



# 08-R-0399

## AN AMENDED 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 MICHAEL BRYANT and JESSE GAITHER v. CITY OF ATLANTA, SUPERIOR COURT FULTON COUNTY, CIVIL ACTION FILE NO. 2007CV137207, IN THE AMOUNT OF \$2,000.00; 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**, *Michael Bryant and Jesse Gaither v. City of Atlanta*, is a case in which the Plaintiffs sued for alleged damage to personal property as a result of storm water drainage system flooding;

**WHEREAS**, Plaintiffs allege that they suffered repeated storm water drainage system overflows to their property;

**WHEREAS**, Plaintiffs allege that they incurred property damage as a result of the flooding;

**WHEREAS**, Plaintiffs allege that the repeated flooding caused damages to their personal property;

**WHEREAS**, Plaintiffs have agreed to accept \$2,000.00, in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

**WHEREAS**, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

**WHEREAS**, the City Attorney considers it to be in the best interest of the City to pay the amount of \$2,000.00 to settle all claims against the City of Atlanta.

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

**SECTION 1.** The City Attorney is hereby authorized to settle and execute all documents in the case of *Michael Bryant and Jesse Gaither v. City of Atlanta* in the amount of Two Thousand Dollars (\$2,000.00).

**SECTION 2.** Said payment is to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-departmental). Payment shall be in the form of a check in the amount of \$1,000.00 payable to Michael Bryant and his attorney, Stephen Apolinsky, and a check in the amount of \$1,000.00 payable to Jesse Gaither and his attorney, Stephen Apolinsky. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

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WHEREAS, *Michael Bryant and Jesse Gaither v. City of Atlanta*, is a case in which the Plaintiffs sued for alleged damage to personal property as a result of storm water drainage system flooding;

WHEREAS, Plaintiffs allege that they suffered repeated storm water drainage system overflows to their property;

WHEREAS, Plaintiffs allege that they incurred property damage as a result of the flooding;

WHEREAS, Plaintiffs allege that the repeated flooding caused damages to their personal property;

WHEREAS, Plaintiffs have agreed to accept \$2,000.00, in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

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