

A RESOLUTION

05-0 - 05-R -1303

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF NAKOSHA L. SMITH V. JIMMY HOLLOWAY, A POLICE OFFICER FOR CITY OF ATLANTA, GEORGIA, AND THE CITY OF ATLANTA, GEORGIA: SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, CIVIL ACTION FILE NO. 2004-CV-91957, IN THE AMOUNT OF \$13,900.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT AND CENTER # 1A01 (GENERAL FUND) -529017 (PROPERTY LIQUIDATION) -T31001 (NON-DEPARTMENTAL).

WHEREAS, NAKOSHA L. SMITH v. JIMMY HOLLOWAY et al. is a case in which the Plaintiff, Nakosha L. Smith, sued Atlanta Police Officer Jimmy Holloway and the City for excessive force, assault and battery, intentional infliction of emotional distress and other claims for damages sustained on June 7, 2003 at the City of Atlanta Traffic Court;

Whereas, Plaintiff contends that she was physically accosted by Officer Holloway after she exited Traffic Court and tried to re-enter the building after it had closed;

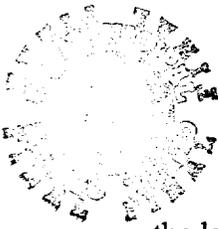
WHEREAS, Plaintiff contends she verbally abused APD Officer Holloway and he forcefully grabbed her, choked her and tore her shirt while pushing her against the building;

WHEREAS, Plaintiff and Defendant Holloway were physically separated by bystanders and an emergency 911 call dispatched to the scene along with a police unit;

WHEREAS, Plaintiff had medical damages and lost wages in excess of \$3,500.00 and sought punitive damages against the officer and the City in the amount of \$60,000.00 plus attorney's fees;

Whereas, the Plaintiff and the City agreed to use a mediator to assist in resolution of the issues;

WHEREAS, after mediation, the parties have agreed to \$13,900.00 as full settlement of all claims; and



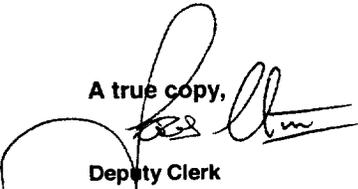
WHEREAS, the City Attorney has performed an extensive review of the facts and the law and determined that the settlement amount is in the best interest of the City of Atlanta.

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

SECTION 1. The City of Atlanta is hereby authorized to settle the case of NAKOSHA L. SMITH v. JIMMY HOLLOWAY, et al. in the amount of Thirteen Thousand Nine Hundred Dollars (\$13,900.00) inclusive of the award for attorney's fees.

SECTION 2. That the Chief Financial Officer is authorized to pay to Attorney Bruce Millar and Nakosha L. Smith of \$13,900.00, and to charge such sum to **FUND ACCOUNT AND CENTER # 1A01 (GENERAL FUND) -529017 (PROPERTY LIQUIDATION) -T31001 (NON-DEPARTMENTAL).**

A true copy,


Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

JUL 18, 2005
JUL 26, 2005

RCS# 6850
7/18/05
4:53 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 6-19

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

CONSENT I

05-*R*-1303
 (Do Not Write Above This Line)

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 BY THE PUBLIC SAFETY AND
 LEGAL ADMINISTRATION
 COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF NAKOSHA L. SMITH V. JIMMY HOLLOWAY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS A POLICE OFFICER FOR CITY OF ATLANTA, GEORGIA, AND THE CITY OF ATLANTA, GEORGIA: SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, CIVIL ACTION FILE NO. 2004-CV-91957, IN THE AMOUNT OF \$13,900.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT AND CENTER # 1A01 (GENERAL FUND) -529017 (PROPERTY LIQUIDATION) -731001 (NON-DEPARTMENTAL)

[Signature]
 Jerry DeLoach, Deputy City Attorney

ADOPTED BY
 JUL 1 8 2005

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 _____

PSLA Committee

Date *7/12/05*

[Signature]
 Chair *[Signature]*

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

Members

[Signature]
[Signature]

[Signature]
[Signature]

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 _____

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

CERTIFIED

JUL 1 8 2005

[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 JUL 18 2005
[Signature]
 MAYOR

7/05/05

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0663 2. 05-O-0666 3. 05-R-0900 4. 05-O-0901 5. 05-O-0902 6. 05-O-1294 7. 04-O-1363 8. 05-O-1129 9. 05-O-1131 10. 05-O-1132 11. 05-O-1133 12. 05-O-1134 13. 05-O-1135 14. 04-O-1973 15. 05-O-1126 16. 05-O-1128 17. 05-O-1296 18. 05-O-1300 19. 05-R-1140 20. 05-R-1320 21. 05-R-1215 22. 05-R-1229 23. 05-R-1254 24. 05-R-1217 25. 05-R-1218 26. 05-R-1219 27. 05-R-1251 28. 05-R-1223 29. 05-R-1224 30. 05-R-1225	31. 05-R-1226 32. 05-R-1227 33. 05-R-1228 34. 05-R-1302 35. 05-R-1303 36. 05-R-1304 37. 05-R-1318 38. 05-R-1220 39. 05-R-1250 40. 05-R-1252 41. 05-R-1295 42. 05-R-1255 43. 05-R-1256 44. 05-R-1257 45. 05-R-1258 46. 05-R-1259 47. 05-R-1260 48. 05-R-1261 49. 05-R-1262 50. 05-R-1263 51. 05-R-1264	52. 05-R-1265 53. 05-R-1266 54. 05-R-1267 55. 05-R-1268 56. 05-R-1269 57. 05-R-1270 58. 05-R-1271 59. 05-R-1272 60. 05-R-1273 61. 05-R-1274 62. 05-R-1275 63. 05-R-1276 64. 05-R-1277 65. 05-R-1278 66. 05-R-1279 67. 05-R-1280 68. 05-R-1281 69. 05-R-1283 70. 05-R-1284 71. 05-R-1285