

10-R-1451

(Do Not Write Above This Line)

A RESOLUTION

BY IVORY L. YOUNG, JR.

Ivory L. Young, Jr.

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF SARAH C. DOZIER, AS ADMINISTRATOR OF THE ESTATE OF KATHRYN JOHNSTON V. CITY OF ATLANTA, ET. AL., CIVIL ACTION FILE NO. 1:08-CV-0007-MHS, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION, IN THE AMOUNT OF FOUR MILLION NINE HUNDRED THOUSAND DOLLARS (\$4,900,000.00); 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); AND AUTHORIZING PAYMENT OF \$3,000,000.00 IN FISCAL YEAR 2011, PAYMENT PROCESSED IMMEDIATELY FOLLOWING APPROVAL; AND \$1,900,000.00 IN FISCAL YEAR 2012, TO BE PAID NOT LATER THAN AUGUST 15, 2011; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:

IVORY L. YOUNG, JR.

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

Date Referred

Referred To: **ADOPTED BY**

Date Referred: **AUG 16 2010**

Referred To: **COUNCIL**

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED
AUG 16 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
AUG 16 2010

Renee Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 16 2010

Kasim Reed
MAYOR



A RESOLUTION

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10-R-_____

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF SARAH C. DOZIER, AS ADMINISTRATOR OF THE ESTATE OF KATHRYN JOHNSTON V. CITY OF ATLANTA, ET. AL., CIVIL ACTION FILE NO. 1:08-CV-0007-MHS, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION, IN THE AMOUNT OF FOUR MILLION NINE HUNDRED THOUSAND DOLLARS (\$4,900,000.00); 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); AND AUTHORIZING PAYMENT OF \$3,000,000.00 IN FISCAL YEAR 2011, PAYMENT PROCESSED IMMEDIATELY FOLLOWING APPROVAL; AND \$1,900,000.00 IN FISCAL YEAR 2012, TO BE PAID NOT LATER THAN AUGUST 15, 2011; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Sarah C. Dozier, as Administrator of the Estate of Kathryn Johnston v. City of Atlanta, et. al.*, is a case filed on November 21, 2007 in the State Court of Fulton County and removed to United States District Court on December 20, 2007, in which the Plaintiff, as Administrator of the Estate of Kathryn Johnston, sought remedy and redress for alleged violations of decedent's constitutional rights including, but not limited to alleged violations of the Fourth and Fourteenth Amendments and various state law claims; and

WHEREAS, the above referenced claims arise out the shooting death of Ms. Kathryn Johnston on November 21, 2006, by former police officers with the Atlanta Police Department Narcotics Unit while executing a "no-knock warrant" at 933 Neal Street, Atlanta, Georgia; and

WHEREAS, the City Defendants, represented by the Office of the City Attorney, include the City of Atlanta; Richard Pennington, Chief of Police for the City of Atlanta; Lt. Stacie Gibbs; Maj. Pearlene Williams; Asst. Chief Alan Dreher; Maj. E.R. Finley; Maj. (sic) Mathis; Maj. Brooks; Deputy Chief Peter Andresen; and Maj. C.J. Davis; and

WHEREAS, the Parties filed cross motions for summary judgment in December 2009;

WHEREAS, the Parties were ordered to mediation by United States District Court Judge Marvin H. Shoob on July 6, 2010; and

WHEREAS, as a result of the mediation, Plaintiff has agreed to accept \$4,900,000.00 in full settlement of all claims against the City Defendants; including interest and attorney's fees; and



WHEREAS, the \$4,900,000.00 settlement is payable to her attorneys with the law firm of Cochran Cherry Givens Smith Sistrunk and Sams; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law in preparation for the court-ordered mediation 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 \$4,900,000.00 to settle all claims against the City of Atlanta and City Defendants.

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, *Sarah C. Dozier, as Administrator of the Estate of Kathryn Johnston v. City of Atlanta, et. al.*, pending in the United States District Court for the Northern District of Georgia, in the amount of four million nine hundred thousand dollars and zero cents (\$4,900,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payments 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 \$3,000,000.00 to be paid in fiscal year 2011 immediately following approval and a deferred payment of \$1,900,000.00 to be paid in fiscal year 2012, not later than August 15, 2011 and made payable to Sarah C. Dozier and the firm of Cochran Cherry Givens Smith Sistrunk and Sams. 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 that were represented by the City Attorney.

CGW

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

AUG 16, 2010
AUG 16, 2010

RCS# 512
8/16/10
4:16 PM

Atlanta City Council

REGULAR SESSION

PERSONAL

AUTH.SETTLE.OF CLAIMS SARAH DOZIER AS
ADMIN OF KATHRYN JOHNSON ESTATE V.CITY
ADOPT/YOUNG

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

PERSONAL