

11-R-1026
(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 LAWRENCE TAUB v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2007EV001848, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$30,000.00; 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 18 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
7/12/11 Date
[Signature] Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members
[Signature]
[Signature]

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

CERTIFIED
JUL 18 2011
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JUL 20 2011
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 27 2011

**WITHOUT SIGNATURE
BY OPERATION OF LAW**



RESOLUTION

11- R -1026

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 LAWRENCE TAUB v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2007EV001848, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$30,000.00; 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, Lawrence Taub v. City of Atlanta, is a case involving alleged damages resulting from injuries sustained when Plaintiff tripped and fell on an uneven sidewalk surface on or about March 17, 2005.

WHEREAS, Plaintiff alleges that as a result of the negligent repair of the uneven sidewalk by The City of Atlanta, he suffered physical damages and pain and suffering as a result of the fall;

WHEREAS, Plaintiff sought in excess of \$50,000.00 for his injuries resulting from the alleged fall as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$30,000.00, 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;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$30,000.00 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 Lawrence Taub v. City of Atlanta, in the amount of Seven Thousand Dollars and no Cents (\$30,000.00).



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 \$30,000.00 payable to Lawrence Taub and Charles McAleer, Esq., McAleer Law, 121 Church Street, Decatur, GA 30030. 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 be "S. L. ...", written over a horizontal line.

Deputy Clerk

ADOPTED by the Atlanta City Council July 18, 2011
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 July 27, 2011

RCS# 1281
7/18/11
3:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 8
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 7

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

CONSENT I