

11- R-0924

(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 STATE FARM MUTUAL AUTOMOTIVE INSURANCE COMPANY also of CHRISTOPHER VAKY v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2010EV011214H, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$2,250.00; AUTHORIZING SAID PAYMENT 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). AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

ADOPTED BY

JUL 05 2011

COUNCIL

APPROVED BY:

*[Signature]*

ERIC RICHARDSON, Deputy City Clerk

- 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  
 Date 6/28/11  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_  
 Members Joyce M. Shepard  
Adrian  
RESW  
 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 \_\_\_\_\_  
 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  
 JUL 05 2011  
 ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
 JUL 05 2011  
 Rhonda Daughkin Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 14 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



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 STATE FARM MUTUAL AUTOMOTIVE INSURANCE COMPANY a/s/o CHRISTOPHER VAKY v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2010EV011214H, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$2,250.00; AUTHORIZING SAID PAYMENT 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); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, State Farm Mutual Insurance Company as Subrogee of Christopher Vaky v. City of Atlanta, is a case involving alleged vehicle property damage resulting from a vehicle accident that occurred on or about November 7, 2009, when Mr. Vaky's vehicle was involved in a collision with City of Atlanta employee, Donald S. Herring;

WHEREAS, Plaintiff alleges that his vehicle was damaged as a result of Atlanta employee Donald S. Herring operating a motor vehicle in a negligent manner, as the proximate cause of Plaintiff's property damage;

WHEREAS, Plaintiff sought monetary damages for the repairs he incurred as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$2,250.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

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 considers it to be in the best interest of the City to pay the amount of \$2,250.00 to settle all claims against the City of Atlanta; and

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 State Farm Mutual Insurance Company as Subrogee of Christopher Vaky v. City of Atlanta in the amount of Two Thousand Five Hundred Dollars and no Cents (\$2,250.00).

SECTION 2. The Chief Financial Officer is authorized to make payment 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 \$2,250.00 payable to Christopher Vaky and Candace Boutwell, Esq., Law Offices of Boutwell & Associates, 2280 Satellite Blvd., Bldg B, Duluth, GA 30097. 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,

A handwritten signature in black ink, appearing to read "F. S. [unclear]".

Deputy Clerk

ADOPTED by the Atlanta City Council July 05, 2011  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403 July 14, 2011





