

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF *CROSSROADS HOLDINGS, INC. et. al. v. CITY OF ATLANTA*, STATE COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 99-VS-01484345, AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER AS FOLLOWS: "1A01 (General Fund)-529017 (Property Liquidation) -T31001 (Non Departmental)" ;AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, during the 1996 Olympic Games held in Atlanta, numerous vendors who had obtained licenses for street vending from the City of Atlanta through the City's agent Munson Steed complained that they were not being afforded the benefits for which they allegedly had paid license fees, including, but not limited to, proper utility connections, promised traffic routings, and other benefits expected from a City-managed event; and

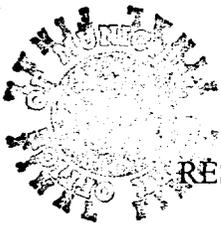
WHEREAS, the complaining vendors contended that they lost money and were denied anticipated income due to the alleged failure of the City of Atlanta to provide the benefits promised; and

WHEREAS, these same vendors filed suit against the City of Atlanta, alleging breach of contract and other claims; and

WHEREAS, the claims of numerous vendors were denied by the courts through failure of proofs or for other reasons, and all cases were dismissed except the case styled *CROSSROADS HOLDINGS, INC. Et. Al. V. CITY OF ATLANTA*, CIVIL ACTION FILE NO. 99-VS-01484345, in the State Court of Fulton County, Georgia ("Crossroads II"); and

WHEREAS, after mediation efforts by the Hon. Philip Etheridge, Judge of the Superior Court of Fuiton County, and the Hon. Diane Bessen, Judge of the State Court of Fulton County, the remaining plaintiffs in Crossroads II have offered through their attorney, Louis Levenson, to accept payment of approximately 83.2% of the license fees paid to the City of Atlanta by them, not to exceed a total payout of \$765,000.00, including their attorney's fees in the case and legal expenses, and to forego any other claims for loss of income or otherwise; and

WHEREAS, in the opinion of the City Attorney the proposed settlement 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 case of *CROSSROADS HOLDINGS, INC. Et. Al. V. CITY OF ATLANTA*, CIVIL ACTION FILE NO. 99-VS-01484345, in the State Court of Fulton County, Georgia, for the sum of Seven Hundred, Sixty-Five Thousand (\$ 765,000.00) Dollars, in full settlement of the claims of all Plaintiffs against the City of Atlanta.

Section 2: THAT the settlement shall be accomplished in accordance with the terms of the proposed Order of the State Court of Fulton County, a copy of which proposed Order is attached hereto as Exhibit "B."

Section 3: THAT the individual plaintiffs' original fees paid and the corresponding percentage amount of the settlement amount allocated to each of them, including attorney fees, is set forth in Exhibit "A" attached hereto.

Section 3: THAT in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Seven Hundred, Sixty-Five Thousand (\$ 765,000.00) Dollars, payable to Louis Levenson, Esq., as attorney for Plaintiffs, who shall be responsible under the Order of the State Court of Fulton County for the disbursement of payments to the individual plaintiffs and to account therefore, and to charge such amount to Fund Account and Center Number as follows: "1A01 (General Fund)-529017 (Property Liquidation) -T31001 (Non Departmental)."

Section 4: 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,
Phanda Daughkin Johnson
Municipal Clerk, CMC

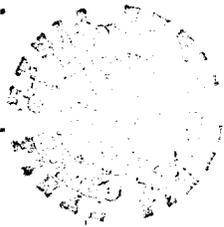
ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

June 6, 2005
June 15, 2005

EXHIBIT A

<u>EXISTING VENDORS</u>	<u>LICENSE FEE</u>	<u>FINAL SETTLEMENT</u>
1. All American Slush	\$19,250 x 0.832 =	\$16,016.00 (before legal fees)
2. An American Original	\$29,500 x 0.832 =	\$24,544.00 (before legal fees)
3. Auterror Meyers	\$15,000 x 0.832 =	\$12,480.00 (before legal fees)
4. Balloon Foods (Royal Guard, Inc.)	\$30,000 x 0.832 =	\$24,960.00 (before legal fees)
5. Ben-Ron, Inc.	\$6,000 x 0.832 =	\$4,992.00 (before legal fees)
6. Biddle-Patterson/ Spring Water Vending	\$77,500 x 0.832 =	\$64,480.00 (before legal fees)
7. Buds Duds	\$20,000 x 0.832 =	\$16,640.00 (before legal fees)
8. Caribbean Cone	\$20,000 x 0.832 =	\$16,640.00 (before legal fees)
9. Cascade Souvenirs (Moses Yi)	\$13,000 x 0.832 =	\$10,816.00 (before legal fees)
10. Chad Distributors	\$15,000 x 0.832 =	\$12,480.00 (before legal fees)
11. CNW International	\$20,500 x 0.832 =	\$17,056.00 (before legal fees)
12. Cool World	\$12,259 x 0.832 =	\$10,199.49 (before legal fees)
13. Covenant Associates	\$30,000 x 0.832 =	\$24,960.00 (before legal fees)
14. Creative Marketing/Ho Ho	\$105,400 x 0.832 =	\$87,692.80 (before legal fees)
15. Crossroads Holdings, Inc.	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
16. DASA Enterprises, L.C. (Patterson)	\$20,000 x 0.832 =	\$16,640.00 (before legal fees)
17. D.H. Good Foods	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
18. E.J. Enterprises	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
19. F & J Enterprises	\$6,000 x 0.832 =	\$4,992.00 (before legal fees)
20. Final Connection	\$12,500 x 0.832 =	\$10,400.00 (before legal fees)

