



Legislation Details (With Text)

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File created: 2/22/2012 **In control:** Public Safety & Judiciary Committee
On agenda: 3/19/2012 **Final action:** 3/21/2012
Title: To authorize and direct the City Attorney to settle the case of Phillip Letten v. City of Columbus, et al., Case no. 2:11 CV 463 in the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of Fifty Thousand Dollars for the purpose of paying this settlement; and to declare an emergency.

Sponsors:

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
3/21/2012	1	ACTING CITY CLERK	Attest	
3/20/2012	1	MAYOR	Signed	
3/19/2012	1	COUNCIL PRESIDENT	Signed	
3/19/2012	1	Columbus City Council	Approved	Pass

Background

This Ordinance is submitted to settle the lawsuit known as Phillip Letten v. City of Columbus, et al., Case No. 2:11 CV 463 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of Fifty Thousand Dollars (\$50,000.00). On May 22, 2010, Mr. Letten was detained and arrested by Officers Spradlin, Yeager, and Konves. In his lawsuit, Mr. Letten claimed false arrest and illegal use of force in violation of the Fourth Amendment, and claimed violation of his First Amendment right to video record in a public place.

FISCAL IMPACT: Funds have not been specifically budgeted for this settlement but are available in the appropriate amount.

To authorize and direct the City Attorney to settle the case of Phillip Letten v. City of Columbus, et al., Case no. 2:11 CV 463 in the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of Fifty Thousand Dollars for the purpose of paying this settlement; and to declare an emergency.

WHEREAS, on May 27, 2011, Mr. Letten filed a lawsuit in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:11 CV 463, against the City and Officers Spradlin, Yeager, and Konves, in which he claimed false arrest and the use of illegal force in violation of the Fourth Amendment, and claimed violation of his First Amendment right to video record in a public place.

WHEREAS, in connection with the court-ordered settlement conference, the amount of Fifty thousand and 00/100

dollars (\$50,000.00) on Mr. Letten's claims was deemed acceptable by the City of Columbus, 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 in the best interests of the City of Columbus to authorize the City Attorney to enter into this settlement agreement; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to settle this action so that the case against the City of Columbus can be dismissed and Plaintiff can be paid at the earliest possible date and for the preservation of the public peace, health, 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 all claims against the City of Columbus, its officers, agents, and employees pending in the case known as Philip Letten v. City of Columbus, et al. Case No. 2:11 CV 463 in the United States District Court for the Southern District of Ohio, Eastern Division by payment of Fifty thousand and 00/100 dollars (\$50,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That for the purposes of paying this settlement, there be and hereby is authorized to be paid from fund No. 010, Department No. 30-03, OCA Code 301382, Object Level (1) 05, Object Level (3) 5573, the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

Section 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer one for the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) payable to Philip Letten and his attorneys Marshall and Morrow, LLC, upon receipt of a voucher and a release approved by the City Attorney.

Section 4. That for the reasons stated in the preamble hereto which are made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.