



Legislation Details (With Text)

File #: 1650-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 6/14/2016 **In control:** Judiciary And Court Administration Committee
On agenda: 7/11/2016 **Final action:** 7/15/2016

Title: To authorize and direct the City Attorney to settle the lawsuit known as Holly Herron, as Executor of the Estate of Sonia Bray v. City of Columbus, et al. pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of \$1,125,000.00 in settlement of this lawsuit; and to declare an emergency. (\$1,125,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance Attachment 1650-2016

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 7/15/2016 | 1 | CITY CLERK | Attest | |
| 7/14/2016 | 1 | MAYOR | Signed | |
| 7/11/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/11/2016 | 1 | Columbus City Council | Approved | Pass |

This Ordinance is submitted to settle the lawsuit known as *Holly Herron, as Executor of the Estate of Sonia Bray v. City of Columbus, et al.*, Case No. 12CV-15238 in the Franklin County Court of Common Pleas, in the amount of one million one hundred twenty-five thousand dollars and zero cents (\$1,125,000.00). Holly Herron's claim arises out of the provision of emergency medical services and transport to Sonia Bray, during which she went into cardiac arrest and later died.

On December 12, 2012, Ms. Herron, as Executor of the Estate of Sonia Bray, filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 12CV-15238, against the City of Columbus, the Columbus Division of Fire, James Hingst, James Amick, Michael Ream, Jeffrey McLain, Stephen Smallsreed, and Lana Moore in which she claimed emergency medical services were provided on January 31, 2011 in a willful or wanton manner to Ms. Bray. During the time of treatment and transport to an emergency department, Ms. Bray suffered cardiac arrest, was revived at the hospital, and subsequently died two days later. The Columbus Division of Fire, Michael Ream, Jeffrey McLain, Stephen Smallsreed, and Lana Moore have been previously dismissed from the civil action prior to mediation and settlement.

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Special Income Tax Fund for this purpose.

To authorize and direct the City Attorney to settle the lawsuit known as *Holly Herron, as Executor of the Estate of Sonia Bray v. City of Columbus, et al.* pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of \$1,125,000.00 in settlement of this lawsuit; and to declare an emergency. (\$1,125,000.00)

WHEREAS, on December 12, 2012, a lawsuit was filed by the Estate of Sonia Bray in the Franklin County Court of Common Pleas, Case No. 12CV-15238, against the City of Columbus, the Columbus Division of Fire, James Hingst, James Amick, Michael Ream, Jeffrey McLain, Stephen Smallsreed, and Lana Moore in which she claimed emergency medical services were provided on January 31, 2011 in a willful or wanton manner to Ms. Bray; and

WHEREAS, the Columbus Division of Fire, Michael Ream, Jeffrey McLain, Stephen Smallsreed, and Lana Moore were dismissed from the civil action prior to mediation and settlement; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation of the claims against the City of Columbus, James Hingst, and James Amick, a settlement in the amount of one million one hundred twenty-five thousand dollars and zero cents (\$1,125,000.00) 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, Division of Fire, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement of this lawsuit, which is in the best interest of the City, and to pay the agreed to sum without delay; 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 *Holly Herron, as Executor of the Estate of Sonia Bray v. City of Columbus, et al.*, Case No. 12CV-15238 in the Franklin County Court of Common Pleas by payment of One Million One Hundred Twenty-Five Thousand Dollars and zero cents (\$1,125,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2016, the sum of \$1,125,000.00 is appropriated in the Special Income Tax Fund 4430, subfund 443001 in Object Class 05, per the account codes in the attachment to this ordinance.

SECTION 3. That the expenditure of \$1,125,000.00, or so much thereof as may be needed, is hereby authorized as follows in the Special Income Tax Fund object class 05 Medical Claims per the accounting codes in the attachment to this ordinance:

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer one for the sum of one million one hundred twenty-five thousand dollars and zero cents (\$1,125,000.00) payable to Holly Herron, as Executor of the Estate of Sonia Bray and her attorneys Leeseburg & Valentine, 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 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.