

12-R-0268

(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 RUBY TOLLIVER, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-02420-WSD, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF ONE HUNDRED FORTY-FOUR THOUSAND DOLLARS (\$144,000.00); AUTHORIZING PAYMENT OF \$144,000.00 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 2001101 (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

ER

ADOPTED BY

MAR 05 2012

COUNCIL

- 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

2/28/12 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

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

CERTIFIED

MAR 05 2012

COUNCIL PRESIDENT PROTTEM

[Signature]

CERTIFIED

MAR 05 2012

Rachel Douglas Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 5 2012

Willie Reed

MAYOR



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 RUBY TOLIVER, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-02420-WSD, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF ONE HUNDRED FORTY-FOUR THOUSAND DOLLARS (\$144,000.00); AUTHORIZING PAYMENT OF \$144,000.00 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, *Ruby Toliver, et al. v. City of Atlanta, et al.* is a case in which the Plaintiffs sought remedy and redress for alleged violations the Fourth and Fourteenth Amendments of the United States Constitution, arising from an Atlanta Police Department action at Ruby's Sanabella Restaurant and Lounge on May 3, 2010; and

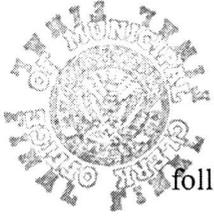
WHEREAS, in addition to the City of Atlanta, Plaintiffs named several individual employees of the Atlanta police Department as defendants in this action; and

WHEREAS, the parties were ordered to mediation by United States District Court Judge William S. Duffey, Jr., which took place on January 26, 2012; and

WHEREAS, as a result of the mediation, Plaintiffs agreed to accept \$144,000.00 in full settlement of all claims against the City of Atlanta and all defendants, inclusive of 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 Plaintiffs' claims is in excess of the mediated settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$144,000.00 to settle all claims against the City of Atlanta and all 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 *Ruby Toliver, et al. v. City of Atlanta, et al.* in the amount of one hundred forty-four thousand dollars (\$144,000.00).

SECTION 2. 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 \$144,000.00 payable to the Law Office of Daniel J. Grossman, counsel for Plaintiffs. 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,

A handwritten signature in black ink, appearing to be "Kasim Reed", written over the text "A true copy," and "Deputy Clerk".

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

MAR 05, 2012
MAR 05, 2012

RCS# 1773
3/05/12
2:21 PM

Atlanta City Council

CONSENT I

MONDAY, MARCH 5, 2012 AGENDA
EXCEPT 12-R-0249
ADOPT AS AMNDED

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

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	03-05-12
		ITEMS ADVERSED ON CONSENT
1. 12-O-0278 2. 12-O-0279 3. 12-O-0283 4. 12-O-0060 5. 12-O-0099 6. 12-O-0188 7. 12-O-0189 8. 12-R-0253 9. 12-R-0268 10. 12-R-0269 11. 12-R-0270 12. 12-R-0237 13. 12-R-0238 14. 12-R-0244 15. 12-R-0245 16. 12-R-0247 17. 12-R-0248 19. 12-R-0251 20. 12-R-0252 21. 12-R-0276 22. 12-R-0280 23. 12-R-0216 24. 12-R-0281 25. 12-R-0254 26. 12-R-0255 27. 12-R-0256 28. 12-R-0257 29. 12-R-0258 30. 12-R-0259 31. 12-R-0260 32. 12-R-0261 33. 12-R-0262 34. 12-R-0263 35. 12-R-0264	36. 12-R-0265 37. 12-R-0266 38. 12-R-0267	