

**10-R-2142**

(Do Not Write Above This Line)

**A RESOLUTION**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF GEOFFREY CALHOUN ET AL V. CITY OF ATLANTA, ET AL. CIVIL ACTION FILE NO. 1:09-CV-3286-TCB, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION, IN THE AMOUNT OF ONE MILLION TWENTY-FIVE THOUSAND DOLLARS (\$1,025,000.00), AND CONSIDERATION OF CERTAIN ACTIONS TO BE TAKEN BY THE ATLANTA POLICE DEPARTMENT; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:

*[Signature]*  
*[Signature]*  
*[Signature]*

ADOPTED BY

DEC 06 2010

- CONSENT REFER
- REGULAR REPORT RE **COUNCIL**
- 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 \_\_\_\_\_

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

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 Voice
  - RC Vote

CERTIFIED

**CERTIFIED**  
 DEC 06 2010

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

**CERTIFIED**  
 DEC 06 2010

*[Signature]*  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

DEC 07 2010

*[Signature]*  
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A RESOLUTION

10-R-

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF GEOFFREY CALHOUN, ET AL V. CITY OF ATLANTA, ET. AL., CIVIL ACTION FILE NO. 1:09-CV-3286-TCB, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION, IN THE AMOUNT OF ONE MILLION TWENTY-FIVE THOUSAND DOLLARS (\$1,025,000.00), AND IN CONSIDERATION OF CERTAIN ACTIONS TO BE TAKEN BY THE ATLANTA POLICE DEPARTMENT; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

**WHEREAS, Geoffrey Calhoun, et al v. City of Atlanta, et. al., Civil Action File No. 1:09-CV-3286-TCB** is a case filed in the United States District Court for the Northern District of Georgia on November 24, 2009, in which the Plaintiffs sought remedy and redress for alleged violations of the Fourth and Fourteenth Amendments of the United States and Georgia Constitutions, false imprisonment, assault and battery and criminal trespass, arising from an Atlanta Police Department pre-planned operation resulting from an ongoing investigation at the Atlanta Eagle, a business licensed by the City of Atlanta as a Night Club and located at 306 Ponce De Leon Ave, Atlanta Georgia, 30303 during the night of September 10, 2009 and continuing into the morning of September 11, 2009; and

**WHEREAS,** in addition to the City of Atlanta, Plaintiffs named several individual employees of the Atlanta Police Department as defendants in this action; and

**WHEREAS,** the Parties were ordered to mediation by United States District Court Judge Timothy C. Batten on November 10, 2010; and

**WHEREAS,** the mediation took place over a three-day period, November 23, 2010, December 1, 2010, and December 3, 2010; and

**WHEREAS,** as a result of the mediation, Plaintiff has agreed to accept \$1,025,000.00 in full settlement of all claims against the City of Atlanta and all individually named defendants; and

**WHEREAS,** as a result of the mediation, the Atlanta Police Department has agreed to take certain actions in regards to their Standard Operating Procedures; and

**WHEREAS,** the \$1,025,000.00 settlement is payable to Plaintiffs' attorneys, The Escrow Account of Lamda Legal Defense Fund; 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 to accept this agreement in



settlement of all claims in this matter is in the best interest of the City of Atlanta and all defendants;

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, hereby resolves as follows:

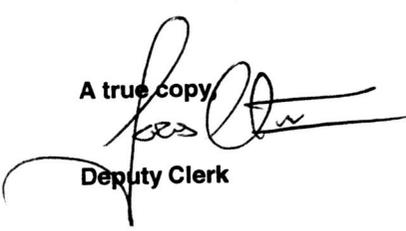
**SECTION 1.** The City Attorney is hereby authorized to settle and execute all documents in the case of, **Geoffrey Calhoun, et al v. City of Atlanta, et. al., Civil Action File No. 1:09-CV-3286-TCB**, pending in the United States District Court for the Northern District of Georgia, in the amount of one million twenty-five thousand dollars and zero cents (\$1,025,000.00).

**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 **\$1,025,000.00** made payable to **The Escrow Account for Lamda Legal Defense Fund**. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and all individually named defendants.

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AAR

A true copy,



Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

DEC 06, 2010  
DEC 07, 2010

RCS# 720  
12/06/10  
4:01 PM

Atlanta City Council

REGULAR SESSION

10-R-2142

SETTLE ALL CLAIMS IN CASE OF GEOFFREY  
CALHOUN, ET AL V. CITY OF ATLANTA  
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-2142