

10-12-1140

(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  
ERIKA SCHULTZ v. CITY OF ATLANTA, et al.,  
CIVIL ACTION FILE NO. 208EV004757A, IN  
THE AMOUNT OF \$100,000.00;  
AUTHORIZING SAID PAYMENT TO BE  
CHARGED TO AND PAID FROM FUND 5051  
(WATER & WASTEWATER REVENUE  
FUND), 170201 (DWM WASTEWATER  
TREATMENT & COLLECTIONS), 5750002  
(PROPERTY / LIQUIDATION) 4310000  
(SANITARY ADMINISTRATION)  
AUTHORIZING THE CHIEF FINANCIAL  
OFFICER TO DISTRIBUTE THE  
SETTLEMENT AMOUNT; AND FOR OTHER  
PURPOSES.

APPROVED BY:  
JERRY L. DETOACH  
DEPUTY CITY ATTORNEY

ADOPTED BY

JUN 21 2010

COUNCIL

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

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred to \_\_\_\_\_

First Reading

PSLA  
Date 6/15/10  
Chair [Signature]

Action: Fav, Adv, Hold (see rev. side)

Other: As Amended

Members [Signatures]

Refer To \_\_\_\_\_

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 \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: Fav, Adv, Hold (see rev. side)

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED  
JUN 21 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED  
JUN 21 2010

Rod Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 30 2010

WITHOUT SIGNATURE  
BY OPERATION OF LAW



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 ERIKA SCHULTZ v. CITY OF ATLANTA, et al., CIVIL ACTION FILE NO. 208EV004757A, IN THE AMOUNT OF \$40,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DWM WASTEWATER TREATMENT & COLLECTIONS), 5750002 (PROPERTY / LIQUIDATION) 4310000 (SANITARY ADMINISTRATION) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Erika Schultz v. City of Atlanta*, is a case in which the Plaintiff sued for alleged personal injuries resulting from stepping into a broken water meter cover;

WHEREAS, Plaintiff alleges that she suffered physical damages and pain and suffering as a result of her fall;

WHEREAS, Plaintiff sought an excess of \$250,000.00 for her injuries resulting from her alleged fall as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$40,000.00, 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 \$40,000.00 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 *Erika Schulz v. City of Atlanta*, in the amount of Forty Thousand Dollars and no Cents (\$40,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections), 5750002 (Property/Liquidation), 4310000 (Sanitary Administration). Payment shall be in the form of a check in the amount of \$40,000.00 payable to Woodward & Stern, LLC for Erika Schultz. 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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A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED as amended by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

JUN 21, 2010

JUN 30, 2010

RCS# 320  
6/21/10  
3:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1166,10-O-0875

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

		06-21-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1178	43. 10-R-1179	77. 10-R-1103
2. 10-O-1165	44. 10-R-1072	78. 10-R-1104
3. 10-O-0876	45. 10-R-1073	79. 10-R-1105
4. 10-O-0945	46. 10-R-1074	80. 10-R-1106
5. 10-O-0946	47. 10-R-1075	81. 10-R-1107
6. 10-O-0947	48. 10-R-1076	82. 10-R-1108
7. 10-O-0948	49. 10-R-1077	83. 10-R-1109
8. 10-O-0949	50. 10-R-1078	84. 10-R-1110
9. 10-O-0950	51. 10-R-1079	85. 10-R-1111
10. 10-O-1041	52. 10-R-1080	86. 10-R-1112
11. 10-O-1176	53. 10-R-1081	87. 10-R-1113
12. 10-O-0897	54. 10-R-1082	88. 10-R-1114
13. 10-O-0924	55. 10-R-1083	89. 10-R-1115
14. 10-O-0932	56. 10-R-1084	90. 10-R-1116
15. 10-O-0933	57. 10-R-1085	91. 10-R-1117
16. 10-O-1057	58. 10-R-1086	92. 10-R-1118
17. 10-R-1139	59. 10-R-1087	93. 10-R-1119
18. 10-R-1140	60. 10-R-1088	94. 10-R-1120
19. 10-R-1141	61. 10-R-1089	95. 10-R-1121
20. 10-R-1154	62. 10-R-1182	96. 10-R-1122
21. 10-R-1180	<b>ITEMS ADVERSED</b>	97. 10-R-1123
22. 10-R-1181	<b>ON CONSENT</b>	98. 10-R-1124
23. 10-R-1143	63. 10-R-0839	99. 10-R-1125
24. 10-R-1144	64. 10-R-1090	100. 10-R-1126
25. 10-R-1146	65. 10-R-1091	101. 10-R-1127
26. 10-R-1060	66. 10-R-1092	102. 10-R-1128
27. 10-R-1061	67. 10-R-1093	103. 10-R-1129
28. 10-R-1062	68. 10-R-1094	104. 10-R-1130
29. 10-R-1155	69. 10-R-1095	105. 10-R-1131
30. 10-R-1156	70. 10-R-1096	106. 10-R-1132
31. 10-R-1157	71. 10-R-1097	107. 10-R-1133
32. 10-R-1158	72. 10-R-1098	108. 10-R-1134
33. 10-R-1159	73. 10-R-1099	109. 10-R-1135
34. 10-R-1160	74. 10-R-1100	110. 10-R-1136
35. 10-R-1164	75. 10-R-1101	111. 10-R-1137
36. 10-R-1172	76. 10-R-1102	112. 10-R-1138
37. 10-R-1177		
38. 10-R-1183		
39. 10-R-0931		
40. 10-R-1070		
41. 10-R-1071		
42. 10-R-1175		