

10-*R*-1538

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF JAMES CHUMBLEY, DEBORAH GREEN AND JANA KATO VS CITY OF ATLANTA, CIVIL ACTION FILE NO. 2008-EV-003830, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$440,000.00; AUTHORIZING \$390,000.00 TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (FUNCTIONAL ACTIVITY); AND AUTHORIZING \$50,000.00 TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY

*Jerry L. DeLoach*  
Jerry L. DeLoach, Deputy City Attorney

- 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:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

*PSLA* Committee  
 8/31/10 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 \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
**ADOPTED BY**  
 SEP 07 2010  
**COUNCIL**  
 Refer To \_\_\_\_\_

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

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED  
 SEP 07 2010  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
 SEP 07 2010  
*Rochelle Douglas Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 16 2010

WITHOUT SIGNATURE  
BY OPERATION OF LAW

A RESOLUTION

10-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 JAMES CHUMBLEY, DEBORAH GREEN AND JANA KATO VS. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2008-EV-003830, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$440,000.00; AUTHORIZING \$390,000.00 TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (FUNCTIONAL ACTIVITY); AND AUTHORIZING \$50,000.00 TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiffs James Chumbley, Deborah Green and Jana Kato filed a lawsuit, *James Chumbley, Deborah Green and Jana Kato vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate storm water drainage and sanitary sewer systems;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's storm water drainage and sewer systems, their properties sustained damages resulting from storm water runoff and sanitary backup;

WHEREAS, the City Attorney has done extensive review of the facts and the law, and has determined that the City of Atlanta's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount;

WHEREAS, Plaintiff *James Chumbley* has agreed to accept \$165,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;

WHEREAS, Plaintiff *Deborah Green* has agreed to accept \$250,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;



**WHEREAS**, Plaintiff *Jana Kato* has agreed to accept \$25,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

**WHEREAS**, the City Attorney considers it to be in the best interest of the City of Atlanta to pay the Plaintiffs, *James Chumbley, Deborah Green and Jana Kato*, collectively, the amount of \$440,000.00 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 *James Chumbley, Deborah Green and Jana Kato vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 2008-EV-003830, in the collective amount of Four Hundred Forty Thousand Dollars (\$440,000.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of One Hundred Sixty-Five Thousand Dollars (\$165,000.00) to James Chumbley. Said payment is to be charged, paid and issued from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for James Chumbley*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. 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.

**SECTION 3** The Chief Financial Officer is authorized to pay the total amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) to Deborah Green. Said payment is to be charged, paid and issued as follows: \$200,000.00 from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity); \$50,000.00 from Fund 5051 (Water & Sewer) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for Deborah Green*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. 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.

**SECTION 4** The Chief Financial Officer is authorized to pay the amount of Twenty-Five Thousand Dollars (\$25,000.00) to Jana Kato. Said payment is to be charged, paid and issued from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for Jana Kato*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. 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,

*Rhonda Daughlin Johnson*  
Municipal Clerk

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

SEP 07, 2010

SEP 16, 2010

RCS# 523  
9/07/10  
2:48 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-1577

ADOPT EXCEPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

		09-07-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-1464	38. 10-R-1579	59. 10-R-1507
2. 10-O-1470	39. 10-R-1580	60. 10-R-1508
3. 10-O-1397	40. 10-R-1581	61. 10-R-1509
4. 10-O-1398	41. 10-R-1374	62. 10-R-1510
5. 10-O-1465	42. 10-R-1491	63. 10-R-1511
6. 10-O-1467	43. 10-R-1492	64. 10-R-1512
7. 10-O-1373	44. 10-R-1493	65. 10-R-1513
8. 10-R-1462	45. 10-R-1494	66. 10-R-1514
9. 10-R-1463	46. 10-R-1495	67. 10-R-1515
10. 10-R-1480	47. 10-R-1496	68. 10-R-1516
11. 10-R-1481	48. 10-R-1497	69. 10-R-1517
12. 10-R-1482	49. 10-R-1498	70. 10-R-1518
13. 10-R-1483	50. 10-R-1499	71. 10-R-1519
14. 10-R-1484	51. 10-R-1500	72. 10-R-1520
15. 10-R-1485	52. 10-R-1501	73. 10-R-1521
16. 10-R-1558	53. 10-R-1502	74. 10-R-1522
17. 10-R-1559	54. 10-R-1503	75. 10-R-1523
18. 10-R-1560	55. 10-R-1504	76. 10-R-1524
19. 10-R-1561	56. 10-R-1505	77. 10-R-1525
20. 10-R-1562	57. 10-R-1506	78. 10-R-1526
21. 10-R-1563	58. 10-R-1541	79. 10-R-1527
22. 10-R-1564		80. 10-R-1528
23. 10-R-1565		81. 10-R-1529
24. 10-R-1568		82. 10-R-1530
25. 10-R-1537		83. 10-R-1531
26. 10-R-1538		84. 10-R-1532
27. 10-R-1539		85. 10-R-1533
28. 10-R-1540		86. 10-R-1534
29. 10-R-1543		87. 10-R-1571
30. 10-R-1544		88. 10-R-1572
31. 10-R-1545		
32. 10-R-1546		
33. 10-R-1547		
34. 10-R-1548		
35. 10-R-1549		
36. 10-R-1551		
37. 10-R-1578		