

11-R-1789

(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 STATE FARM MUTUAL AUTOMOTIVE INSURANCE COMPANY *vs* TODD STEPHENS v. THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 10EV0109084, IN THE AMOUNT OF \$3,442.12; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 CENTER NUMBER 200101 (NON-DEPARTMENTAL), ACCOUNT 5212005 (LITIGATION EXPENSES) FUNCTIONAL ACTIVITY NUMBER 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:

ERIC RICHARDSON
DEPUTY CITY ATTORNEY

COUNCIL

JAN 03 2012

ADOPTED

- 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:
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

12/13/11 Date

Chair

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

Members

Refer To: *Stephens, Shepe*

Committee

Date

Chair

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

Members

Refer To:

Committee

Date

Chair

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

Committee

Date

Chair

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

Refer To

Refer To

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

CERTIFIED
JAN 03 2012

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
JAN 03 2012

Rachel Dunbar
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 12 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



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 STATE FARM MUTUAL AUTOMOTIVE INSURANCE COMPANY a/s/o TODD STEPHENS v. THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 10EV010908A, IN THE AMOUNT OF \$3,442.12; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 CENTER NUMBER 200101 (NON-DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) FUNCTIONAL ACTIVITY NUMBER 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, State Farm Mutual Automobile Insurance Company a/s/o Todd Stephens v. The City of Atlanta, is a case involving alleged vehicle property damage resulting from a tree limb falling onto the vehicle.

WHEREAS, Plaintiff alleges that the parked vehicle was damaged by a tree limb which fell from a dead tree located on property owned by the City of Atlanta;

WHEREAS, Plaintiff sought monetary damages for repairs incurred as well as attorney's fees and cost of litigation;

WHEREAS, Plaintiff has agreed to accept \$3,442.12, as full settlement of all claims against the City of Atlanta, which include attorney fees and the cost 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 \$3,442.12 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 *State Farm Mutual Automobile Insurance Company a/s/o Todd Stephens v. The City of Atlanta* in the amount of Three Thousand Four Hundred and Forty-Two Dollars and Twelve Cents (\$3,442.12).

SECTION 2. The Chief Financial Officer is authorized to make payment from **FUND 1001 CENTER NUMBER 200101 (NON-DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) FUNCTIONAL ACTIVITY NUMBER 1512000 (ACCOUNTING); Payment shall be in the form of a check in the amount of \$3,442.12 payable to State Farm Mutual Insurance Co. a/s/o Todd D. Stephens and Boutwell \$ Assoc., LLC, 2280 Satellite Blvd., Bldg. B., Duluth, GA 30097-4914 (Tax I.D. No. 20-0167862).** 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 "L. O. ...", is written over a horizontal line.

Deputy Municipal Clerk

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

**Jan. 03, 2012
Jan. 12, 2012**

RCS# 1647
1/03/12
2:27 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
JANUARY 3, 2012
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	01-03-12 ITEMS ADVERSED ON CONSENT
1. 11-O-1694 2. 11-O-1717 3. 11-O-1713 4. 11-O-1714 5. 11-O-1832 6. 11-O-1836 7. 11-O-1837 8. 11-O-1838 9. 11-O-1630 10. 11-O-1712 11. 11-O-1839 12. 11-O-1718 13. 11-R-1789 14. 11-R-1815 15. 11-R-1811 16. 11-R-1844 17. 11-R-1821 18. 11-R-1822 19. 11-R-1823 20. 11-R-1824 21. 11-R-1825 22. 11-R-1826 23. 11-R-1796 24. 11-R-1797 25. 11-R-1798 26. 11-R-1799 27. 11-R-1800 28. 11-R-1801		29. 11-R-1802 30. 11-R-1803 31. 11-R-1804