

AN ORDINANCE

04-O-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA, RICHARD J. PENNINGTON, RAYMOND S. BUNN, BRIAN P. WILKES, JOHN E. SMITH AND JASON H. TEAGUE IN THE CASE OF LOLETTA MODICUE V. CITY OF ATLANTA, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1:02-CV-2715-GET, IN THE AMOUNT OF \$10,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; WAIVING CITY OF ATLANTA CODE OF ORDINANCES SECTION 2-783(h) FOR THIS INSTANCE ONLY; AND FOR OTHER PURPOSES.

WHEREAS, *Loletta Modicue v. City of Atlanta, et al.* is a case in which the Plaintiff, Loletta Modicue, is suing for damages she allegedly incurred when she was apprehended and arrested by City of Atlanta Police Officers Raymond S. Bunn, Brian P. Wilkes, Jason H. Teague and John E. Smith;

WHEREAS, Plaintiff alleges that she was subjected to unnecessary, unreasonable and excessive force during the course of her arrest on September 3, 2000, and that she was deprived of her constitutionally and federally protected rights secured under 42 USC § 1983; and

WHEREAS, Plaintiff asserts claims for assault and battery, false arrest, malicious prosecution, false imprisonment, intentional infliction of emotional distress, negligent hiring, negligent training and negligent supervision; and



WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$10,000.00 to settle all claims.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of *Loletta Modicue v. City of Atlanta, et al.* in the amount of Ten Thousand Dollars (\$10,000.00).

SECTION 2. Said payment is to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental). Payment shall be in the form of a check in the amount of \$10,000.00, payable to Attorney Tony L. Axam of Axam, Adams & Secret, P.A. on behalf of Loletta Modicue. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

SECTION 3. To the extent that Section 2-783(h) of the Code of Ordinances of the City of Atlanta is in conflict herewith, that subsection is waived for this instance only to permit the payment of \$10,000.00 on behalf of Chief Pennington and Officers Bunn, Wilkes, Teague and Smith.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 01, 2004
NOV 05, 2004

RCS# 6199
11/01/04
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

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

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

CONSENT I

11-01-04 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1626	38. 04-R-1878	48. 04-R-1162
2. 04-O-1795	39. 04-R-1940	49. 04-R-1172
3. 04-O-1796	40. 04-R-1908	50. 04-R-1178
4. 04-O-1828	41. 04-R-1909	51. 04-R-1782
5. 04-O-1819	42. 04-R-1910	52. 04-R-1900
6. 04-O-1929	43. 04-R-1911	53. 04-R-1901
7. 04-O-1758	44. 04-R-1912	54. 04-R-1902
8. 04-O-1932	45. 04-R-1913	55. 04-R-1903
9. 04-O-1430	46. 04-R-1914	56. 04-R-1904
10. 04-O-1926	47. 04-R-1915	57. 04-R-1905
11. 04-O-1885		58. 04-R-1906
12. 04-O-1937		59. 04-R-1907
13. 04-O-1941		
14. 04-R-1893		
15. 04-R-1894		
16. 04-R-1895		
17. 04-R-1916		
18. 04-R-1917		
19. 04-R-1918		
20. 04-R-1920		
21. 04-R-1896		
22. 04-R-1897		
23. 04-R-1898		
24. 04-R-1899		
25. 04-R-1930		
26. 04-R-1884		
27. 04-R-1886		
28. 04-R-1888		
29. 04-R-1889		
30. 04-R-1890		
31. 04-R-1891		
32. 04-R-1928		
33. 04-R-1938		
34. 04-R-1870		
35. 04-R-1871		
36. 04-R-1874		
37. 04-R-1945		

04-0-1796

(Do Not Write Above This Line)

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Jerry L. Deloach, Deputy City Attorney

NOV 01 2004 COUNCIL

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10-18-2004

Referred To: PS & LA

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
 Committee PSLA
 Date 10/24/04
 Chair [Signature]
 Referred to PSLA

PSLA Committee

Date 10/24/04

Chair [Signature]

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

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 Readings
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED NOV 01 2004

ATLANTA DEPT. OF FINANCIAL PRESIDENT

[Signature]

CERTIFIED NOV 01 2004

[Signature] MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

[Signature] NOV 05 2004

MAYOR