



## Legislation Details (With Text)

**File #:** 2612-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/15/2012      **In control:** Public Safety & Judiciary Committee

**On agenda:** 12/10/2012      **Final action:** 12/12/2012

**Title:** To authorize and direct the City Attorney to settle the lawsuit of Matthew H. Radcliffe v. Monte Robinson, et al., pending in the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of Twenty-five Thousand Dollars; and to declare an emergency. (\$25,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/12/2012	1	CITY CLERK	Attest	
12/11/2012	1	MAYOR	Signed	
12/10/2012	1	COUNCIL PRESIDENT	Signed	
12/10/2012	1	Columbus City Council	Approved	Pass

**BACKGROUND:** This Ordinance is submitted to settle the lawsuit of Matthew H. Radcliffe v. Monte Robinson, et al., Case No. C2-10-0839, in the United States District Court for the Southern District of Ohio, Eastern Division. Matthew Radcliffe was arrested on October 11, 2008, for the attempted aggravated arson of Tasi's restaurant on October 5, 2008. Mr. Radcliffe had been arrested for that charge following an investigation by personnel from the Division of Fire; however, the prosecutor declined to present the case to the grand jury. Mr. Radcliffe filed a lawsuit against the City of Columbus, retired arson investigator Monte Robinson, Capt. Jeffrey Happ of the Arson Squad, and Columbus Fire Chief Ned Pettus, Jr., for alleged violations of Mr. Radcliffe's federal civil rights and state court claims of false arrest, false imprisonment, and malicious prosecution.

**FISCAL IMPACT:** Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the appropriate account to pay the amount of this claim.

To authorize and direct the City Attorney to settle the lawsuit of Matthew H. Radcliffe v. Monte Robinson, et al., pending in the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of Twenty-five Thousand Dollars; and to declare an emergency. (\$25,000.00)

**WHEREAS,** Matthew H. Radcliffe has filed a lawsuit against the City of Columbus and three City employees in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. C2-10-0839, arising out of an incident on October 11, 2008, when Matthew Radcliffe was arrested for the attempted aggravated arson of Tasi's restaurant on October 5, 2008; and,

**WHEREAS,** after investigation of the claims made therein and the damages allegedly suffered by the Plaintiff, the City Attorney's Office has reached a settlement that is acceptable to both parties and that is recommended by the City Attorney as being in the best interest of the City to resolve this matter, and;

**WHEREAS**, by reason of the foregoing, an emergency exists in the usual daily operations of the City in that it is immediately necessary to authorize this settlement as in the best interest of the City and to avoid additional litigation expenses; now therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the City Attorney be and hereby is authorized and directed to settle the lawsuit of Matthew H. Radcliffe v. Monte Robinson, et al., Case No. C2-10-0839, in the United States District Court for the Southern District of Ohio, Eastern Division, by payment of Twenty-five Thousand Dollars (\$25,000.00) as a reasonable and fair amount, and in the best interests of the City of Columbus.

**SECTION 2.** That for the purposes of paying this settlement, there be and hereby is authorized to be expended by the City of Columbus from the Department of Public Safety, Division of Fire, Division No. 30 - 04, Fund No. 010, OCA Code 301481, Object Level 1 - 05, Object Level 3 - 5573, the sum of \$ 25,000.00.

**SECTION 3.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 4.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer in the amount of Twenty-five Thousand Dollars (\$25,000.00), payable to Matthew H. Radcliffe and his attorney, Michael J. Rourke, ROURKE & BLUMENTHAL, LLP, 495 South High Street, Suite 450, Columbus, OH 43215, upon receipt of a voucher and a release approved by the City Attorney.

**SECTION 5.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.