

A RESOLUTION

08-R-_____

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 BYRON MCCOY v. CITY OF ATLANTA and JEPaul JAMES ADAMS, SUPERIOR COURT FULTON COUNTY, CIVIL ACTION FILE NO. 2007CV131624, IN THE AMOUNT OF \$25,000.00; 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, *Byron McCoy v. City of Atlanta and JePaul James Adams*, is a case in which the Plaintiff sued for personal injuries resulting from a car accident involving a City employee and a City owned Vehicle.

WHEREAS, Plaintiff alleges that he suffered bodily injuries as a result of the automobile accident.

WHEREAS, on May 16, 2007, Plaintiff added Progressive Direct Insurance Company as a Defendant and Progressive Direct Insurance Company filed its Answer and Cross-Claim against the City.

WHEREAS, Plaintiff reached a settlement with Defendant Progressive Direct Insurance Company and Plaintiff filed a Voluntary Dismissal with Prejudice of his claims against Defendant Progressive Direct Insurance Company on March 24, 2008. Defendant Progressive Direct Insurance Company also filed a Voluntary Dismissal with Prejudice of its counterclaim against the City.

WHEREAS, Plaintiff has agreed to accept \$25,000.00, in full settlement of all claims against the City of Atlanta and JePaul James Adams, 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 Plaintiff's 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 \$25,000.00 to settle all claims against the City of Atlanta and JePaul James Adams.

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 *Byron McCoy v. City of Atlanta and JePaul James Adams* in the amount of Twenty Five Thousand Dollars (\$25,000.00).

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 \$25,000.00 payable to Byron McCoy and Stokes & Kopitsky, P.A. against the City of Atlanta and JePaul James Adams, and its current and former officers and employees.