



## Legislation Details (With Text)

**File #:** 2506-2012      **Version:** 1

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

**File created:** 11/7/2012      **In control:** Public Safety & Judiciary Committee

**On agenda:** 2/11/2013      **Final action:** 2/14/2013

**Title:** To authorize and direct the City Attorney to settle the case of *Judy Evergin v. City of Columbus*, pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of One Hundred Twenty Thousand Dollars; and to declare an emergency. (\$120,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/14/2013	1	CITY CLERK	Attest	
2/13/2013	1	MAYOR	Signed	
2/11/2013	1	COUNCIL PRESIDENT	Signed	
2/11/2013	1	Columbus City Council	Approved	Pass

This ordinance is being submitted to settle the lawsuit captioned *Judy Evergin v. City of Columbus*, pending before the United States District Court, Case No. 2:09 CV 1069, in the amount of One Hundred Twenty Thousand Dollars. Ms. Evergin is an employee of the Department of Public Safety, Division of Fire. She was suspended for one hundred and twenty (120) hours on September 8, 2008 for violating the City's Central Work Rules. Ms. Evergin appealed her suspension to the Civil Service Commission. Following a hearing, the Civil Service Commission found her not guilty on the Central Work Rule violations and rescinded her suspension. Ms. Evergin filed race discrimination claims under Title VII and R.C. 4112.02, 4112.99, retaliation claims under Title VII and R.C. 4112.02(I) as well as a First Amendment retaliation claim under 42 USC § 1983. Upon evaluation of Ms. Evergin's claims, it is the recommendation of the City Attorney and the Department of Public Safety that it is in the best interests of the City of Columbus to settle this matter for One Hundred Twenty Thousand Dollars (\$120,000.00).

**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. This ordinance is contingent on the passage of the 2013 General Fund Budget.

**Emergency Designation:** This ordinance is being submitted as an emergency measure in order to expedite the settlement process so that Plaintiff can be paid in a timely manner.

To authorize and direct the City Attorney to settle the case of *Judy Evergin v. City of Columbus*, pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of One Hundred Twenty Thousand Dollars; and to declare an emergency. (\$120,000.00)

**WHEREAS,** the lawsuit captioned *Judy Evergin v. City of Columbus*, is currently pending before the United States District Court, Case No. 2:09 CV 1069, in which the Plaintiff alleges, and the City denies, that the City discriminated and retaliated against her based on her race when she was suspended from her job at the Division of Fire for one hundred and

twenty (120) hours; and

**WHEREAS**, following the evaluation of Ms. Evergin's claims in the course of litigation as well as the risks and uncertainties associated with continued litigation and trial, the parties reached an agreement to settle this matter for a total of \$120,000.00; and

**WHEREAS**, it is in the best interests of the City to settle this case; and

**WHEREAS**, an emergency exists in the usual daily operation of the City, in that it is immediately necessary to approve this legislation in order to expedite the settlement of this matter so that Plaintiff is timely paid, and otherwise for the preservation of the public health, 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 in the lawsuit of *Judy Evergin v. City of Columbus*, pending before the United States District Court for the Southern District of Ohio, Case No. 2:19 CV 1069, by payment of \$120,000.00 as a reasonable and fair amount, and in the best interests of the City of Columbus.

**Section 2.** That for 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 Operating Fund 010, Dept./Div. No. 30-04, OCA Code 301481, Object Level One 05, Object Level Three 5573, in the amount of \$120,000.00.

**Section 3.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and a release approved by the City Attorney in the amount of \$120,000.00 and made payable to Judy Evergin.

**Section 4.** 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.