

RCS# 6153
10/18/04
4:02 PM

Atlanta City Council

Regular Session

MULTIPLE

04-O-1099 AND 04-R-1826

FILE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

MULTIPLE

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

04-R-1826

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE LAWSUIT STYLED LOUREE WARE V. WALLACE MASON; STATE COURT OF DEKALB COUNTY; CIVIL ACTION NUMBER 00-A-68026, IN THE AMOUNT OF \$10,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT CENTER NO. 1A01 (GENERAL FUND) 529017 (PROPERTY LIQUIDATION) T31001 (NON-DEPARTMENTAL); AND FOR OTHER PURPOSES.

WHEREAS, the Plaintiff, Louree Ware filed the lawsuit styled Louree Ware v. Wallace Mason; State Court of DeKalb County; Civil Action Number 00-A-68026, against the Defendant, Wallace Mason, a City of Atlanta employee, on May 26, 2000; and

WHEREAS, the lawsuit arises out of a motor vehicle accident on February 3, 1997, involving the Defendant's operation of a city-owned standard issue Chevy pick-up truck with an attached six foot trailer hitch, hauling a 200 pound air compressor and the truck's collision with Plaintiff's vehicle; and

WHEREAS, the lawsuit seeks to hold the Defendant employee personally liable in negligence for personal injury and property damages in excess of \$25,000.00; 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. Mason 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. Mason to settle this lawsuit for \$10,000.00 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 Louree Ware v. Wallace Mason; State Court of DeKalb County; Civil Action Number 00-A-68026, for the sum of Ten Thousand Dollars (\$10,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay the total sum of \$10,000.00 to the Plaintiff and his attorneys, Baum & McGahren, LLC, from Account No. 1A01 (General Fund) 529017 (Property Liquidation) T31001 (Non-Departmental), 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.

04-R-1826
(Do Not Write Above This Line)

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FILED BY
CITY COUNCIL

OCT 18 2004

JERRY L. DELOACH, DEPUTY CITY ATTORNEY

- 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

ANA 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

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

CERTIFIED

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED
OCT 18 2004

AT-LAW CITY CLERK PRESIDENT
[Signature]

MAYOR'S ACTION