



## Legislation Details (With Text)

**File #:** 0643-2010      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 4/21/2010      **In control:** Safety Committee  
**On agenda:** 5/17/2010      **Final action:** 5/20/2010  
**Title:** To authorize and direct the City Attorney to settle Willett v. Haley, FCCCP Case No. 09-CVC-07-11126, to authorize the expenditure of the sum of Forty-Five Thousand Dollars (\$45,000.00) from the General Fund in settlement of this civil action, and to declare an emergency. (\$45,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By             | Action                             | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 5/20/2010 | 1    | CITY CLERK            | Attest                             |        |
| 5/19/2010 | 1    | MAYOR                 | Signed                             |        |
| 5/17/2010 | 1    | Columbus City Council | Approved                           | Pass   |
| 5/17/2010 | 1    | COUNCIL PRESIDENT     | Signed                             |        |
| 5/3/2010  | 1    | Atty Drafter          | Sent to Clerk's Office for Council |        |
| 4/30/2010 | 1    | Auditor Reviewer      | Reviewed and Approved              |        |
| 4/30/2010 | 1    | Atty Drafter          | Sent for Approval                  |        |
| 4/30/2010 | 1    | CITY ATTORNEY         | Reviewed and Approved              |        |
| 4/29/2010 | 1    | Atty Drafter          | Sent for Approval                  |        |
| 4/28/2010 | 1    | SAFETY DIRECTOR       | Reviewed and Approved              |        |
| 4/28/2010 | 1    | Finance Reviewer      | Reviewed and Approved              |        |
| 4/28/2010 | 1    | Finance Reviewer      | Reviewed and Approved              |        |
| 4/28/2010 | 1    | FINANCE DIRECTOR      | Reviewed and Approved              |        |
| 4/28/2010 | 1    | Safety Reviewer       | Reviewed and Approved              |        |
| 4/27/2010 | 1    | Atty Drafter          | Sent for Approval                  |        |
| 4/23/2010 | 1    | Safety Reviewer       | Reviewed and Approved              |        |
| 4/22/2010 | 1    | Finance Reviewer      | Sent for Approval                  |        |
| 4/21/2010 | 1    | Atty Drafter          | Sent for Approval                  |        |

To authorize the City Attorney to settle a lawsuit filed in the Franklin County Court of Common Pleas, against the City of Columbus from an accident that occurred on August 6, 2007. The case of Willett v Haley, FCCCP Case No. 09-CVC-07-11126, has been settled by the City Attorney for \$45,000.00.

**Emergency designation** is requested in order to disburse funds and settle the lawsuit as quickly as possible.

**Fiscal Impact:** Two Hundred and Twenty-Five Thousand Dollars (\$225,000) were originally budgeted in the Division of Police's

2010 budget for the payment of judgements, claims and settlements. The current balance of approximately \$201,000.00 is enough to pay this claim.

To authorize and direct the City Attorney to settle Willett v. Haley, FCCCP Case No. 09-CVC-07-11126, to authorize the expenditure of the sum of Forty-Five Thousand Dollars (\$45,000.00) from the General Fund in settlement of this civil action, and to declare an emergency. (\$45,000.00)

**WHEREAS**, on July 24, 2009, Craig N. Willett filed a lawsuit in the Court of Common Pleas for Franklin County, Ohio, against the City of Columbus arising out of an accident occurring on August 6, 2007;

**WHEREAS**, on August 6, 2007, Sergeant Aimee Haley of the Columbus Division of Police, while driving a police cruiser on non-emergency patrol, accidentally struck Craig N. Willett while Craig N. Willett was crossing Neil Avenue on foot at its intersection with Nationwide Boulevard;

**WHEREAS**, Craig N. Willett incurred medical bills amounting to \$10,132.56 as a result of the August 6, 2007 accident;

**WHEREAS**, Craig N. Willett incurred lost wages amounting to \$1,024.29 as a result of the August 6, 2007 accident;

**WHEREAS**, Craig N. Willett claims to have suffered the permanent loss of his sense of smell as a result of the August 6, 2007 accident;

**WHEREAS**, it is in the best interest of the City of Columbus to settle this civil action in the total amount of Forty-Five Thousand Dollars (\$45,000.00); and

**WHEREAS**, by reason of the foregoing, an emergency exists in the usual operations of the City, and it would be in the City's best interest to compromise and settle this matter, 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 civil action captioned Willett v. Haley and assigned Case No. 09-CVC-07-11126 in the Court of Common Pleas for Franklin County, Ohio, by payment of Forty-Five Thousand Dollars (\$45,000.00);

**SECTION 2:** For purposes of paying the settlement described in Section 1, there be, and hereby is, authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, Department/Division 30-03, Object level one - 05, Object level three - 5573, OCA 301382, Fund No. 010;

**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 Forty-Five Thousand Dollars (\$45,000.00) payable to Craig N. Willett and/or his attorney, Neal J. Barkan, Barkan & Barkan Co. L.P.A.;

**SECTION 4:** That for the reasons stated in the preamble hereto, which is made 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.