

(Do Not Write Above This Line)

12-R-0439

A RESOLUTION

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASES OF JASON WALKER, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-334-CAP, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION IN THE AMOUNT OF \$470,000.00; ELTON BURNES, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 2011-CV-205512, SUPERIOR COURT OF FULTON COUNTY IN THE AMOUNT OF \$330,000; FELICIA ANDERSSON V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-3398-SCJ, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION IN THE AMOUNT OF \$50,000.00; AND IN RE SHEOLITA WALKER, CLAIM NUMBER 11-1-0858 IN THE AMOUNT OF \$90,000.00, FOR A TOTAL OF NINE HUNDRED FORTY THOUSAND DOLLARS (\$940,000.00) (THE "SETTLEMENT AMOUNT"); AUTHORIZING PAYMENT OF \$940,000 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.

APPROVED BY:

ADOPTED BY

MAR 19 2012

COUNCIL

CATHY HAMPTON
CITY ATTORNEY

- 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 _____

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

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 19 2012

Rachel Campbell
MUNICIPAL CLERK

CERTIFIED

MAR 19 2012

ATLANTA CITY COUNCIL PRESIDENT
[Signature]

MAYOR'S ACTION

APPROVED

MAR 19 2012

[Signature]
MAYOR

A RESOLUTION

12-R-_____

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASES OF JASON WALKER, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-3334-CAP, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION IN THE AMOUNT OF \$470,000.00; ELTON BURKES, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 2011-CV-205512, SUPERIOR COURT OF FULTON COUNTY IN THE AMOUNT OF \$330,000.00; FELICIA ANDERSON V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-3398-SCJ, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION IN THE AMOUNT OF \$50,000.00; AND IN RE SHEQUITA WALKER, CLAIM NUMBER 11-L-0858 IN THE AMOUNT OF \$90,000.00, FOR A TOTAL OF NINE HUNDRED FORTY THOUSAND DOLLARS (\$940,000.00) (THE "SETTLEMENT AMOUNT"); AUTHORIZING PAYMENT OF \$940,000 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, Jason Walker, et al. v. City of Atlanta, et al.; Elton Burkes et al. v. City of Atlanta, et al.; Felicia Anderson. v. City of Atlanta, et al.; and In re Shequita Walker, are actions in which the Plaintiffs sought remedy and redress for alleged deprivation of their Fourth Amendment rights in connection with actions by certain officers of the Atlanta Police Department; and

WHEREAS, in addition to the City of Atlanta, Plaintiffs named several individual officers of the Atlanta Police Department as defendants in the above-named actions; and

WHEREAS, Plaintiffs have agreed to accept the Settlement Amount in full settlement of all claims against all defendants, inclusive of interest and attorney's fees; and



WHEREAS, the Atlanta Police Department has agreed to make certain additions and revisions to its Standard Operating Procedures and implement additional training for its officers; 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 far 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 Settlement Amount to settle all claims against 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 settlement documents in the cases of *Jason Walker, et al. v. City of Atlanta, et al.*; *Elton Burkes et al. v. City of Atlanta, et al.*; *Felicia Anderson v. City of Atlanta, et al.*; and *In re Shequita Walker* for the Settlement Amount.

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 **\$940,000.00** payable to **Law Office of Daniel J. Grossman, counsel for Plaintiffs**. Such payment shall be in full consideration of the dismissal of all claims against all defendants.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

MAR 19, 2012
MAR 19, 2012

RCS# 1821
3/19/12
4:59 PM

Atlanta City Council

12-R-0439

AUTHORIZING SETTLEMENT CIVIL ACTION FILE
1:11-CV-3334-CAP/205512/3398
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

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