

10-R-2111

(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 DEBORAH SCHOWALTER V. APD OFFICERS L. H. WAGAMAN AND SGT. ALGEO, CIVIL ACTION FILE NUMBER 1:08-CV-00264-JOF, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$25,000.00; OF THIS AMOUNT, AUTHORIZING PAYMENT OF \$25,000.00 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), (ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 151200 (ACCOUNTING) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

ADOPTED BY

Jerry L. DeLoach, Deputy City Attorney
DEC 06 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:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

11/30/10 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

Committee

Date

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

Committee

Date

CERTIFIED

CERTIFIED
DEC 06 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd

Readings

- Consent
- V Vote
- RC Vote

CERTIFIED
DEC 06 2010

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 14 2010

[Signature]
MAYOR



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 DEBORAH SCHOWALTER V. APD OFFICERS L. H. WAGAMAN AND SGT. ALGEO, CIVIL ACTION FILE NUMBER 1:08-CV-00264-JOF, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$25,000.00; OF THIS AMOUNT, AUTHORIZING PAYMENT OF \$25,000.00 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), (ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 151200 (ACCOUNTING) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Deborah Schowalter vs. APD Officers L. H. Wagaman, and Sgt. Algeo* is a case in which the Plaintiff, Deborah Schowalter, sought remedy and redress for alleged deprivation of her Fourth and Fourteenth Amendment rights after the officers entered her home without a warrant and arrested her; and

WHEREAS, Plaintiff has agreed to accept \$25,000.00 in full settlement of all claims against the police officers, inclusive of 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 considered it to be in the best interest of the City to pay the amount of \$25,000.00 to settle all claims against the City of Atlanta's police officers.



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 *Deborah Schowalter vs. APD Officers L. H. Wagaman, and Sgt. Algeo* in the amount of Twenty-Five-Thousand Dollars and Zero Cents (\$25,000.00).

SECTION 2. Said payment is to be charged, paid and issued as follows:

The Chief Financial Officer is authorized to make payment from **Fund 1001 (General Fund), Center Number 200101 (Non-Departmental), (Account 5212005 (Litigation Expenses) and Functional Activity Number 1512000 (Accounting)). Payment shall be in the form of a check in the amount of \$25,000.00 payable to Ralph Goldberg.** 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 Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

DEC 06, 2010
DEC14, 2010

RCS# 714
12/06/10
2:47 PM

Atlanta City Council

REGULAR SESSION

10-R-2111

SETTLE ALL CLAIMS IN CASE OF DEBORAH
SCHOWALTER V. APD OFFICERS
ADOPT

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

10-R-2111