



Legislation Details (With Text)

File #: 3113-2022 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 11/2/2022 **In control:** Criminal Justice & Judiciary Committee

On agenda: 11/14/2022 **Final action:** 11/16/2022

Title: To authorize and direct the City Attorney to settle the lawsuit known as Brand Brandy E. Miller v. City of Columbus, et al. pending in the Franklin County Court of Common Pleas; to authorize the transfer and expenditure of the sum of One Hundred Twenty-Five Thousand Dollars and zero cents from the General Fund (\$125,000.00) in settlement of this lawsuit; and to declare an emergency. (\$125,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/16/2022	2	CITY CLERK	Attest	
11/15/2022	2	ACTING MAYOR	Signed	
11/14/2022	2	COUNCIL PRESIDENT	Signed	
11/14/2022	1	Columbus City Council	Approved	Pass
11/14/2022	1	Columbus City Council	Amended as submitted to the Clerk	Pass
11/14/2022	1	Columbus City Council	Approved as Amended	Pass
11/14/2022	1	Columbus City Council	Reconsidered	Pass

Background:

This Ordinance is submitted to settle the lawsuit known as *Brandy E. Miller v. City of Columbus, et al.*, Case No. 21 CV 6889 in the Franklin County Court of Common Pleas, in the amount of One Hundred Twenty-Five Thousand Dollars and zero cents (\$125,000.00). Plaintiff's claim arises out of a motor vehicle crash between Ms. Miller and a City of Columbus Police Officer, Adolph K. Adu-Owusu.

On October 28, 2021, Ms. Miller filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 21 CV 6889, against the City of Columbus and Officer Adolph K. Adu-Owusu, in which she claimed she was injured in a motor vehicle crash with Columbus Police Officer Adolph K. Adu-Owusu on November 16, 2019. Specifically, Ms. Miller alleges she suffered from injuries including a concussion, numerous fractures, and a torn rotator cuff as a result.

Fiscal Impact:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Department of Finance's Citywide Account for this purpose.

Emergency action is requested for this ordinance to be effective immediately in order for the parties to effectuate the terms of the settlement of this lawsuit, which is in the best interest of the City, and to pay the agreed sum without delay.

To authorize and direct the City Attorney to settle the lawsuit known as ~~Brand~~ *Brandy E. Miller v. City of Columbus, et al.* pending in the Franklin County Court of Common Pleas; to authorize the transfer and expenditure of the sum of One Hundred Twenty-Five Thousand Dollars and zero cents from the General Fund (\$125,000.00) in settlement of this lawsuit; and to declare an emergency. (\$125,000.00)

WHEREAS, on October 28, 2021, a lawsuit was filed by Brandy Miller in the Franklin County Court of Common Pleas, Case No. 21 CV 6889, against the City of Columbus and Officer Adolph K. Adu-Owusu in which Ms. Miller claimed she was injured after being involved in a motor vehicle crash with Columbus Police Officer Adolph K. Adu-Owusu; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation of the claims against the City of Columbus and Brandy Miller, a settlement in the amount of One Hundred Twenty-Five Thousand Dollars and zero cents (\$125,000.00) to be paid by the City, was deemed acceptable by the City of Columbus, Department of Public Safety, along with dismissal of the case with prejudice and a release of the City of Columbus and its employees from any further liability; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Safety, in that it is immediately necessary to authorize the Columbus City Attorney to settle the lawsuit in order for the parties to effectuate the terms of the settlement agreement and to pay the agreed sum without delay in accordance with the agreement; all for the immediate preservation of the public health, peace, property, safety and welfare; **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 all claims against the City of Columbus, its officers, agents, and employees pending in the case known as *Brandy E. Miller v. City of Columbus, et al.*, Case No. 21 CV 6889 in the Franklin County Court of Common Pleas by payment of One Hundred Twenty-Five Thousand Dollars and zero cents (\$125,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the transfer of \$125,000.00, or so much thereof as may be needed, is hereby authorized between object classes within the General Fund from the Department of Finance's city-wide account to the Department of Public Safety per the accounting codes in the attachment to this ordinance:

SECTION 3. That the expenditure of \$125,000.00, or so much thereof as may be needed, is hereby authorized as follows in the General Fund, Object Class 05, for Medical Claims per the accounting codes in the attachment to this ordinance:

SECTION 4. That, upon receipt of an approved invoice and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of One Hundred Twenty-Five Thousand Dollars and zero cents (\$125,000.00) payable to Dittmer, Wagoner, & Steele, LLC and Brandy E. Miller.

SECTION 5. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to 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.