

11- R-1386

(Do Not Write Above This Line)

A RESOLUTION  
11-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 JOHN DOE #1, ET AL. V.  
CITY OF ATLANTA, ET AL., CIVIL  
ACTION FILE NO. 2011-CV-205517,  
FULTON COUNTY SUPERIOR COURT,  
IN THE TOTAL GROSS AMOUNT OF  
\$120,000.00, TO BE DISTRIBUTED TO  
PLAINTIFFS; AUTHORIZING PAYMENT  
OF \$120,000.00 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.

Deputy City Attorney Eric Richardson

- 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

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

*James Sheperd*

*Madison*

*Michael D.*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
Other

Members

ADOPTED BY

OCT 03 2011

COUNCIL

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

FINAL COUNCIL ACTION

2nd

1st & 2nd

3rd

Readings

Consent

V Vote

RC Vote

CERTIFIED

CERTIFIED  
OCT 03 2011

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED  
OCT 03 2011

*Ronald D. Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 17 2011

*[Signature]*  
MAYOR



**A RESOLUTION**

11-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 JOHN DOE #1, ET AL. v. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2011-CV-205517, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL GROSS AMOUNT OF \$120,000.00, TO BE DISTRIBUTED TO PLAINTIFFS; AUTHORIZING PAYMENT OF \$120,000.00 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**, plaintiffs Leandro A. Apud, Ernest C. Buehl, Michael Gray, Tadarieus Johnson, Robert L. Kelley, Robert Klein, Thomas B. Long, and John M. Wilder filed a lawsuit, *John Doe No. 1, et al. v. City of Atlanta, et al., Civil Action File Number 2011-CV-205517*, in which the plaintiffs sought remedy and redress for alleged violations of the United States and Georgia Constitutions, false imprisonment, assault and battery, and computer invasion of privacy, arising from an Atlanta Police Department pre-planned operation resulting from an ongoing investigation at the Atlanta Eagle, a business licensed by the City of Atlanta as a Night Club and located at 306 Ponce De Leon Ave., Atlanta, Georgia, 30303 during the night of September 10, 2009 and continuing into the morning of September 11, 2009; and

**WHEREAS**, in addition to the City of Atlanta, plaintiffs named several individual employees of the Atlanta Police Department as defendants in this action; and

**WHEREAS**, each of the plaintiffs has agreed to accept \$15,000 in full settlement of all claims against the City of Atlanta and all individually named defendants, for a total settlement amount of \$120,000; and

**WHEREAS**, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending plaintiffs' claims is in excess of the settlement amount; and



**WHEREAS**, the City Attorney considers it to be in the best interest of the City of Atlanta and all defendants to pay the total amount of \$120,000.00 to settle all claims against the City of Atlanta and the individually named defendants.

**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 *John Doe No. 1, et al. v. City of Atlanta, et al., Civil Action File Number 2011-CV-205517*, in the amount of One Hundred Twenty Thousand Dollars and 00 cents (\$120,000.00), to be distributed as \$15,000.00 to each of the plaintiffs, Leandro A. Apud, Ernest C. Buehl, Michael Gray, Tadarieus Johnson, Robert L. Kelley, Robert Klein, Thomas B. Long, and John M. Wilder.

**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 \$120,000.00 made payable to The Law Offices of Gerry Weber, LLC and Daniel J. Grossman, as attorneys for Leandro A. Apud, et al. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and all individually named defendants.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

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

OCT 03, 2011  
OCT 12, 2011

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	