



## Legislation Details (With Text)

**File #:** 3179-2017      **Version:** 1

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

**File created:** 11/20/2017      **In control:** Judiciary And Court Administration Committee

**On agenda:** 12/11/2017      **Final action:** 12/14/2017

**Title:** To authorize the City Attorney to settle the lawsuit known as *Yousuf Ibrahim, et al. v. City of Columbus, et al.* pending in the Franklin County Court of Common Pleas; to authorize the transfer of funds from the General Fund to the Recreation and Parks Operating Fund; to authorize the appropriation of \$53,067.83 to the Recreation and Parks Operating Fund; to authorize the expenditure of \$53,067.83 from the Recreation and Parks Operating Fund; and to declare an emergency. (\$53,067.83)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 3179-2017B

Date	Ver.	Action By	Action	Result
12/14/2017	1	CITY CLERK	Attest	
12/13/2017	1	MAYOR	Signed	
12/11/2017	1	COUNCIL PRESIDENT	Signed	
12/11/2017	1	Columbus City Council	Approved	Pass

This Ordinance is submitted to settle the lawsuit known as *Yousuf Ibrahim, et al. v. City of Columbus, et al.*, 17CV-11665 in the Franklin County Court of Common Pleas, General Division, in the amount of fifty-three thousand sixty-seven dollars and eighty-three cents (\$53,067.83). Plaintiff Stormy Berry's claim arises out of an auto accident between a vehicle in which she was a passenger and a City of Columbus vehicle.

On December 12, 2016, Ms. Berry filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 16CV-11665, against the City of Columbus and Justin Loesch, in which she claimed she was injured as a result of an auto accident at the intersection of Thurman and S. Ohio Avenues on December 12, 2014. Specifically, Ms. Berry suffered a concussion, fractured ankle, broken ribs, pneumothorax, and neck and back pain as a result of the accident.

\$53,067.83 is required and will be budgeted from the Recreation and Parks Operating Fund to meet the financial obligation of this settlement. Funds will be transferred and appropriated as part of this ordinance from the General Fund 1000.

Emergency action is requested 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.

To authorize the City Attorney to settle the lawsuit known as *Yousuf Ibrahim, et al. v. City of Columbus, et al.* pending in the Franklin County Court of Common Pleas; to authorize the transfer of funds from the General Fund to the Recreation and Parks Operating Fund; to authorize the appropriation of \$53,067.83 to the Recreation and Parks Operating Fund; to authorize the expenditure of \$53,067.83 from the Recreation and Parks Operating Fund; and to declare an emergency. (\$53,067.83)

**WHEREAS**, on December 12, 2016, a lawsuit was filed by Stormy Berry in the Franklin County Court of Common Pleas, Case No. 16CV-11665, against the City of Columbus and Justin Loesch, in which Ms. Berry claimed she was injured as a result of an auto accident between a vehicle in which she was a passenger and a City of Columbus vehicle;

and

**WHEREAS**, following the evaluation of the claims and the risk of continued litigation of the claims against the City of Columbus and Justin Loesch a settlement in the amount of fifty-three thousand sixty-seven dollars and eighty-three cents (\$53,067.83) to be paid by the City, was deemed acceptable by the City of Columbus, Department of Recreation and Parks, 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**, it is necessary to transfer \$53,067.83 from the General Fund 1000 to the Recreation and Parks Operating Fund 2285; and

**WHEREAS**, it is necessary to authorize the appropriation of \$53,067.83 to the Recreation and Parks Operating Fund 2285; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Recreation and Parks, 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 to settle all claims against the City of Columbus, its officers, agents, and employees pending in the case known as *Yousuf Ibrahim, et al. v. City of Columbus, et al.*, Case No. 16CV-11665 in the Franklin County Court of Common Pleas, General Division by payment of fifty-three thousand sixty-seven dollars and eighty-three cents (\$53,067.83) as a reasonable and fair amount and in the best interest of the City of Columbus.

**Section 2.** That the City Auditor be and is hereby authorized and directed to transfer \$53,067.83 from the General Fund 1000 to the Recreation and Parks Operating Fund 2285 per the accounting codes in the attachment to this ordinance; and

**Section 3.** That the City Auditor be and is hereby authorized and directed to appropriate \$53,067.83 to the Recreation and Parks Operating Fund per the accounting codes in the attachment to this ordinance; and

**Section 4.** That to pay the cost of said settlement, the expenditure of \$53,067.83 or so much thereof as may be necessary, be and is hereby authorized from Recreation and Parks Operating Fund per the accounting codes in the attachment to this ordinance.

**Section 5.** That, upon receipt of a voucher and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw three separate warrants upon the City Treasurer totaling the sum of fifty-three thousand sixty-seven dollars and eighty-three cents (\$53,067.83) and payable as follows:

- 1) forty thousand dollars and zero cents (\$40,000.00) to Stormy Berry and Scott Schiff & Associates;
- 2) ten thousand dollars and zero cents (\$10,000.00) to Yousuf Ibrahim and Scott Schiff & Associates;
- 3) three thousand sixty-seven dollars and eighty-three cents (\$3,067.83) to The Rawlings Company.

**Section 6.** 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.