

CITY COUNCIL  
ATLANTA, GEORGIA

03-*R*-1981

MUNICIPAL CLERK  
ATLANTA, GEORGIA

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF LIZ SUMMERS AGAINST THE CITY OF ATLANTA AND CHIEF WINSTON MINOR IN THE CASE OF LIZ SUMMERS V. THE CITY OF ATLANTA AND CHIEF WINSTON MINOR; CIVIL ACTION NUMBER: 1:01-CV-522-GGB, FILED IN THE UNITED STATES DISTRICT COURT; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000.00); AND FOR OTHER PURPOSES.

WHEREAS, on February 23, 2001, plaintiff Liz Summers initiated the case of Liz Summers v. the City of Atlanta and Chief Minor, in the United States District Court, claiming that defendants denied her appointments to discretionary positions within the City of Atlanta Fire Department because of her sex in violation of Title VII and 42 U.S.C. Section 1983; and

WHEREAS, Plaintiff Summers amended her complaint, and also alleged that defendants retaliated against her for filing this lawsuit ; and

WHEREAS, on October 10, 2001, defendants filed a Motion for Summary Judgment asking the Court to dismiss plaintiff's lawsuit in its entirety; and

WHEREAS, on April 23, 2002, the Court dismissed plaintiff's claims against Chief Winston Minor in his official capacity, her Title VII retaliation claim, and her sex discrimination claim against the City of Atlanta under Section 1983; and

WHEREAS, the court ruled that plaintiff's claims against the City of Atlanta pursuant to Title VII and her claim against Chief Minor in his individual capacity brought pursuant to 42 U.S.C. Section 1983 should proceed to trial; and



WHEREAS, settlement negotiations were unsuccessful; and

WHEREAS, this case was tried before a jury the first week of February 2003; and

WHEREAS, the jury returned a verdict in favor of the plaintiff and awarded her \$10,422.84 in back pay, \$500,000 in compensatory damages, and \$500,000 in punitive damages against Chief Winston Minor; and

WHEREAS, ten days after the trial, defendants requested a new trial or, in the alternative, that the verdict be reduced; and

WHEREAS, on June 24, 2003, the court denied the defendants' Motion for New Trial, but granted defendants motion to have the verdict reduced; and

WHEREAS, on July 3, 2003, plaintiff agreed to reduce the amount of compensatory damages to \$250,000.00 in lieu of a new trial on the damages; and

WHEREAS, on February 14, 2003, plaintiff requested that the court instate her to the Section Chief of Inspections position at the Fire Department, permanently enjoin the defendants from further acts of sex discrimination, and order prejudgment interest on her back pay award; and

WHEREAS, on September 25, 2003, the court found that the evidence in the case did not support a finding that defendants have repeatedly discriminated against plaintiff because of her sex and denied plaintiff's request for an injunction against the city or an award of prejudgment interest on the plaintiff's back pay award; and

WHEREAS, the court found that the balance of equities weighed against instatement to the Inspections position plaintiff sought; and

WHEREAS, the court ordered that Summers be placed in the Section Chief of Education position and that defendants retroactively increase plaintiff's pay and benefits to a commensurate



level as of February 7, 2003 (the date of the initial judgment in plaintiff's favor).; and

WHEREAS, defendants will place the plaintiff in the Section Chief of Education position and retroactively increase plaintiff's pay and benefits; and

WHEREAS, any further appeals in this case would be frivolous; and

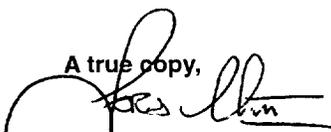
WHEREAS, plaintiff, through her attorney, has agreed to settle all claims of Plaintiff against the City of Atlanta and Chief Winston Minor for the sum of EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000.00); and

WHEREAS, the City Attorney considers it to be the best interest of the City to resolve this matter and recommends that the above settlement be entered into; and

WHEREAS, by this settlement, Defendant City of Atlanta and Chief Minor admit no liability; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney be and is hereby authorized to conclude the settlement of all claims against the City of Atlanta, as set forth in Civil Action No.: 1:01-CV-522-GGB, UNITED STATES DISTRICT COURT, for the aggregate amount of EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000.00) .

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000.00) at the direction of the City Attorney from the account of 1A01529017T31001. Payment shall be in the form of a check in the amount of EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$850,000.00), payable to Plaintiff Liz Summers and her attorney Allan Leroy Parks, Jr.

A true copy,  
  
Deputy Clerk

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

NOV 17, 2003  
NOV 26, 2003



**03-R-1981**  
(Do Not Write Above This Line)

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Jerry L. DeBaach  
Deputy City Attorney **COUNCIL**

NOV 17 2003

- 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  
Action  
Fav, Adv, Hold (see rev. side)  
Other

*[Signature]*  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other

*[Signature]*  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

*[Signature]*

*[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

**FINAL COUNCIL ACTION**  
 2nd     1st & 2nd     3rd  
 Consent     V Vote     CRC Vote

CERTIFIED

**CERTIFIED**  
NOV 17 2003

**CERTIFIED**  
NOV 17 2003

*Ronald D. Campbell*  
MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

NOV 26 2003

WITHOUT SIGNATURE  
BY OPERATION OF LAW