

14-R-3138

(Do Not Write Above This Line)

A RESOLUTION 14-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 CLEMIN DAVIS V. KASIM REED, ET AL. CIVIL ACTION FILE NUMBER 2013-CV-229986, SUPERIOR COURT OF FULTON COUNTY STATE OF GEORGIA, IN THE AMOUNT OF \$150,000.00; AUTHORIZING PAYMENT OF \$150,000.00 TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), ACCOUNT NUMBER 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Interim Deputy 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: _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Public Committee
Chair
 Date: *2/5/2014*

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

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

Refer To _____

Refer To _____

Committee _____

Committee _____

Date _____

Date _____

Chair _____

Chair _____

Action

Action

Fav, Adv, Hold (see rev. side)

Fav, Adv, Hold (see rev. side)

Other _____

Other _____

ADOPTED BY

FEB 03 2014

COUNCIL

Refer To _____

Refer To _____

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

CERTIFIED
FEB 03 2014

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
FEB 03 2014

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 12 2014

WITHOUT SIGNATURE BY OPERATION OF LAW

A RESOLUTION

1414-R-3138

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 CLEMMIN DAVIS V. KASIM REED, ET AL., CIVIL ACTION FILE NUMBER 2013-CV-229986, SUPERIOR COURT OF FULTON COUNTY STATE OF GEORGIA, IN THE AMOUNT OF \$150,000.00; AUTHORIZING PAYMENT OF \$150,000.00 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, *Clemmin Davis v. Kasim Reed, City of Atlanta, Nicholas J. Dimauro, Joshua W. Lowry, and Brian D. Thomas*, is a case in which the Plaintiff, Clemmin Davis, sought remedy and redress for alleged deprivation of his Fourth Amendment rights; and

WHEREAS, Plaintiff has agreed to accept \$150,000.00 in full settlement of all claims against all defendants, 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 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 \$150,000.00 to settle all claims against City defendants.

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

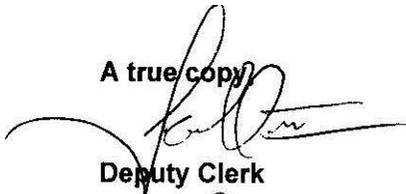
SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Clemmin Davis v. Kasim Reed, et al.* in the amount of One Hundred Fifty-Thousand Dollars and Zero Cents (\$150,000.00).

SECTION 2. Said payment is to be charged, paid and issued as follows:

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 **\$150,000.00 payable to Bullman Law Group, LLC and Clemmin Davis**.

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 as per City Charter Section 2-403

FEB 03, 2014
FEB 12, 2014

RCS# 78
2/03/14
5:54 PM

Atlanta City Council

MULTIPLE

ALL CLAIMS FAVORABLE AND UNFAVORABLE
14-O-1058/1059/1060 AND 14-R-3137/3138
ADOPT

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

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

MULTIPLE