

14-R-3492
(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 DWAIN THARPE V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 13EV017004D, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$237,000.00 (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 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved By:

[Signature]
Kim Patrick
Deputy City Attorney

ADOPTED BY

MAY 05 2014

[Signature]
COUNCIL
Substitute

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

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Referred To:

One Cant Substitute

First Reading

Committee _____
Date _____
Chair *[Signature]*
Referred To _____

[Signature]
Public Safety & Legal
APR 27 2014
Chair

Action
Fav. Adv. Hold (see rev. side)
Other
[Signature]
Substitute

Members
[Signature]
[Signature]
[Signature]

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

Refer To

Refer To

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings

Consent V. Vote RC Vote

GENERATED
MAY 05 2014

ATLANTA CITY COUNCIL PRESIDENT

GENERATED
MAY 05 2014
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 14 2014

WITHOUT SIGNATURE
BY OPERATION OF LAW

**A SUBSTITUTE RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF DWAIN THARPE V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 13EV017004D, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$237,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, DWAIN THARPE V. CITY OF ATLANTA, is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta resulting from alleged negligent actions by a City of Atlanta employee; and

WHEREAS, Plaintiff alleges the City of Atlanta employee was negligent in the use of a motor vehicle and that this alleged negligence caused Plaintiff's injuries; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the City of Atlanta; 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 claim 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 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 documents in the case of **DWAIN THARPE V. CITY OF ATLANTA** in the amount of Two Hundred and Thirty-Seven Thousand Dollars (\$237,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from **FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY)**. Payment shall be in the form of a check in the amount of \$237,000.00 payable to Dwain Tharpe and Paul B. Mazur, P.C., 44 Broad Street, N.W., Suite #600, Atlanta, GA 30303. 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 Clerk

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

MAY 05, 2014
MAY 14, 2014

RCS# 267
5/05/14
2:29 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: EXCEPT
14-O-1178
ADOPT

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

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

CONSENT I

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		05-05-14
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 14-O-1172	43. 14-R-3418	85. 14-R-3460
2. 14-O-1185	44. 14-R-3419	86. 14-R-3461
3. 14-O-1186	45. 14-R-3420	87. 14-R-3462
4. 14-O-1187	46. 14-R-3421	88. 14-R-3463
5. 14-O-1188	47. 14-R-3422	89. 14-R-3464
6. 14-O-1189	48. 14-R-3423	90. 14-R-3465
7. 14-O-1190	49. 14-R-3424	91. 14-R-3466
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9. 14-O-1193	51. 14-R-3426	93. 14-R-3468
10. 14-O-1174	52. 14-R-3427	94. 14-R-3469
11. 14-O-1176	53. 14-R-3428	95. 14-R-3470
12. 14-O-1095	54. 14-R-3429	96. 14-R-3471
13. 14-O-1110	55. 14-R-3430	97. 14-R-3472
14. 14-O-1179	56. 14-R-3431	98. 14-R-3473
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16. 14-O-1200	58. 14-R-3433	100. 14-R-3475
17. 14-O-1201	59. 14-R-3434	101. 14-R-3476
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19. 14-R-3493	61. 14-R-3436	103. 14-R-3478
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23. 14-R-3497	ITEMS ADVERSED ON CONSENT	107. 14-R-3482
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32. 14-R-3408	73. 14-R-3448	116. 14-R-3491
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35. 14-R-3411	76. 14-R-3451	
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37. 14-R-3402	78. 14-R-3453	
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39. 14-R-3502	80. 14-R-3455	
40. 14-R-3492	81. 14-R-3456	
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	84. 14-R-3459	