

10-R-0525

(Do Not Write Above This Line)

A 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 NATIONWIDE MUTUAL FIRE INSURANCE COMPANY *et/vo* Subrogee of Luis Carballo *v. COA, CIVIL ACTION FILE NUMBER 09-CV-173725, IN THE AMOUNT OF \$5,309.00; AUTHORIZING PAYMENT OF \$5,309.00 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT NUMBER 200101 (LITIGATION EXPENSES) and CENTER NUMBER 5212005 (NON-DEPARTMENTAL) and 1512000 (FUNCTIONAL ACTIVITY NUMBER) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.*

APPROVED BY:

[Signature]
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADOPTED BY
APR 19 2010
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

PSLA Committee

3/30/10 Date

[Signature] Chair

Action
 Fav, Adv, Hold (see rev. side)
Other _____

Members
[Signature]

[Signature]

[Signature]

Refer To _____

Committee _____

Date _____

Chair _____

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Committee _____

Date _____

Chair _____

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action
Fav, Adv, Hold (see rev. side)
Other _____

Members _____

Refer To _____

Refer To _____

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RFC Vote

CERTIFIED

APR 19 2010

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
APR 19 2010

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 27 2010

MAYOR

[Signature]



A 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 NATIONWIDE MUTUAL FIRE INSURANCE CO. a/s/o Subrogee of Luis Carballo v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009CV173725, IN THE AMOUNT OF \$5,309.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 200101 (LITIGATION EXPENSES) and CENTER NUMBER 5212005 (NON- DEPARTMENTAL) and 1512000 (FUNCTIONAL ACTIVITY NUMBER) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Nationwide Mutual Fire Insurance Co. as Subrogee of Luis Carballo v. City of Atlanta, is a case involving alleged vehicle property damage resulting from roadwork performed by City employees;

WHEREAS, Plaintiff alleges that his vehicle was damaged as a result of City employees' failure to place warning signs or notice of road construction;

WHEREAS, Plaintiff sought monetary damages for the repairs he incurred as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$5,309.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

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;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$5,309.00 to settle all claims against the City of Atlanta; and



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 Nationwide Mutual Fire Insurance Co. as Subrogee of Luis Carballo v. City of Atlanta, in the amount of Five Thousand Three Hundred and Nine Dollars and no Cents (\$5,309.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from fund 1001 (General Fund), Account 200101 (Litigation Expenses) and Center Number 5212005 (Non-departmental) and 1512000 (Functional Activity Number). Payment shall be in the form of a check in the amount of \$5,309.00 payable to Nationwide Mutual Insurance Company a/s/o Luis Carballo and Boutwell & Associates, LLC. 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.

A true copy,

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

APR 19, 2010
APR 27, 2010


Municipal Clerk

RCS# 164
4/19/10
3:14 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-0491, 10-O-0474

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		04-19-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0473	36. 10-R-0541	45. 10-R-0552
2. 10-O-0475	37. 10-R-0543	46. 10-R-0553
3. 10-O-0058	38. 10-R-0544	47. 10-R-0554
4. 10-O-0310	39. 10-R-0546	48. 10-R-0555
5. 10-O-0311	40. 10-R-0547	49. 10-R-0556
6. 10-O-0312	41. 10-R-0548	50. 10-R-0557
7. 10-O-0500	42. 10-R-0549	51. 10-R-0558
8. 10-O-0408	43. 10-R-0550	52. 10-R-0559
9. 10-O-0499	44. 10-R-0551	53. 10-R-0560
10. 10-O-0465		54. 10-R-0561
11. 10-O-0466		55. 10-R-0562
12. 10-O-0469		56. 10-R-0563
13. 10-O-0470		57. 10-R-0564
14. 10-R-0497		58. 10-R-0565
15. 10-R-0332		59. 10-R-0566
16. 10-R-0596		60. 10-R-0567
17. 10-R-0525		61. 10-R-0568
19. 10-R-0597		62. 10-R-0569
20. 10-R-0602		63. 10-R-0570
21. 10-R-0526		64. 10-R-0571
22. 10-R-0527		65. 10-R-0572
23. 10-R-0528		66. 10-R-0573
24. 10-R-0529		67. 10-R-0574
25. 10-R-0530		68. 10-R-0575
26. 10-R-0531		69. 10-R-0576
27. 10-R-0532		70. 10-R-0577
28. 10-R-0533		71. 10-R-0578
29. 10-R-0534		72. 10-R-0579
30. 10-R-0535		73. 10-R-0580
31. 10-R-0536		74. 10-R-0581
32. 10-R-0537		75. 10-R-0582
33. 10-R-0538		76. 10-R-0583
34. 10-R-0539		77. 10-R-0584
35. 10-R-0540		78. 10-R-0585
		79. 10-R-0586
		80. 10-R-0587
		81. 10-R-0588
		82. 10-R-0589
		83. 10-R-0590
		84. 10-R-0591
		85. 10-R-0592
		86. 10-R-0593