<u>EXISTING VENDORS</u>	<u>LICENSE FEE</u>	<u>FINAL SETTLEMENT</u>
21. Foodland	\$15,000 x 0.832 =	\$12,480.00 (before legal fees)
22. Gordon Enterprises	\$10,050 x 0.832 =	\$8,736.00 (before legal fees)
23. Great American Water	\$77,000 x 0.832 =	\$64,064.00 (before legal fees)
24. Healthful Essences	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
25. House of Elliotts	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
26. Hon Yeh Chinese Restaurant	\$22,000 x 0.832 =	\$18,304.00 (before legal fees)
27. Jomica & G&T Vending (2 vendors)	\$37,500 x 0.832 =	\$31,200.00 (before legal fees)
28. Mothers of Invention	\$30,000 x 0.832 =	\$24,960.00 (before legal fees)
29. Nails Plus	\$26,000 x 0.832 =	\$21,632.00 (before legal fees)
30. New Orleans Jazzy Sno-balls (Phillips)	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
31. Philadelphia Filly	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
32. Planet Sports	\$6,000 x 0.832 =	\$4,992.00 (before legal fees)
33. Prime Time Event Marketing	\$25,000 x 0.832 =	\$20,800.00 (before legal fees)
34. R&K Enterprises	\$17,000 x 0.832 =	\$14,144.00 (before legal fees)
35. Seeds of Gold	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
36. Shanaz Fahandeza	\$6,000 x 0.832 =	\$4,992.00 (before legal fees)
37. Signs-R-Us	\$31,000 x 0.832 =	\$25,792.00 (before legal fees)
38. Snack Shack	\$17,500 x 0.832 =	\$14,560.00 (before legal fees)
39. Southern West Enterprises, Inc.	\$8,500 x 0.832 =	\$7,072.00 (before legal fees)
40. Steppin in Style	\$10,000 x 0.832 =	\$8,320.00 (before legal fees)
41. T-Shirt World	\$30,550 x 0.832 =	\$25,417.60 (before legal fees)
TOTAL:	(901,459) x 0.832 =	(750,013.90)



IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

CROSSROADS HOLDINGS, INC. et. al. :

Plaintiffs, :

vs. :

CITY OF ATLANTA :

Defendant. :

CIVIL ACTION FILE
NO.: 99-VS-01484345

ORDER

It appearing to this Court that counsel for Defendant and counsel for Plaintiffs have reached a reasonable settlement in the above referenced case; that the Mayor and City Council of the City of Atlanta have generally approved the terms of the settlement as described herein – below, subject to the Court’s approval and subject to the approval of Plaintiffs; that said settlement has been reviewed and tentatively approved by the Court and found to be fair and equitable to all parties; and that the Court wishes to provide all Plaintiffs with the opportunity to review the settlement with the Court before any final order in this case is entered :

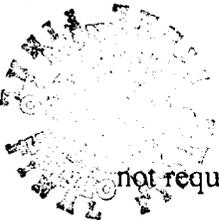
Therefore, it is hereby ORDERED and DECREED:

1.

That all Plaintiffs who have neither accepted nor rejected in writing to the settlement as specified for each Plaintiff on the Exhibit attached hereto and as set forth below by

_____ A.M., on the _____ day of _____, 2005, are invited, but

EXHIBIT "B"



not required, to appear in Courtroom 3D at 185 Central Avenue SW, Atlanta, GA 30303 at such date and time to show cause why the proposed settlement agreement should not be accepted by this Court, and why the Court should not enter its Order making such agreement the judgment of the Court.

2.

Louis Levenson, as counsel for Plaintiffs, is granted authority and ordered to sign a settlement agreement, with Exhibit "A" below attached on behalf of any Plaintiff/client not appearing at the above date and time who has not rejected the proposed settlement terms in writing by such time.

3.

Any Plaintiffs not appearing at that date and time who have not rejected the proposed settlement agreement in writing will be deemed to have consented to the settlement agreement entered into on their behalf by counsel and will be bound by same.

4.

Proceeds of the settlement will be disbursed to each Plaintiff in accordance with the attached Exhibit. Each Plaintiff's total payout will equal that Plaintiff's total license fee paid times the percentage of total payout as compared to the total amounts paid for all licenses (0.832), less attorney's fees as per the fee agreement and contract between the attorney and each individual client. This Court specifically approves the award of contingency fees to Louis



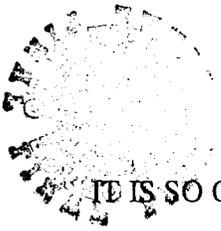
Levenson at rates between thirty-three and one-third percent (33.3 %) and forty percent (40%) as per the fee agreement and contract between the attorney and each individual client.

