

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 STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. a/s/o LINDA CAPELL, FULTON COUNTY STATE COURT, CIVIL ACTION FILE NO. 2008EV004267-Y IN THE AMOUNT OF \$2,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND) ACCOUNT 5212005 (LITIGATION EXPENSE) CENTER NUMBRE 200101 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS *State Farm Mutual Automobile Insurance Company a/s/o Linda Capell v. City of Atlanta* is a case in which the Plaintiff sued for monetary reimbursement of monies paid to its insured for property damage allegedly incurred as a result of an automobile accident involving employees of the City of Atlanta;

WHEREAS, Plaintiff *State Farm Mutual Automobile Insurance Company* alleges that its insured suffered property damage as a result of the automobile accident involving City of Atlanta employees;

WHEREAS, Plaintiff has 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 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 \$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 *State Farm Mutual Automobile Insurance Company a/s/o Linda Capell 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 1001 (General Fund), Account 5212005 (Litigation Expense) and Center Number 200101 (Non-departmental). Payment shall be in the form of a check in the amount of \$2,000.00 payable to Ronald W. Parnell and State Farm Mutual Automobile Insurance Company a/s/o Linda Capell. 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.