

12-*R*-0187

(Do Not Write Above This Line)

A RESOLUTION 12-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 DONALD
FRANK SMITH V. OFFICER JOHNNY
LEBLANC, ET AL., CIVIL ACTION FILE
NUMBER 1:07-CV-00320-CC-AJB, UNITED
STATES DISTRICT COURT, NORTHERN
DISTRICT OF GEORGIA, ATLANTA DIVISION,
IN THE AMOUNT OF \$15,000.00;
AUTHORIZING PAYMENT OF \$15,000.00 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
Eric Richardson, Deputy City Attorney

ADOPTED BY

FEB 2 0 2012

- CONSENT REFER **COUNCIL**
- 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:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSA
Committee _____
Date 2/14/12

Chair _____

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

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 _____

Committee _____

Date _____

Chair _____

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

Other _____

Members _____

Refer To _____

Refer To _____

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

CERTIFIED

FEB 2 0 2012

ATLANTA CITY COUNCIL PRESIDENT

FEB 2 0 2012

Rachel Dunbar
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 9 0 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



A RESOLUTION

12-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 DONALD FRANK SMITH V. OFFICER JOHNNY LEBLANC, ET AL., CIVIL ACTION FILE NUMBER 1:07-CV-00320-CC-AJB, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$15,000.00; AUTHORIZING PAYMENT OF \$15,000.00 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, *Donald Frank Smith v. Officer Johnny LeBlanc, et al.*, is a case in which the Plaintiff, Donald Frank Smith, sought remedy and redress for alleged deprivation of his Fourth Amendment rights after the officers used alleged excessive force during his arrest; and

WHEREAS, Plaintiff has agreed to accept \$15,000.00 in full settlement of all claims against the police officers, inclusive of interest and attorney's fees; 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 \$15,000.00 to settle all claims against the City of Atlanta's police officers.

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 *Donald Frank Smith v. Officers Johnny LeBlanc, et al.* in the amount of Fifteen-Thousand Dollars and Zero Cents (\$15,000.00).



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 \$15,000.00 payable to Jones Day.**

Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta's current and former police officers.

A true copy,

Deputy Clerk

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

FEB 20, 2012
FEB 29, 2012

RCS# 1751
2/20/12
2:22 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
MONDAY, FEBRUARY 20, 2012
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 2

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

CONSENT I

		02-20-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0112 2. 12-O-0103 3. 12-O-0104 4. 12-O-0105 5. 12-O-0093 6. 12-O-0094 7. 12-O-0098 8. 12-O-0100 9. 12-O-0101 10. 12-O-0102 11. 12-O-0153 12. 12-O-0204 13. 12-O-0205 14. 12-O-0207 15. 12-O-0215 16. 12-R-0155 17. 12-R-0203 18. 12-R-0187 19. 12-R-0201 20. 12-R-0202 21. 12-R-0195 22. 12-R-0197 23. 11-R-0198 24. 12-R-0199 25. 12-R-0213 26. 12-R-0214 27. 12-R-0220 28. 12-R-0191 29. 12-R-0193 30. 12-R-0161 31. 12-R-0162 32. 12-R-0163 33. 12-R-0164 34. 12-R-0165 35. 12-R-0166	36. 12-R-0167 37. 12-R-0168 38. 12-R-0169 39. 12-R-0170 40. 12-R-0171 41. 12-R-0172 42. 12-R-0173 43. 12-R-0174 44. 12-R-0175	45. 12-R-0176 46. 12-R-0177 47. 12-R-0178 48. 12-R-0179 49. 12-R-0180 50. 12-R-0181 51. 12-R-0182 52. 12-R-0183 53. 12-R-0184 54. 12-R-0185 55. 12-R-0186