

**A RESOLUTION**

**BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF RICHARD HOLMES V. OFFICER NICHOLAS DIMAURO, SUNTRUST PLAZA ASSOCIATES, LLC, ET AL., IN THE SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, CIVIL ACTION FILE NO. 06-EV-001077J, IN THE AMOUNT OF \$2000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, Richard Holmes v. Officer Nicholas Dimauro, et al. is a case in which the Plaintiff, Richard Holmes, is suing for a violation of his Constitutional rights when he was arrested by Atlanta Police Officer Nicholas Dimauro, on charges of obstruction and ; and

WHEREAS, Plaintiff has alleged that Officer Dimauro arrested him without probable cause and that he was deprived of his rights secured by the United States Constitution; and

WHEREAS, the City has weighed the significant expense required to continue to defend the litigation against the opportunity to resolve the litigation expeditiously; and

WHEREAS, the Plaintiff is willing to settle all claims against Officer Nicholas Dimauro and The City of Atlanta for two thousand dollars (\$2000.00) an amount that includes all costs, including a dismissal with prejudice as to all claims against the City of Atlanta and Officer Nicholas Dimauro; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1.** That the City Attorney is hereby authorized to conclude the settlement of all claims of Richard Holmes against Officer Nicholas Dimauro as set forth in Civil Action **06-EV-001077J**, in the Superior Court of Fulton County, State of Georgia, for the aggregate amount of two thousand dollars (\$2000.00), including execution of settlement documents;

**SECTION 2.** That the Chief Financial Officer is authorized to pay to Richard Holmes and his attorney Linley Jones, the total sum of \$2000.00, which shall be paid from **Fund 1A01 (General Fund), Account 529017 (Property Liquidation), and Center Number T31001 (Non-Departmental).**