



## Legislation Details (With Text)

**File #:** 0620-2007      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 4/11/2007      **In control:** Judiciary And Court Administration Committee  
**On agenda:** 5/14/2007      **Final action:** 5/15/2007

**Title:** To authorize the City Auditor to transfer \$100,000 within the general fund from the Department of Finance and Management to the Department of Public Safety, Division of Police; to authorize and direct the City Attorney to pay the settlement amount to Maguire & Schneider LLP, counsel for Plaintiff Orelus Barnett, in the case of Orelus Barnett v. City of Columbus, et al., United States District Court Case No. C2-04-1113; to authorize the expenditure of the sum of Ninety Thousand Dollars (\$90,000.00); and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/15/2007	1	MAYOR	Signed	
5/15/2007	1	CITY CLERK	Attest	
5/14/2007	1	Columbus City Council	Approved	Pass
5/14/2007	1	COUNCIL PRESIDENT	Signed	
5/3/2007	1	City Clerk's Office	Sent back for Clarification/Correction	
5/3/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
5/2/2007	1	CITY ATTORNEY	Reviewed and Approved	
5/2/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
5/2/2007	1	City Clerk's Office	Sent back for Clarification/Correction	
5/2/2007	1	Atty Drafter	Sent to Clerk's Office for Council	
5/1/2007	1	Auditor Reviewer	Reviewed and Approved	
5/1/2007	1	CITY AUDITOR	Reviewed and Approved	
5/1/2007	1	Atty Drafter	Sent for Approval	
4/30/2007	1	Atty Drafter	Sent for Approval	
4/27/2007	1	Finance Reviewer	Reviewed and Approved	
4/27/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
4/26/2007	1	Finance Reviewer	Reviewed and Approved	
4/25/2007	1	Safety Reviewer	Reviewed and Approved	
4/25/2007	1	SAFETY DIRECTOR	Reviewed and Approved	
4/24/2007	1	Atty Drafter	Sent for Approval	
4/24/2007	1	Finance Reviewer	Sent for Approval	

This Ordinance authorizes the payment of a settlement of attorney's fees and costs in the lawsuit of Orelus Barnett v. City of Columbus, et al., United States District Court Case No. C2-04-1113. Orelus Barnett was arrested at Easton Town Center Mall on October 25, 2003. Mr. Barnett, alleging that the arresting officers used excessive force, brought a lawsuit against the City and three Columbus Police Officers. A trial was held in the United States District Court in June, 2006. A decision was rendered by the Court on June 30, 2006 in favor of Mr. Barnett against one of the three officers. Although Judgment in favor of Mr. Barnett has been satisfied in full by the City, Mr. Barnett is entitled to the payment of his attorney's fees and costs as a "prevailing party" under applicable federal law.

To authorize the City Auditor to transfer \$100,000 within the general fund from the Department of Finance and Management to the Department of Public Safety, Division of Police; to authorize and direct the City Attorney to pay the settlement amount to Maguire & Schneider LLP, counsel for Plaintiff Orelus Barnett, in the case of Orelus Barnett v. City of Columbus, et al., United States District Court Case No. C2-04-1113; to authorize the expenditure of the sum of Ninety Thousand Dollars (\$90,000.00); and to declare an emergency.

**WHEREAS**, a trial was held in the United States District Court in June, 2006, and a decision was rendered by the Court on June 30, 2006 in favor of Mr. Barnett;

**WHEREAS**, Mr. Barnett is entitled to the payment of attorney's fees and costs;

**WHEREAS**, the parties entered settlement discussions to determine the amount of attorney's fees and costs to be paid by the City to Maguire & Schneider LLP, the law firm representing Mr. Barnett;

**WHEREAS**, due to the risks and uncertainties involved, the settlement is a fair and reasonable sum to resolve any potential dispute over the amount of attorney's fees and costs owed to Mr. Barnett;

**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 issue of attorney's fees in the lawsuit of Orelus Barnett v. City of Columbus, et al., United States District Court Case No. C2-04-1113, by the payment of \$90,000.00 to Maguire & Schneider LLP, counsel for Mr. Barnett, as a reasonable and fair amount in the best interests of the City of Columbus.

**SECTION 2.** That the City Auditor be and hereby is authorized and directed to transfer \$100,000.00 within the general fund, fund no. 010 from the Department of Finance and Management, department/division 45-01, object level one - 10, object level three - 5501, OCA 904508 to the Department of Public Safety, Division of Police, Department/Division 30-03, Object Level One - 05, Object Level Three - 5539, OCA 301382.

**SECTION 3.** 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, the amount of \$90,000. The additional \$10,000 being transferred will be used to pay other smaller claims by the Division of Police.

**SECTION 4.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer in the sum of \$90,000.00 to Maguire & Schneider LLP upon approval by the City Attorney.

**SECTION 5.** 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.

