

**12-R-0834**  
 (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 CASES OF AURORA HOLDINGS, LLC, et al. v. CITY OF ATLANTA, et al., CIVIL ACTION FILE NO. 2009CV178737, FULTON COUNTY SUPERIOR COURT, AND JOHN BENATOR, et al. v. CITY OF ATLANTA, et al., CIVIL ACTION FILE NO. 2009CV167452, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$480,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM ACCOUNT 5051 (WATER & SEWER), CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE PAYMENT OF \$450,000 IN JULY 2012 AND PAYMENT OF \$30,000 IN NOVEMBER 2013; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:

*[Signature]*

ADOPTED BY  
 JUN 1 8 2012

ERIC RICHARDSON  
 DEPUTY CITY ATTORNEY

**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:

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

First Reading

*PSLA* Committee

Date

Chair

Action

*[Signature]* Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]*

*[Signature]* Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]* Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]* Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]*

Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]*

Fav. Adv. Hold (see rev. side)

Other

Members

Fav. Adv. Hold (see rev. side)

Other

Fav. Adv. Hold (see rev. side)

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]*

Fav. Adv. Hold (see rev. side)

Other

Members

Fav. Adv. Hold (see rev. side)

Other

Members

Fav. Adv. Hold (see rev. side)

Other

Members

*[Signature]*

Fav. Adv. Hold (see rev. side)

Other

Members

Fav. Adv. Hold (see rev. side)

Other

Members

Fav. Adv. Hold (see rev. side)

Other

Fav. Adv. Hold (see rev. side)

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

**CERTIFIED**  
 JUN 1 8 2012  
 ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

**CERTIFIED**  
 JUN 1 8 2012  
*Ronnie Dunbar Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

JUN 27 2012

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

12-R-0834

12-R-\_\_\_\_\_

**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 CASES OF AURORA HOLDINGS, LLC, et al. v. CITY OF ATLANTA, et al., CIVIL ACTION FILE NO. 2009CV178737, FULTON COUNTY SUPERIOR COURT, AND JOHN BENATOR, et al., v. CITY OF ATLANTA, et al., CIVIL ACTION FILE NO. 2009CV167452, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$480,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM ACCOUNT 5051 (WATER & SEWER), CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE PAYMENT OF \$450,000 IN JULY 2012 AND PAYMENT OF \$30,000 IN NOVEMBER 2013; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

**WHEREAS, AURORA HOLDINGS, LLC et al. v. CITY OF ATLANTA et al., and JOHN BENATOR, et al., v. CITY OF ATLANTA, et al., are putative class actions in which plaintiffs alleged that the City of Atlanta negligently failed to maintain large and small water meters and provided inaccurate billing related to large and small water meters; and**

**WHEREAS, plaintiffs sought injunctive relief and monetary damages, including attorneys' fees and costs of litigation; and**

**WHEREAS, after extensive discussions, the parties desire to resolve plaintiffs' claims on the terms set forth in a proposed Consent Order between the parties; and**

**WHEREAS, as part of the proposed Consent Order, plaintiffs have agreed to accept the Settlement Amount in full settlement of all claims against the City, 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 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 the City.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** hereby resolves as follows:

**SECTION 1.** The City Attorney is hereby authorized to execute a Consent Order and any other appropriate documents to consummate the settlement in the cases of **AURORA HOLDINGS, LLC et al. v. CITY OF ATLANTA et al.** and **JOHN BENATOR, et al., v. CITY OF ATLANTA et al.** for the Settlement Amount, and upon such additional reasonable terms as determined appropriate by the City Attorney.

**SECTION 2.** The Chief Financial Officer is authorized to make payment from **ACCOUNT 5051 (WATER & SEWER), CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY).** Payment shall be made according to the following schedule: **In July 2012, a check in the amount of \$450,000.00 shall be payable to Webb, Klase & Lemond, LLC. In November 2013, a check in the amount of \$30,000 shall be payable to Webb, Klase & Lemond.**

\_\_\_\_\_

A true copy,

Deputy Municipal Clerk

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

June 18, 2012  
June 27, 2012

RCS# 2081  
6/18/12  
4:42 PM

Atlanta City Council

12-R-0834

SETTLE CLAIM CASE 2009CV178737  
AURORA HOLDINGS, LLC/JOHN BENATOR  
ADOPT

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

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

12-R-0834