

11-R-0767

(Do Not Write Above This Line)

A RESOLUTION BY:
 COUNCILMEMBER IVORY LEE YOUNG, JR.
 COUNCILMEMBER C.T. MARTIN

Ivory Lee Young, Jr.
C.T. Martin

A RESOLUTION AUTHORIZING THE CITY ATTORNEY OR HER DESIGNATED LEGAL REPRESENTATIVE TO EXECUTE A SETTLEMENT AGREEMENT AND/OR OTHER APPROPRIATE DOCUMENTS/PLEADINGS NECESSARY TO EFFECTUATE SETTLEMENT IN THE CASE OF COREY AIRPORT SERVICES, INC. VS. THE CITY OF ATLANTA ET AL.; IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION (CIVIL ACTION NO. 1:04-CV-3243-CAP) IN AN AMOUNT NOT TO EXCEED THREE MILLION, NINE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$3,900,000.00); AUTHORIZING SAID PAYMENT TO BE PAID FROM ACCOUNT 5501(AIRPORT REVENUE FUND), 180312 (AIRPORT OPERATIONS), 5212005 (LITIGATION EXPENSE), 7563000 (AIRPORT); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

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

Date Referred _____
 Referred To: _____
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Committee _____
 Date _____
 Chair _____
 Referred to _____

First Reading

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: _____

ADOPTED BY

MAY 02 2011

COUNCIL

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
 Readings
 Consent V Vote PRC Vote

CERTIFIED
 MAY 02 2011

ATLANTA CITY COUNCIL PRE SECRETARY

CERTIFIED
 MAY 02 2011
R. L. D... Municipal Clerk

MAYOR'S ACTION

APPROVED

MAY 02 2011

[Signature]
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

11-R-0767

A RESOLUTION BY:

COUNCILMEMBER IVORY LEE YOUNG, JR.
COUNCILMEMBER C.T. MARTIN

[Handwritten signatures and initials]

A RESOLUTION AUTHORIZING THE CITY ATTORNEY OR HER DESIGNATED LEGAL REPRESENTATIVE TO EXECUTE A SETTLEMENT AGREEMENT AND/OR OTHER APPROPRIATE DOCUMENTS/PLEADINGS NECESSARY TO EFFECTUATE SETTLEMENT IN THE CASE OF COREY AIRPORT SERVICES, INC. VS. THE CITY OF ATLANTA ET AL.; IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION (CIVIL ACTION NO. 1:04-CV-3243-CAP) IN AN AMOUNT NOT TO EXCEED THREE MILLION, NINE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$3,900,000.00); AUTHORIZING SAID PAYMENT TO BE PAID FROM ACCOUNT 5501(AIRPORT REVENUE FUND), 180312 (AIRPORT OPERATIONS), 5212005 (LITIGATION EXPENSE), 7563000 (AIRPORT); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Corey Airport Services, Inc. ("Corey") filed a lawsuit against the City of Atlanta ("City") based on a Department of Aviation advertising procurement on November 4, 2004 in the U.S. District Court of the Northern District of Georgia ("District Court"); and

WHEREAS, a verdict was returned in favor of Corey, and Corey was awarded compensatory damages of eight million, five hundred thousand dollars and zero cents (\$8,500,000.00) against all defendants; and

WHEREAS, Corey has a pending motion for attorneys' fees and the fees are approximately four million dollars and zero cents (\$4,000,000.00) against all defendants; and

WHEREAS, the liability is joint and several such that Corey could go after any defendant for amounts owed; and

WHEREAS, on February 28, 2011, the City filed its appeal to the United States Court of Appeals, Eleventh Circuit, and all City officials were dismissed from the case; and

WHEREAS, the City and Corey participated in a mandatory mediation pursuant to Eleventh Circuit Rule 33.1 on April 20, 2011; and

WHEREAS, the City and Corey desire to enter into a settlement agreement to resolve Corey's claims on the terms set forth in the Settlement Agreement; and



WHEREAS, the City's payment of three million, nine hundred thousand dollars and zero cents (\$3,900,000.00) caps the City's payment obligation regardless of payment or lack of payment by the other parties; and

WHEREAS, the City Attorney, in consultation with the Aviation General Manager, considers it to be in the best interest of the Department of Aviation and the City of Atlanta to settle all claims related to this lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney or her designated legal representative is authorized to settle the lawsuit and to execute a Settlement Agreement and/or any other appropriate documents/pleadings necessary to effectuate the settlement of the lawsuit.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to pay an amount not to exceed three million, nine hundred thousand dollars and zero cents (\$3,900,000.00) from account 5501 (Airport Revenue Fund), 180312 (Airport Operations), 5212005 (Litigation Expenses), 7563000(Airport).

BE IT FURTHER RESOLVED that the City Attorney or her designated legal representative is authorized, on behalf of the City, to execute a Settlement Agreement and/or any other appropriate documents/pleadings with any of the parties to the lawsuit to consummate the settlement according to the terms set forth in this Resolution and upon such additional reasonable terms as determined appropriate by the City Attorney, including the dismissal of the lawsuit by the parties with prejudice.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

BE IT FINALLY RESOLVED that this Resolution shall not become binding on the City and that the City shall incur no liability under it until the Settlement Agreement is reviewed by the City Attorney and has been fully executed by the City Attorney on behalf of the City of Atlanta and delivered to William E. Corey.

A true copy,

Shonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

MAY 02, 2011
MAY 04, 2011

RCS# 1022
5/02/11
6:49 PM

Atlanta City Council

REGULAR SESSION

PROCEDURE

SEND BOTH PERSONAL PAPERS TO MAYORS
OFFICE POST HASTE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

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

PROCEDURE