-CAM, United States District Court for the Northern District of Georgia, for a total amount of \$20,000.00 to be paid to the attorney for Plaintiffs, Thomas E. Maddox, P.C.

**BE IT FURTHER RESOLVED THAT** the Settlement Agreement will not be binding upon the City and the City will incur no liability under it until it has been executed by the Mayor, attested by the Municipal Clerk, approved by the City Attorney as to form and duly executed by the parties.

**BE IT FURTHER RESOLVED THAT** the Settlement Agreement shall provide that in exchange for the above payment, Plaintiffs release the City and its employees and officers including Atlanta Police Officers Heather Prytula, James Brooks and Douglas Terrell, and former Atlanta Police Officer Isaac Green, from any and all claims which were or could have been raised in Plaintiffs' Complaint in the court action.

**BE IT FURTHER RESOLVED THAT** the Settlement Agreement shall provide that the settlement herein authorized shall not be deemed an admission of liability or wrongdoing on the part of Officer Prytula, Officer Brooks, Officer Terrell, former Officer Green, the City of Atlanta, or any of its officers or employees, and that the aforementioned officers shall be dismissed from the case with prejudice.

**BE IT FURTHER RESOLVED THAT** the City Attorney is authorized to approve as to form and execute the Settlement Agreement and any Consent Orders on behalf of the aforementioned officers.

**BE IT FURTHER RESOLVED THAT** the Chief Financial Officer is further authorized and directed to issue a check in the voucher of the City Attorney in the aggregate sum of Twenty Thousand Dollars (\$20,000.00) as the City Attorney directs in conformity with the Settlement Agreement, and to charge such sum to Account No. 1A01-529017-T31001.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

NOV 03, 2003  
NOV 10, 2003

RCS# 5122  
11/03/03  
1:40 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18 EXCEPT:03-R-1860,  
03-O-1653, 03-R-1676  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

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

CONSENT I

RCS# 5123  
11/03/03  
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1860

ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

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

CONSENT I

RCS# 5124  
11/03/03  
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

YEAS: 9  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 3

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

CONSENT I

(Do Not Write Above This Line)

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE LAWSUIT STYLED MURIEL ROSSER, ET AL. V. ISAAC GREEN, ET AL., UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:00-CV-3245-CAM, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00).

APPROVED BY:  
Jerry L. DeLoach  
Deputy City Attorney

**ADOPTED BY**  
NOV 03 2003

**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 \_\_\_\_\_

Referred To \_\_\_\_\_

Committee

Date

Chair

Adopt

Fav, Adv, Hold (see rev. side)

Other

Members

*[Handwritten signature]*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

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

Refer To

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

**CERTIFIED**  
NOV 03 2003

ATLANTA/CITY COUNCIL PRESIDENT  
*Catherine W. Woodward*

**CERTIFIED**  
NOV 03 2003

*Richard D. ...*  
MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
NOV 10 2003

MAYOR