

02-R-1357

A SUBSTITUTE RESOLUTION BY THE PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

AUTHORIZING SETTLEMENT OF ALL CLAIMS OF GLORIA GONZALEZ, INDIVIDUALLY AND AS NEXT FRIEND AND NATURAL GUARDIAN OF ERICK GONZALEZ, A MINOR, AGAINST THE CITY OF ATLANTA AND LORENZO J. LOCKETT IN THE CASE OF GLORIA GONZALEZ V. LORENZO J. LOCKETT AND THE CITY OF ATLANTA, CASE NUMBER 02VS032355H, IN THE STATE COURT OF FULTON COUNTY; TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); AND FOR OTHER PURPOSES.

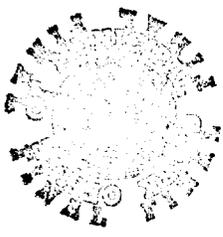
WHEREAS, on May 3, 2002, the Plaintiff initiated the case of Gloria Gonzalez, Individually and as Next Friend and Natural Guardian of Erick Gonzalez, a Minor v. Lorenzo J. Lockett and City of Atlanta, alleging that these defendants are liable for personal injury; and

WHEREAS, the Plaintiff's lawsuit stems from a vehicle accident which occurred on May 11, 2001, involving Defendant Lorenzo J. Lockett, who was on duty as an Atlanta police officer assigned to the Zone 1 Auto Theft Task Force when he struck nine-year-old Erick Gonzalez, who was riding a bicycle; and

WHEREAS, at approximately 4:15 p.m. on that date, Officer Lockett was patrolling in the vicinity of Ashby and Parson Streets looking for suspected stolen vehicles when, as he traveled northbound on Ashby Street, he noticed Erick Gonzalez crossing the street on his bicycle in the crosswalk; and

WHEREAS, Officer Lockett was unable to stop his patrol vehicle in time to avoid striking the child; and

WHEREAS, the investigation conducted by the Hit and Run Unit of the Atlanta Police Department indicated that Officer Lockett was speeding and was not using lights or sirens at the time of the incident; and



WHEREAS, Erick Gonzalez sustained a broken right femur, a brain injury, and a head laceration, and he was taken to Grady Memorial Hospital and later transferred to Hughes Spalding in critical condition; and

WHEREAS, Erick Gonzalez' medical bills total \$59,808.09; and

WHEREAS, Medicaid currently has a \$3,000.00 lien against the settlement proceeds; and

WHEREAS, counsel for the parties have tentatively agreed to settle all claims in this matter for \$25,000.00, including attorney's fees and expenses, contingent upon the approval of the Atlanta City Council and the Mayor; and

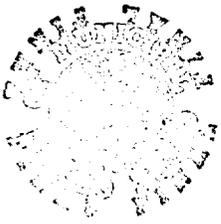
WHEREAS, by this settlement, Defendants admit no liability; and

WHEREAS, Beatrice Gonzalez, the grandmother of Erick Gonzalez, has been appointed legally qualified guardian for Erick Gonzalez, in which capacity she shall hold and use the settlement proceeds for the benefit of the child and shall be accountable for the same; and

WHEREAS, prior to the consummation of the settlement of this case, a trust account must be established for the benefit of Erick Gonzalez, and the settlement must be approved by the appropriate court(s); 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 arising out of the case of Gloria Gonzalez v. City of Atlanta, 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 Lorenzo J. Lockett arising out of the lawsuit filed by the Plaintiff in the State Court of Fulton County, as set forth in Civil Action Number 02VS032355H.



THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Twenty-Five Thousand Dollars (\$25,000.00) at the direction of the City Attorney from the account of 1A01 529017 T31001. Payment shall be in the form of a check or checks totaling \$25,000.00, payable to Beatrice Gonzalez, on behalf of Erick Gonzalez; Thomas, Means, Gillis & Seay, P.C.; and/or a trust account that will be established to benefit Erick Gonzalez. Funds will be distributed upon agreement of the City of Atlanta and the Plaintiffs, including the legal guardian, after approval of the appropriate courts. Such payment will be in full consideration of the dismissal of all claims against all defendants.

A true copy.

*Shanda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

June 2, 2003  
June 8, 2003

RCS# 4761  
6/02/03  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

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

CONSENT I

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**06/02/03 Council Meeting**

**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 03-O-0705
2. 03-O-0837
3. 03-O-0717
4. 03-O-0104
5. 03-O-0663
6. 03-O-0711
7. 03-O-0835
8. 03-O-0836
9. 03-O-0840
10. 03-O-0721
11. 03-O-0786
12. 03-O-0587
13. 03-O-0781
14. 02-R-1351
15. 03-R-0822
16. 03-R-0823
17. 03-R-0825
18. 03-R-0828
19. 03-R-0829
20. 03-R-0832
21. 03-R-0833
22. 03-R-0820
23. 03-R-0821
24. 03-R-0845
25. 03-R-0846
26. 03-R-0789
27. 03-R-0790
28. 03-R-0791
29. 03-R-0792
30. 03-R-0793
31. 03-R-0794

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

32. 02-R-1076
33. 02-R-1077
34. 02-R-1078
35. 02-R-1079
36. 02-R-1080
37. 02-R-1081
38. 02-R-1082
39. 02-R-1083
40. 02-R-1084
41. 02-R-1085
42. 02-R-1086
43. 02-R-1087
44. 02-R-1088
45. 02-R-1089
46. 02-R-1090
47. 02-R-1091
48. 02-R-1092
49. 02-R-1093
50. 02-R-1094
51. 02-R-1095
52. 02-R-1096
53. 02-R-1097
54. 02-R-1098
55. 02-R-1099

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Consent I Vote:           13Yeas; 0Nays: (See RCS #4761)  
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706

**02-1351**  
 (Do Not Write Above This Line)

**A RESOLUTION**  
 BY PUBLIC SAFETY AND LEGAL  
 ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING  
 SETTLEMENT OF ALL CLAIMS OF GLORIA  
 GONZALEZ, INDIVIDUALLY AND AS NEXT  
 FRIEND AND NATURAL GUARDIAN OF  
 ERICK GONZALEZ, A MINOR, AGAINST  
 THE CITY OF ATLANTA AND LORENZO J.  
 LOCKETT IN THE CASE OF GLORIA  
 GONZALEZ V. LORENZO J. LOCKETT AND  
 THE CITY OF ATLANTA, CASE NUMBER  
 02VS0323355H, IN THE STATE COURT OF  
 FULTON COUNTY; TO CAUSE PAYMENT TO  
 BE MADE IN THE AMOUNT OF TEN  
 THOUSAND DOLLARS (\$10,000.00); AND FOR  
 OTHER PURPOSES.

*Rosalind Rubens Newell*  
 ROSALIND RUBENS NEWELL  
 INTERIM CITY ATTORNEY

**ADOPTED BY**  
**SUBSTANTIVE**  
**COUNCIL**  
 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 \_\_\_\_\_

*2/13/03* Date  
*[Signature]* 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 \_\_\_\_\_

*5-20-03* Date  
*[Signature]* 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**  
 JUN 02 2003  
 ATLANTA CITY COUNCIL, PRESIDENT  
*Catherine W. Hoeflard*

**CERTIFIED**  
 JUN 02 2003  
*Rosalind Rubens Newell*  
 MUNICIPAL CLERK

MAYOR'S ACTION  
*[Signature]*  
 JUN 08 2003  
 MAYOR