

11-1379  
 (Do Not Write Over 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 OMAR MARTINEZ v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 10A28658-4, PENDING IN DEKALB COUNTY STATE COURT, IN THE AMOUNT OF \$48,000.00; 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.

APPROVED BY  
  
 ERIC RICHARDSON  
 DEPUTY CITY ATTORNEY  
**COUNCIL**  
 OCT 03 2011

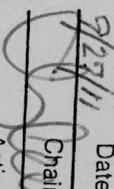
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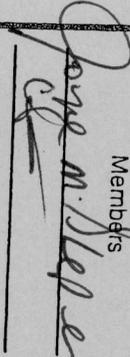
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred  
 Referred To:  
 Date Referred  
 Referred To:  
 Date Referred  
 Referred To:

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

First Reading

PSLA Committee  
 Date 9/27/11  
 Chair   
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

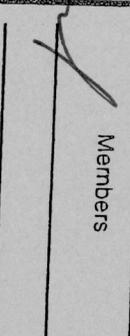
Members  
  
 Peter To

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
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Refer To  
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Committee \_\_\_\_\_  
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 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
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Members  
  
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Committee \_\_\_\_\_  
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 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
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Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Refer To  
 Refer To

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

CERTIFIED  
 OCT 03 2011  
 ATLANTA CITY COUNCIL PRESIDENT  


CERTIFIED  
 OCT 03 2011  
 R. A. Douglas  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 12 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 OMAR MARTINEZ v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 10A28658-4, PENDING IN DEKALB COUNTY STATE COURT, IN THE AMOUNT OF \$48,000.00; 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, Omar Martinez v. City of Atlanta**, is a case involving alleged damages resulting from a vehicle accident that occurred on or about May 27, 2008, when the vehicle in which Mr. Martinez was a passenger collided with a City of Atlanta vehicle parked in the roadway;

**WHEREAS**, Plaintiff alleges that as a result of the negligence of City of Atlanta employee, he suffered physical damages, pain and suffering as a result of the vehicle collision;

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

**WHEREAS**, Plaintiff has agreed to accept \$48,000.00, 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; and

**WHEREAS**, the City Attorney considers it to be in the best interest of the City to pay the amount of \$48,000.00 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 Omar Martinez v. City of Atlanta in the amount of Forty Eight Thousand Dollars and no Cents (\$48,000.00).

**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 \$48,000.00 payable to Omar Martinez and Steven Barnett, Law Offices of Steven M. Barnett, PC, 4343 Shallowford Road, Suite F-7, Marietta, GA 30062. 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.

RCS# 1451  
10/03/11  
2:50 PM

Atlanta City Council

REGULAR SESSION

CONSENT I                    CONSENT AGENDA SECTION I OF OCT. 3, 2011

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>	<b>10-03-11</b>
1. 11-O-1418 2. 11-O-1319 3. 11-O-1320 4. 11-O-1321 5. 11-O-1322 6. 11-O-1324 7. 11-O-1346 8. 11-O-1405 9. 11-O-1408 10. 11-O-1409 11. 11-O-1314 12. 11-O-1315 13. 11-O-1316 14. 11-O-1311 15. 11-O-1241 16. 11-O-1413 17. 11-R-1378 18. 11-R-1379 19. 11-R-1386 20. 11-R-1403 21. 11-R-1384 22. 11-R-1385 23. 11-R-1381 24. 11-R-1416 25. 11-R-1373 26. 11-R-1423 27. 11-R-1387 28. 11-R-1388 29. 11-R-1389 30. 11-R-1390 31. 11-R-1391 32. 11-R-1392 33. 11-R-1393 34. 11-R-1394 35. 11-R-1395 36. 11-R-1396	37. 11-R-1397 38. 11-R-1398 39. 11-R-1399 40. 11-R-1400 41. 11-R-1401 42. 11-R-1402	