

**11-R-1347**

(Do Not Write Above This Line)

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 11-R-1347

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF KERRY BOOZER V. JOSEPH SARRIA, NICHOLAS CHIMINO, AND THE CITY OF ATLANTA. CIVIL ACTION FILE NUMBER 1:09-CV-2102-AJB, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE TOTAL GROSS AMOUNT OF \$30,000.00, TO BE DISTRIBUTED TO PLAINTIFF'S COUNSEL SUBJECT TO A LIEN BY THE DIVISION OF CHILD SUPPORT SERVICES; AUTHORIZING PAYMENT OF \$30,000.00 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

- 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:

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

**PSLA** Committee

Date 9/13/11

Chair *[Signature]*

Action *[Signature]*

Fav. Adv. Hold (see rev. side)  
 Other \_\_\_\_\_

Members \_\_\_\_\_

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav. Adv. Hold (see rev. side)  
 Other \_\_\_\_\_

Members \_\_\_\_\_

**ADOPTED BY**

SEP 19 2011

**COUNCIL**

Refer 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 \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
 Readings  
 Consent  V Vote  RC Vote

CERTIFIED  
 SEP 19 2011

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED  
 SEP 19 2011

*[Signature]*  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 28 2011

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



**A RESOLUTION**

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF KERRY BOOZER V. JOSEPH SARRIA, NICHOLAS CHIMINO, AND THE CITY OF ATLANTA, CIVIL ACTION FILE NUMBER 1:09-CV-2102-AJB, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE TOTAL GROSS AMOUNT OF \$30,000.00, TO BE DISTRIBUTED TO PLAINTIFF'S COUNSEL SUBJECT TO A LIEN BY THE DIVISION OF CHILD SUPPORT SERVICES; AUTHORIZING PAYMENT OF \$30,000.00 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.**

**WHEREAS, *Kerry Boozer v. Joseph Sarria, Nicholas Chimino, and The City of Atlanta***, is a case in which the Plaintiff, Kerry Boozer sought remedy and redress for alleged violation of 42 U.S.C. § 1983, arising from the alleged false imprisonment, and assault and battery Plaintiff Boozer by Defendants Sarria and Chimino in violation of the Georgia Constitution; and

**WHEREAS**, Plaintiff has agreed to accept the total gross amount of \$30,000.00 in full settlement of all remaining claims against the City of Atlanta, inclusive of interest and attorney's fees, to be distributed to Plaintiff; 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 \$30,000.00 to settle all claims against the City of Atlanta.

**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 *Kerry Boozer v. Joseph Sarria, Nicholas Chimino, and The City of Atlanta*, in the amount of Thirty-thousand-dollars and 00 cents (\$30,000.00).

**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 \$30,000.00 payable to Randy Slater, Esq., counsel for the Plaintiff, subject to a lien filed by the Division of Child Support Services in the amount of \$23,066.02.** 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,

*Phonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

Sept. 19, 2011  
Sept. 28, 2011

RCS# 1410  
9/19/11  
3:51 PM

Atlanta City Council

REGULAR SESSION

PROCEDURE

9/19/2011 CONSENT AGENDA SECTION 1  
EXCEPT 11-O-1241 AND 11-O-0740  
ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 6  
EXCUSED: 0  
ABSENT 0

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

PROCEDURE

RCS# 1409  
9/19/11  
3:50 PM

Atlanta City Council

REGULAR SESSION

PROCEDURE 9/19/2011 CONSENT AGENDA SECTION 1

RECONSIDER

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 6  
EXCUSED: 0  
ABSENT 0

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

PROCEDURE



		<b>09-19-11</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 11-O-1239	38. 11-R-1306	47. 11-R-1332
2. 11-O-1240	39. 11-R-1307	48. 11-R-1333
3. 11-O-1361	40. 11-R-1308	49. 11-R-1334
4. 11-O-1362	41. 11-R-1309	50. 11-R-1335
5. 11-O-1363	42. 11-R-1310	51. 11-R-1336
6. 11-O-1364	43. 11-R-1328	52. 11-R-1337
7. 11-O-1243	44. 11-R-1329	53. 11-R-1338
8. 11-O-1268	45. 11-R-1330	54. 11-R-1339
9. 11-O-1242	46. 11-R-1331	55. 11-R-1340
10. 11-O-1261		56. 11-R-1341
11. 11-O-1249		57. 11-R-1342
12. 11-O-1251		58. 11-R-1343
13. 11-O-1267		59. 11-R-1344
14. 11-O-1295		
15. 11-O-1250		
16. 11-O-1357		
17. 11-O-1098		
18. 11-O-1225		
19. 11-O-1226		
20. 11-O-1227		
21. 11-O-1353		
22. 11-R-1313		
23. 11-R-1347		
24. 11-R-1348		
25. 11-R-1349		
26. 11-R-1350		
27. 11-R-1352		
28. 11-R-1054		
29. 11-R-1325		
30. 11-R-1326		
31. 11-R-1327		
32. 11-R-1356		
33. 11-R-1317		
34. 11-R-1318		
35. 11-R-1012		
36. 11-R-1304		
37. 11-R-1305		