

04-R-0393
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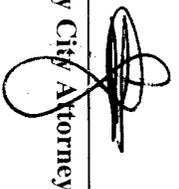
A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE LAWSUIT STYLED NATIONWIDE MUTUAL FIRE INS. CO. v. WILLIAM R. WOMBLE; STATE COURT OF FULTON COUNTY; CIVIL ACTION NUMBER 02-VS-038540-H, IN THE AMOUNT OF \$15,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT CENTER NO. 2P01 529017 T31001; AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 15 2004


Deputy City Attorney

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 _____

DLG Committee
Date *3-9-04*
Chair _____

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

Members
W. T. ...
E. T. ...

Lesly Newsome
Hung Stark
Carla Stark
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 _____

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

MAR 15 2004

MAR 15 2004

W. T. ...
MUNICIPAL CLERK

MAYOR'S ACTION

MAR 23 2004
W. T. ...
MAYOR

04- *R* -0393

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE LAWSUIT STYLED NATIONWIDE MUTUAL FIRE INS. CO. v. WILLIAM R. WOMBLE; STATE COURT OF FULTON COUNTY; CIVIL ACTION NUMBER 02-VS-038540-H, IN THE AMOUNT OF \$15,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT CENTER NO. 2P01 529017 T31001; AND FOR OTHER PURPOSES.

WHEREAS, the Plaintiff, Nationwide Mutual Fire Insurance Company filed the lawsuit styled Nationwide Mutual Fire Ins. Co. v. William R. Womble; State Court of Fulton County; Civil Action Number 02-VS-038540-H, against the Defendant, William R. Womble, a City of Atlanta employee, on September 17, 2002; and

WHEREAS, the lawsuit arises out of a single vehicle collision on December 17, 2001, involving the Defendant's operation of a front end loader style garbage truck and the truck's collision with a metal staircase attached to a condominium unit at Paces Forest Condominiums; and

WHEREAS, the lawsuit seeks to hold the Defendant employee personally liable in negligence for property damages in the amount of \$21,710.00; and

WHEREAS, the City Attorney's office has thoroughly investigated the facts and circumstances involved in this matter and has determined that an offer of settlement to the Plaintiff is the most efficient legal course of action that would relieve Mr. Womble of personal liability for the accident; and

WHEREAS, it has been determined that it is desirable and in the best interests of the City and Mr. Womble to settle this lawsuit for \$15,000.00 and Plaintiff's attorney has agreed to accept such a settlement;

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

SECTION 1. The City Attorney is authorized to settle the case of Nationwide Mutual Fire Ins. Co. v. William R. Womble; State Court Of Fulton County, Georgia; Civil Action File No. 02-VS-038540-H, for the sum of Fifteen Thousand Dollars (\$15,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay the total sum of \$15,000 to the Plaintiff Nationwide Mutual Fire Ins. Co., from Account No. 2P01 529017 T31001, in exchange for the Plaintiff's execution and delivery to the City of a Final Payment and General Release and a filed Notice of Voluntary Dismissal With Prejudice.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

March 15, 2004
March 23, 2004

SECTION 2. The Chief Financial Officer is authorized to pay the total sum of \$15,000 to the Plaintiff Nationwide Mutual Fire Ins. Co., from Account No. 2P01 529017 T31001, in exchange for the Plaintiff's execution and delivery to the City of a Final Payment and General Release and a filed Notice of Voluntary Dismissal With Prejudice.