**12-R-1442**

(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 CASE OF *PHILIP REECE v. CITY OF ATLANTA*, CIVIL ACTION FILE NO. 2010EV011173Y, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF $20,000.00; AUTHORIZING SAID PAYMENT 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

NOV 0 5 2012

ERIC A. 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

Refferred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred To

| Committee | Committee |
|---|---|
| RSLA | Date |
| Date 10/30/12 | Chair |
| Chair | Action |
| Action Fav, Adv, Hold (see rev. side) | Fav, Adv, Hold (see rev. side) |
| Other | Other |
| Members | Members |
| Refer To | Refer To |

| Committee | Committee |
|---|---|
| Date | Date |
| Chair | Chair |
| Action Fav, Adv, Hold (see rev. side) | Action Fav, Adv, Hold (see rev. side) |
| Other | Other |
| Members | Members |
| Refer To | Refer To |

FINAL COUNCIL ACTION

☑ 2nd ☐ 1st & 2nd ☐ 3rd Readings

☑ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

NOV 0 5 2012

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

NOV 0 5 2012

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 1 4 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

12- R -1442

**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 PHILIP REECE v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2010EV011173Y, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF $20,000.00; AUTHORIZING SAID PAYMENT 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**, PHILIP REECE v. CITY OF ATLANTA, is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta for bodily injuries resulting from alleged negligent actions by an officer of the Atlanta Police Department; and

**WHEREAS**, Plaintiff alleges the the Atlanta Police Department officer was negligent in the use of a police vehicle, and that this negligence caused Plaintiff's bodily injuries; and

**WHEREAS**, Plaintiff sought monetary damages for medical expenses, future medical care, pain and suffering, attorney's fees and costs of litigation; and

**WHEREAS**, Plaintiff has agreed to accept $20,000.00, in full settlement of all claims against the City, inclusive of interest, 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 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 amount of $20,000.00 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 settle and execute all settlement documents in the case of **PHILIP REECE v. CITY OF ATLANTA** in the amount of Twenty Thousand Dollars and no Cents ($20,000.00).

**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 151200 (ACCOUNTING).** Payment shall be in the form of a **check in the amount of $20,000.00 payable to Phillip Reece and his attorney Bhrett J. Pizza, 216 Alexander Street, Marietta, GA 30060.** 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 November 05, 2012
APPROVED as per City Charter Section 2-403 November 14, 2012

RCS# 2374
11/05/12
2:22 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
11/5/2012
ADOPT

| | |
|---|---|
| YEAS: | 12 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 2 |
| EXCUSED: | 0 |
| ABSENT | 2 |

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

| | | 11-05-12 |
|---|---|---|
| **ITEMS ADOPTED ON CONSENT** | **ITEMS ADOPDED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** |
| 1. 12-O-1414 | 35. 12-R-1501 | 48. 12-R-1456 |
| 2. 12-O-1258 | 36. 12-R-1502 | 49. 12-R-1457 |
| 3. 12-O-1339 | 37. 12-R-1445 | 50. 12-R-1458 |
| 4. 12-O-1335 | 38. 12-R-1446 | 51. 12-R-1459 |
| 5. 12-O-1336 | 39. 12-R-1447 | 52. 12-R-1460 |
| 6. 12-O-1369 | 40. 12-R-1448 | 53. 12-R-1461 |
| 7. 12-O-1370 | 41. 12-R-1449 | 54. 12-R-1462 |
| 8. 12-O-1356 | 42. 12-R-1450 | 55. 12-R-1463 |
| 9. 12-O-1413 | 43. 12-R-1451 | 56. 12-R-1464 |
| 10. 12-O-1418 | 44. 12-R-1452 | 57. 12-R-1465 |
| 11. 12-O-1421 | 45. 12-R-1453 | 58. 12-R-1466 |
| 12. 11-O-1415 | 46. 12-R-1454 | 59. 12-R-1467 |
| 13. 12-R-1424 | 47. 12-R-1455 | 60. 12-R-1468 |
| 14. 12-R-1527 | | 61. 12-R-1469 |
| 15. 12-R-1139 | | 62. 12-R-1470 |
| 16. 12-R-1423 | | 63. 12-R-1471 |
| 17. 12-R-1441 | | 64. 12-R-1472 |
| 18. 12-R-1442 | | 65. 12-R-1473 |
| 19. 12-R-1443 | | 66. 12-R-1474 |
| 20. 12-R-1444 | | 67. 12-R-1475 |
| 21. 12-R-1512 | | 68. 12-R-1476 |
| 22. 12-R-1514 | | 69. 12-R-1477 |
| 23. 12-R-1524 | | 70. 12-R-1478 |
| 24. 12-R-1417 | | 71. 12-R-1479 |
| 25. 12-R-1517 | | 72. 12-R-1480 |
| 26. 12-R-1518 | | 73. 12-R-1481 |
| 27. 12-R-1519 | | 74. 12-R-1482 |
| 28. 12-R-1520 | | 75. 12-R-1483 |
| 29. 12-R-1521 | | 76. 12-R-1484 |
| 30. 12-R-1522 | | 77. 12-R-1485 |
| 31. 12-R-1530 | | 78. 12-R-1486 |
| 32. 12-R-1422 | | 79. 12-R-1487 |
| 33. 12-R-1499 | | 80. 12-R-1488 |
| 34. 12-R-1500 | | 81. 12-R-1489 |
| | | 82. 12-R-1490 |
| | | 83. 12-R-1491 |
| | | 84. 12-R-1492 |
| | | 85. 12-R-1493 |
| | | 86. 12-R-1494 |