

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST CITY OF ATLANTA EMPLOYEE WINSTON GREATHOUSE IN THE CASE OF *NATIONWIDE MUTUAL FIRE INS. CO ("Nationwide") v WINSTON GREATHOUSE*, STATE COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 03-VS-060226, FOR THE SUM OF \$2,765.70; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM ACCOUNT NO. 1A01 (GENERAL FUND) – 529017 (PROPERTY LIQUIDATION) - T31001 (NON-DEPARTMENTAL), "SETTLEMENT OF SUITS AND CLAIMS"; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE PAYMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Winston Greathouse, an employee of the City of Atlanta, while driving a bus belonging to the City of Atlanta, accidentally impacted the automobile belonging to the insured of Nationwide, which brought a civil action as described above in the State Court of Fulton County; and

WHEREAS, pursuant to Atlanta City Code (1995) § 2-4 the City of Atlanta has waived immunity in connection with automobile accidents up to the sum of \$25,000.00, and whereas Atlanta City Code (1995) § 2-783(h) authorizes Council in its discretion to settle claims against City employees defended by the Law Department; and

WHEREAS, the damages to the automobile of Nationwide's insured were determined by its adjustor to be in the amount of \$2,765.70, including loss of use; and

WHEREAS, Nationwide has paid the claim of its insured and has the right of action for the damages asserted by way of subrogation, which action was defended by the Law Department at the request of the employee; and

WHEREAS, after investigation by the Law Department, it has been determined that the employee was technically at fault in the collision; and

WHEREAS, in the opinion of the City Attorney the proposed settlement of the claim for \$2,765.70 is appropriate and is in the best interest of the City, now therefore:



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
RESOLVES:

- Section 1: THAT the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claim of Nationwide against City of Atlanta employee Winston Greathouse as set forth in the case of *NATIONWIDE MUTUAL FIRE INS. CO v WINSTON GREATHOUSE*, CIVIL ACTION FILE NO. 03-VS-060226, in the State Court of Fulton County by paying Two Thousand, Seven Hundred, Sixty-Five (\$ 2,765.70) Dollars and Seventy Cents, in full settlement of all claims of the Plaintiff against the City of Atlanta, its officers and employees, including Winston Greathouse, arising out the incident which was the subject matter of the litigation.
- Section 2: THAT in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Two Thousand, Seven Hundred, Sixty-Five (\$ 2,765.70) Dollars and Seventy Cents, payable to Edward M. Harris, Esq., as attorney for Plaintiff Nationwide, and to charge such amount to Account No: 1A01 (General Fund) – 529017 (Property Liquidation) - T31001 (Non-Departmental), "Settlement of Suits and Claims."
- Section 3: THAT the City Attorney is authorized to enter into and execute on behalf of the City of Atlanta any and all documents, agreements and pleadings necessary to effectuate the settlement as authorized herein.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 20, 2005
June 23, 2005

RCS# 6751
6/20/05
3:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 4-21 05-R-1086 05-R-1084
05-O-0972 05-R-1093 05-O-0906 05-R-0905
ADOPT

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

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

CONSENT I

(Do Not Remove #1108)

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ADOPTED BY

JERRY DELOACH, DEPUTY CITY MANAGER 2005

CONSENT REFER **COUNCIL**

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 _____

P.L.A. Committee

Date

6/15/05
John Spivey

Action

Fav, Adv, Hold (see rev. side)

Other

Members

[Handwritten signatures]

[Handwritten signatures]

[Handwritten signatures]

[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

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

JUN 20 2005

[Handwritten signatures and stamps]

MAYOR'S ACTION

[Handwritten signature]