

12- R -1406

(Do Not Write Above This Line)

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 DIANE ALLIAND V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2011CV208724, PENDING IN FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000.00) (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), ACCOUNT 512005 (LITIGATION EXPENSES) AND FUNCTIONAL ACTIVITY NUMBER 151200 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved By:

Eric A. Richardson

Eric A. Richardson
Deputy City Attorney

ADOPTED BY

OCT 15 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:

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

PSLA Committee

12/19/12 Date

Chair

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

Members

Eric A. Richardson

George M. Shopoff

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

Committee

Date

Chair

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

Members

CERTIFIED
OCT 15 2012
COUNCIL PRESIDENT PROTTEM
George M. Shopoff

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

CERTIFIED
OCT 15 2012
MUNICIPAL CLERK
Rachel Dunbar Johnson

MAYOR'S ACTION

APPROVED

OCT 9 4 7

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 DIANE ALTLAND v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2011CV208724, PENDING IN FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000.00) (THE “SETTLEMENT AMOUNT”); AUTHORIZING THE SETTLEMENT AMOUNT 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, DIANE ALTLAND v. CITY OF ATLANTA, is a lawsuit in which Plaintiff seeks to recover damages from the City of Atlanta for bodily injuries resulting from a motor vehicle accident on a City street; and

WHEREAS, Plaintiff alleges that the City of Atlanta negligently failed to timely and properly repair a defective condition in the City street, and that such alleged failure resulted in the motor vehicle accident and Plaintiff’s injuries; and

WHEREAS, Plaintiff seeks monetary damages for medical expenses, pain and suffering and attorney’s fees and costs of litigation; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the City, inclusive of attorney’s fees and costs of litigation; 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 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 of Atlanta.



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 case of **DIANE ALTLAND v. CITY OF ATLANTA**, Civil Action File No. 2011CV208724, Fulton County Superior Court, 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 151200 (Accounting)**. Payment shall be in the form of a **check in the amount of \$220,000.00 payable to Diane Altland and Kopelman Law Group, P.C., 3405 Piedmont Road, N.E., Suite 500, Atlanta, Georgia 30305**. 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,

Deputy Municipal Clerk

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

October 15, 2012
October 24, 2012

RCS# 2350
10/15/12
2:17 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
10/15/2012
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 2

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	10-15-12 ITEMS ADVERSE ON CONSENT
1. 12-O-1267 2. 12-O-1400 3. 12-O-1281 4. 12-O-1276 5. 12-O-1277 6. 12-O-1399 7. 12-R-0965 8. 12-R-1357 9. 12-R-1358 10. 12-R-1359 11. 12-R-1360 12. 11-R-1361 13. 12-R-1362 14. 12-R-1363 15. 12-R-1364 16. 12-R-1365 17. 12-R-1366 18. 12-R-1367 19. 12-R-1368 20. 12-R-1254 21. 12-R-1403 22. 12-R-1338 23. 12-R-1371 24. 12-R-1406 25. 12-R-1330 26. 12-R-1332 27. 12-R-1333 28. 12-R-1334 29. 12-R-1340 30. 12-R-1341 31. 12-R-1342 32. 12-R-1343 33. 12-R-1344 34. 12-R-1345	35. 12-R-1348 36. 12-R-1349 37. 12-R-1351 38. 12-R-1372 39. 12-R-1373 40. 12-R-1374 41. 12-R-1375 42. 12-R-1376 43. 12-R-1377 44. 12-R-1378 45. 12-R-1379 46. 12-R-1380 47. 12-R-1381 48. 12-R-1382	49. 12-R-1383 50. 12-R-1384 51. 12-R-1385 52. 12-R-1386 53. 12-R-1387 54. 12-R-1388 55. 12-R-1389 56. 12-R-1390