5.

Settlement funds from the City of Atlanta shall be held in the escrow account of Plaintiffs' counsel and disbursed on a per client basis as each client executes the necessary settlement documents. Attorney's fees (as separately agreed to between each Plaintiff and Louis Levenson) due to Louis Levenson shall be deducted from each Plaintiff's disbursement as that disbursement occurs per Exhibit "A." Plaintiffs whose whereabouts are not known, who fail to contact Louis Levenson, or who fail to contact this Court shall have their attorney's fees deducted from their payout and the net balance of funds due to said Plaintiff shall be held in escrow until such time that such Plaintiff contacts counsel for Plaintiffs, or until the passage of three (3) years from and after the date of this Order, whichever is sooner. In the event that any Plaintiff fails to contact counsel for Plaintiffs within the aforesaid three (3) years from and after the date of this Order, then, and in that event, counsel for Plaintiffs shall refund to the City of Atlanta the funds due to such client (having deducted attorney's fees due to Louis Levenson on each fee contract with each such Plaintiff as set forth or referenced on Exhibit "A") held in his escrow account for each such Plaintiff who has not contacted him within the aforesaid three-year period. Upon passage of the three-year period, counsel for Plaintiffs shall make an accounting to the City of Atlanta showing the disbursement amounts.

6.

Counsel for Plaintiffs is directed to place notice of settlement in the Fulton County Daily Report, and in the Atlanta Journal-Constitution within two weeks from the date of this Order.



IT IS SO ORDERED this _____ day of _____, 2005

HON. DIANE E. BESSEN
State Court of Fulton County

Order presented by:

Louis Levenson
Attorney for Plaintiffs

Louis Levenson
125 Broad Street, SW
Atlanta, Georgia 30303
(404) 659-5000
(404) 659-1355 fax
e-mail: llevenson@smipc.net

RCS# 6714
6/06/05
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-18 EXCEPT:05-O-0893
05-R-1006 05-R-1001
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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	B Sheperd	NV Borders

CONSENT I

			06-06-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0891	31. 05-R-0963	49. 05-R-0794	80. 05-R-0947
2. 05-O-0890	32. 05-R-0964	50. 05-R-0796	81. 05-R-0948
3. 05-O-0894	33. 05-R-0966	51. 05-R-0797	82. 05-R-0949
4. 05-O-0668	34. 05-R-0967	52. 05-R-0798	83. 05-R-0950
5. 05-O-0667	35. 05-R-0918	53. 05-R-0802	84. 05-R-0951
6. 05-O-0899	36. 05-R-0919	54. 05-R-0803	85. 05-R-0952
7. 05-O-0816	37. 05-R-0920	55. 05-R-0804	86. 05-R-0953
8. 05-O-0817	38. 05-R-0921	56. 05-R-0808	87. 05-R-0958
9. 05-R-0983	39. 05-R-0922	57. 05-R-0809	
10. 05-R-0984	40. 05-R-0923	58. 05-R-0811	
11. 05-R-0985	41. 05-R-0924	59. 05-R-0813	
12. 05-R-0986	42. 05-R-0925	60. 05-R-0815	
13. 05-R-0987	43. 05-R-0926	61. 05-R-0928	
14. 05-R-0959	44. 05-R-0927	62. 05-R-0929	
15. 05-R-0994	45. 05-R-0954	63. 05-R-0930	
16. 05-R-0995	46. 05-R-0955	64. 05-R-0931	
17. 05-R-0996	47. 05-R-0956	65. 05-R-0932	
18. 05-R-0997	48. 05-R-0957	66. 05-R-0933	
19. 05-R-0998		67. 05-R-0934	
20. 05-R-0989		68. 05-R-0935	
21. 05-R-0974		69. 05-R-0936	
22. 05-R-0975		70. 05-R-0937	
23. 05-R-0973		71. 05-R-0938	
24. 05-R-0898		72. 05-R-0939	
25. 05-R-0977		73. 05-R-0940	
26. 05-R-0978		74. 05-R-0941	
27. 05-R-0979		75. 05-R-0942	
28. 05-R-0980		76. 05-R-0943	
29. 05-R-1000		77. 05-R-0944	
30. 05-R-0962		78. 05-R-0945	
		79. 05-R-0946	

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A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF *CROSSROADS HOLDINGS, INC. ET AL V. CITY OF ATLANTA*, STATE COURT OF FULTON COUNTY CIVIL ACTION FILE NO. 99-VS-01484345, AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER AS FOLLOWS: "1A01 (GENERAL FUND)-529017 (PROPERTY LIQUIDATION)-731001 (NON DEPARTMENTAL)"; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

ADOPTED BY
JERRY DELOACH
JUN 06 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 5/31/05

Chair *[Signature]*

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

Other _____

Members *[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 _____

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED

JUN 06 2005

[Signature]

CERTIFIED

JUN 05 2005

Ronald D. [Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 15 2005

WITHOUT SIGNATURE
BY OPERATION OF LAW