



## Legislation Details (With Text)

**File #:** 1139-2005      **Version:** 1

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

**File created:** 6/14/2005      **In control:** Safety Committee

**On agenda:** 6/27/2005      **Final action:** 6/30/2005

**Title:** To authorize and direct the City Attorney to pay the settlement amount to Brian Joslyn and Jim McNamara, counsel for Mr. Joslyn, in the case of Brian Joslyn v. City of Columbus, et al., United States District Court Case No. C2-03-231, to authorize the expenditure of the sum of Seventy-Five Thousand and No/100 Dollars; and to declare an emergency. (\$75,000.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/30/2005	1	CITY CLERK	Attest	
6/29/2005	1	MAYOR	Signed	
6/27/2005	1	Columbus City Council	Approved	Pass
6/27/2005	1	COUNCIL PRESIDENT PRO-TEM	Signed	
6/16/2005	1	Atty Drafter	Sent for Approval	
6/16/2005	1	CITY ATTORNEY	Reviewed and Approved	
6/16/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
6/15/2005	1	Finance Reviewer	Reviewed and Approved	
6/15/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
6/15/2005	1	Atty Drafter	Sent for Approval	
6/15/2005	1	Auditor Reviewer	Reviewed and Approved	
6/15/2005	1	CITY AUDITOR	Reviewed and Approved	
6/14/2005	1	Atty Drafter	Sent for Approval	

This Ordinance is submitted to settle the lawsuit known as Brian Joslyn v. City of Columbus, et al., Case No. C2-03-231 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of Seventy-Five Thousand and No/100 Dollars (\$75,000.00). On April 21, 2002, the plaintiff suffered injuries to his head and hand while he was being arrested in the vicinity of Chittenden Avenue, just east of the Ohio State University campus. Columbus police officers were in the process of responding to a disturbance and defendant Officer Mays apprehended the plaintiff after seeing him throw a bottle in the direction of police officers. The plaintiff was subsequently acquitted of the charges that were brought against him.

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

To authorize and direct the City Attorney to pay the settlement amount to Brian Joslyn and Jim McNamara, counsel for Mr. Joslyn, in the case of Brian Joslyn v. City of Columbus, et al., United States District Court Case No. C2-03-231, to authorize the expenditure of the sum of Seventy-Five Thousand and No/100 Dollars; and to declare an emergency. (\$75,000.00).

WHEREAS, on March 17, 2003, the plaintiff filed a lawsuit in the United States District Court, Southern District of Ohio, Eastern Division, Case No. C2-03-231, against the City of Columbus and Officer Richard Mays in which he claimed a violation of his rights under the Fourth Amendment. The City was subsequently dismissed from the lawsuit;

WHEREAS, Following the evaluation of plaintiff's claims in the course of litigation, the parties reached an agreement to settle this matter. Due to the dispute of this claim and the risks and uncertainties associated with continued litigation and trial, the settlement amount was deemed acceptable by the City of Columbus, along with dismissal of the lawsuit with prejudice and a release of the City of Columbus and its employees from further liability; and,

WHEREAS, by reason of the foregoing, and in order to avoid the possible payment of interest, an emergency exists in the usual daily operation of the City and for further 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 the lawsuit of Brian Joslyn v. City of Columbus, et al., United States District Court Case No. C2-03-231, by the payment of the total of \$75,000 as a reasonable and fair amount 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, Department of Public Safety, Division of Police, Division Number 30-03, OCA Code 301382, Object Level One 05, Object Level Three 5539, Fund No. 010.

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 release approved by the City Attorney in the total amount of \$75,000.00 payable to Brian Joslyn and Jim McNamara, counsel for Brian Joslyn.

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 day after passage if the Mayor neither approves nor vetoes the same.