

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 TBF FINANCIAL, LLC V. CITY OF ATLANTA, STATE COURT FULTON COUNTY, CIVIL ACTION FILE NO. 2008VS132767, IN THE AMOUNT OF \$3,250.00; 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, *TBF Financial, LLC v. City of Atlanta* is a case in which Plaintiff sued for payment of fees associated with the monthly rental of office equipment.

WHEREAS, Plaintiff alleges that full payment for equipment rental, as per a rental agreement, was not received, and thus the terms of the contract were breached.

WHEREAS, Plaintiff alleges that the City owes Plaintiff \$7,592.42, which includes the remaining amount Plaintiff alleges is due on the contract, interests, attorney's fees and court costs.

WHEREAS, Plaintiff has agreed to accept \$3,250.00, in full settlement of all claims against the City of Atlanta; 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 \$3,250.00 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 *TBF Financial, LLC v. City of Atlanta* in the amount of Three Thousand Two Hundred and Fifty Dollars (\$3,250.00).

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 \$3,250.00 payable to TBF Financial, LLC and Simpson Law Offices, LLP against the City of Atlanta, and its current and former officers and employees.