

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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.

**Workflow List:**

Kimberly Patrick	Completed	04/11/2014 10:45 AM
Finance	Completed	04/11/2014 11:20 AM
Office of Research and Policy Analysis	Completed	04/11/2014 12:52 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

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

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 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 \$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.