

11-R-0925

(Do Not Write Above This Line)

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 BERNARDO PINA V. APD OFFICER L. BOWER, CIVIL ACTION FILE NUMBER 1:08-CV-3928RLV, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$5,000.00; OF THIS AMOUNT, AUTHORIZING PAYMENT OF \$5,000.00 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.

Eric Richardson, Deputy City Attorney

ADOPTED BY

JUL 05 2011

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
6/28/11 Date
Chair
Action
Members
Refer To

Committee
Date
Chair
Action
Members
Refer To

Committee
Date
Chair
Action
Members
Refer To

Committee
Date
Chair
Action
Members
Refer To

FINAL COUNCIL ACTION

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

CERTIFIED
JUL 05 2011
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
JUL 05 2011
Municipal Clerk

MAYOR'S ACTION

APPROVED

JUL 14 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

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WHEREAS, *Bernardo Pina vs. APD Officer L. Bower* is a case in which the Plaintiff, Bernardo Pina, sought remedy and redress for alleged deprivation of his Fourth Amendment rights after the officer used alleged excessive force during his arrest; and

WHEREAS, Plaintiff has agreed to accept \$5,000.00 in full settlement of all claims against the police officer, 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 \$5,000.00 to settle all claims against the City of Atlanta's police officer.



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 *Bernardo Pina vs. APD Officer L. Bower* in the amount of Five-Thousand Dollars and Zero Cents (\$5,000.00).

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 \$5,000.00 payable to Bernardo Pina and Patrick A. Matson & Emily J. Matson, P.C.**

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,

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

