



CITY COUNCIL
ATLANTA, GEORGIA

03-*Q*-0529

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF JOHN REDLINGER AGAINST THE CITY OF ATLANTA, IN THE CASE OF JOHN REDLINGER V. THE CITY OF ATLANTA, CIVIL ACTION NUMBER: 2002-CV-58655, FILED IN THE SUPERIOR COURT OF FULTON COUNTY; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY-SIX DOLLARS (\$105,366.00); AND FOR OTHER PURPOSES.

WHEREAS, on September 18, 2002, Plaintiff John Redlinger initiated the case of John Redlinger v. City of Atlanta, in the Superior Court of Fulton County, claiming that he is entitled to back pay after criminal charges against him were dismissed; and

WHEREAS, John Redlinger, a former police officer with the City of Atlanta Police Department, was suspended without pay pending the adjudication of criminal charges on December 2, 1999 when he became a named Defendant in a federal indictment; and

WHEREAS, on November 1, 2001, all criminal charges were dismissed and John Redlinger resigned from the police department; and

WHEREAS, the City of Atlanta Code of Ordinances Section 114-529(c)(1)(b) reads "... A suspension without pay pending the adjudication of criminal charges may be imposed until the final disposition of those criminal charges. *However, back pay shall be awarded if the final disposition of charges does not result in a conviction.*"; and

WHEREAS, the final disposition of John Redlinger's charges did not result in a conviction; and

WHEREAS, at a Court ordered mediation, Judge Philip F. Etheridge concluded that the



ordinance is clear and back pay should be awarded; and

WHEREAS, Judge Gail S. Tusan concluded in an Order on February 10, 2003 that the ordinance is plain and unambiguous and ordered Defendant City of Atlanta to pay the Plaintiff's back pay and his attorney's fees; and

WHEREAS, Plaintiff, through his attorney, has agreed to settle all claims of Plaintiff against the City of Atlanta for the sum of ONE- HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00); 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 admits 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.: 2002-CV-58655, Superior Court of Fulton County, for the aggregate amount of ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00).

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00) 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 ONE-HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY SIX DOLLARS (\$105,366.00), payable to Plaintiff John Redlinger and his attorney William J. McKenney.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 21, 2003
APR 28, 2003

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

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

CONSENT I

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

- | | | |
|---------------|---------------|---------------|
| 1. 03-O-0186 | 36. 03-R-0451 | 72. 03-R-0498 |
| 2. 03-O-0350 | 37. 03-R-0571 | 73. 03-R-0499 |
| 3. 03-O-0401 | 38. 03-R-0549 | 74. 03-R-0500 |
| 4. 03-O-0442 | 39. 03-R-0555 | 75. 03-R-0501 |
| 5. 03-O-0438 | 40. 03-R-0556 | 76. 03-R-0502 |
| 6. 03-O-0445 | 41. 03-R-0558 | 77. 03-R-0503 |
| 7. 03-O-0446 | 42. 03-R-0559 | 78. 03-R-0504 |
| 8. 03-O-0443 | 43. 03-R-0560 | 79. 03-R-0505 |
| 9. 03-O-0450 | 44. 03-R-0561 | 80. 03-R-0506 |
| 10. 03-O-0485 | 45. 03-R-0562 | |
| 11. 03-O-0399 | 46. 03-R-0563 | |
| 12. 03-O-0369 | 47. 03-R-0564 | |
| 13. 03-O-0416 | 48. 03-R-0572 | |
| 14. 03-O-0193 | 49. 03-R-0588 | |
| 15. 03-O-0355 | 50. 03-R-0589 | |
| 16. 03-O-0359 | 51. 03-R-0590 | |
| 17. 03-O-0360 | 52. 03-R-0448 | |
| 18. 03-O-0436 | 53. 03-R-0454 | |
| 19. 02-O-1543 | 54. 03-R-0528 | |
| 20. 03-O-0432 | 55. 03-R-0529 | |
| 21. 03-O-0433 | 56. 03-R-0569 | |
| 22. 03-O-0434 | 57. 03-R-0570 | |
| 23. 03-R-0444 | 58. 03-R-0591 | |
| 24. 03-R-0530 | 59. 03-R-0592 | |
| 25. 03-R-0531 | 60. 03-R-0217 | |
| 26. 03-R-0532 | 61. 03-R-0539 | |
| 27. 03-R-0533 | 62. 03-R-0541 | |
| 28. 03-R-0534 | 63. 03-R-0542 | |
| 29. 03-R-0535 | 64. 03-R-0566 | |
| 30. 03-R-0536 | 65. 03-R-0593 | |
| 31. 03-R-0537 | 66. 03-R-0544 | |
| 32. 03-R-0538 | 67. 03-R-0545 | |
| 33. 03-R-0546 | 68. 03-R-0565 | |
| 34. 03-R-0577 | 69. 03-R-0496 | |
| 35. 03-R-0390 | 70. 03-R-0497 | |

**Items Adversed on
the Consent Agenda**

81. 03-R-0507
82. 03-R-0508
83. 03-R-0509
84. 03-R-0510
85. 03-R-0511
86. 03-R-0512
87. 03-R-0513
88. 03-R-0514
89. 03-R-0515
90. 03-R-0516
91. 03-R-0517
92. 03-R-0518
93. 03-R-0519
94. 03-R-0520
95. 03-R-0521
96. 03-R-0522
97. 03-R-0523
98. 03-R-0524
99. 03-R-0525
100. 03-R-0526
101. 03-R-0527

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391

03-12-0529

(Do Not Write Above This Line)

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BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS OF JOHN REDLINGER AGAINST THE CITY OF ATLANTA, IN THE CASE OF JOHN REDLINGER V. THE CITY OF ATLANTA, CIVIL ACTION NUMBER: 2002-CV-58655, FILED IN THE SUPERIOR COURT OF FULTON COUNTY; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF ONE HUNDRED FIVE THOUSAND THREE HUNDRED AND SIXTY-SIX DOLLARS (\$105,366.00); AND FOR OTHER PURPOSES.

APPROVED:

Linda K. DiSantis, City Atty
ADOPTED BY

APR 2 1 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: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PA1A Committee

4/1/03 Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Handwritten signatures

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
- Consent
- V Vote
- RC Vote

CERTIFIED

APR 2 1 2003
Handwritten signature
 COUNCIL PRESIDENT PROTREM

CERTIFIED
 APR 2 1 2003
Handwritten signature
 MUNICIPAL CLERK

MAYOR'S ACTION

Handwritten signature
 APR 2 8 2003
 MAYOR