



## Legislation Details (With Text)

**File #:** 3031-2015      **Version:** 1

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

**File created:** 11/23/2015      **In control:** Judiciary And Court Administration Committee

**On agenda:** 1/11/2016      **Final action:** 1/14/2016

**Title:** To authorize and direct the City Attorney to settle the claim of Laura A. Denney in the matter of the Estate of David Denny; to authorize the expenditure of \$30,000.00 from the Recreation and Parks operating fund; and to declare an emergency. (\$30,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/14/2016	1	CITY CLERK	Attest	
1/13/2016	1	MAYOR	Signed	
1/11/2016	1	COUNCIL PRESIDENT	Signed	
1/11/2016	1	Columbus City Council	Approved	Pass

This ordinance is submitted to settle the claims of Laura A. Denny, for the total amount of Thirty Thousand Dollars (\$30,000.00).

Laura A. Denney's claim arises out of the City's alleged negligence in failing to advise her late husband, David Denny, who was employed with the City until his separation from City Service on December 19, 2014, of his right to continue his life insurance upon his separation from City Service. Mr. Denny passed away on April 11, 2015.

### **Fiscal Impact**

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Department of Recreation and Parks for this purpose.

To authorize and direct the City Attorney to settle the claim of Laura A. Denney in the matter of the *Estate of David Denny*; to authorize the expenditure of \$30,000.00 from the Recreation and Parks operating fund; and to declare an emergency. (\$30,000.00)

**WHEREAS**, the City of Columbus provides a group life insurance policy for its employees that makes provision for continuing the life insurance upon separation from employment. David Denney was a City employee who separated from City Service on December 19, 2014 and had the right to convert the policy within 31 days of his separation to an individual policy, paying the premiums himself. Mr. Denney was not advised of the process or actions necessary to continue the life insurance after his separation. Mr. Denney passed away on April 11, 2015; and

**WHEREAS**, Laura A. Denney, Mr. Denney's widow and beneficiary, has alleged that the City was aware of the gravity of Mr. Denney's condition, that Mr. Denney would have continued the life insurance policy, that the City was obligated to advise Mr. Denney of his right to continue the policy and, therefore, the City was negligent in not providing Mr. Denney with information regarding his right to continue the policy, resulting in damage to her; and

**WHEREAS**, following the evaluation of Mrs. Denney's claim, the parties reached an agreement to settle this matter.

Due to the dispute of this claim and the risks and uncertainties associated with litigation and trial, the settlement amount was deemed acceptable by the City of Columbus, along with a release of the City of Columbus and its employees from any liability, and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Recreation and Parks in that it is necessary for the approval of this settlement to become effective immediately in order to effectuate the settlement reached by the parties,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 of Laura A. Denney in the total amount of Thirty Thousand Dollars (\$30,000.00) as a reasonable and fair amount, and in the best interest of the City of Columbus.

**SECTION 2.** That, for the purpose of paying the settlement, there be and hereby is authorized to be expended by the City of Columbus, Department of Recreation and Parks, Department/Division 51-01, fund no. 285, Object level one - 03, Object level three - 5572, OCA 510297, the sum of Thirty Thousand Dollars (\$30,000.00).

**SECTION 3.** That the City Auditor be and hereby is authorized to draw a warrant upon the City Treasury upon receipt of a voucher and release approved by the City Attorney in the amount of Thirty Thousand Dollars (\$30,000.00) and made payable in the following manner:

Thirty Thousand Dollars (\$30,000.00) to:

Laura A. Denney and  
the law firm of Lamkin, Van Eman Trimble & Dougherty, LLC.

**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.