



Legislation Details (With Text)

File #: 1135-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/6/2023 **In control:** Criminal Justice & Judiciary Committee

On agenda: 4/24/2023 **Final action:** 4/26/2023

Title: To authorize and direct the City Attorney to settle the lawsuit known as Luzy Saenz, Administrator of the Estate of Deborah Saenz, v. Matthew Caldwell, et al., Case No. 21 CV 4224 pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of six hundred thousand dollars and zero cents (\$600,000.00) in settlement of this lawsuit and one hundred seventy-six dollars (\$176.00) in court costs; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/26/2023	1	CITY CLERK	Attest	
4/25/2023	1	MAYOR	Signed	
4/24/2023	1	COUNCIL PRESIDENT	Signed	
4/24/2023	1	Columbus City Council	Approved	Pass
4/24/2023	1	COUNCIL PRESIDENT	Signed	

Background:

This Ordinance is submitted to settle the lawsuit known as *Luzy Saenz, Administrator of the Estate of Deborah Saenz, v. Matthew Caldwell, et al.*, pending in the Franklin County, Ohio Court of Common Pleas, in the amount of six hundred thousand dollars and zero cents (\$600,000.00), plus court costs in the amount of one hundred seventy-six dollars and zero cents (\$176.00). On July 12, 2019, Deborah Saenz was shot and killed by Marcos Solis, III. Columbus police officers Matthew Caldwell, John Coaty, Todd Eagon, Sean Noltemeyer, and Rodney Reed (collectively “Defendant Officers”) responded to Deborah Saenz’ apartment on a call for domestic violence on July 11, 2019, the day before her death. The Defendant Officers did not arrest Marcos Solis, III. After the Defendant Officers left Deborah Saenz’ apartment on July 11, 2019, Columbus’ emergency communications center received a 911 hang up call from Deborah Saenz’ phone number. Emergency dispatcher, Laura Thomas, did not air that 911 hang up call over the police radio. The next morning, on July 12, 2019, Marcos Solis, III, shot and killed Deborah Saenz. The facts and circumstances leading up to, surrounding, and including the death of Deborah Saenz, as alleged by Plaintiff, (collectively “the Incident”) are more fully described in Plaintiff’s Complaint (“the Complaint”) filed on July 7, 2021, in the lawsuit captioned *Luzy Saenz v. Matthew Caldwell, et al.*, Case No. 21CV04224, pending in the Franklin County Court of Common Pleas (“the Lawsuit”). Plaintiff’s various causes of action are specified in the Complaint. Plaintiff named Matthew Caldwell, John Coaty, Todd Eagon, Sean Noltemeyer, Rodney Reed, Laura Thomas, and the City of Columbus as defendants in the Lawsuit. The City of Columbus was previously dismissed from the Lawsuit. In the Complaint, Plaintiff alleges, among other things, that: (a) Defendants were willful, wanton, and/or reckless under Ohio law, (b) as a direct and proximate result of Defendants’ conduct, Deborah Saenz was shot and killed by Marcos Solis, III; and (c) Deborah Saenz, as well as her family and next of kin, suffered damages.

Fiscal Impact:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Department of Finance's Citywide Account for this purpose.

Emergency action is requested for this ordinance to be effective immediately in accordance with the terms of 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 and direct the City Attorney to settle the lawsuit known as *Luzy Saenz, Administrator of the Estate of Deborah Saenz, v. Matthew Caldwell, et al.*, Case No. 21 CV 4224 pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of six hundred thousand dollars and zero cents (\$600,000.00) in settlement of this lawsuit and one hundred seventy-six dollars (\$176.00) in court costs; and to declare an emergency.

WHEREAS, on July 7, 2021 Plaintiff filed the lawsuit captioned *Luzy Saenz, Administrator of the Estate of Deborah Saenz, v. Matthew Caldwell, et al.*, Case No. 21CV04224 in the Franklin County Court of Common Pleas ("the Lawsuit"). Plaintiff named Matthew Caldwell, John Coaty, Todd Eagon, Sean Noltemeyer, Rodney Reed, Laura Thomas, and the City of Columbus as defendants in the Lawsuit. The City of Columbus was previously dismissed from the Lawsuit. In the Complaint, Plaintiff alleges, among other things, that: (a) Defendants were willful, wanton, and/or reckless under Ohio law, (b) as a direct and proximate result of Defendants' conduct, Deborah Saenz was shot and killed by Marcos Solis, III; and (c) Deborah Saenz, as well as her family and next of kin, suffered damages; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation of the claims, a settlement in the amount of six hundred thousand dollars and zero cents (\$600,000.00), plus court costs in the amount of one hundred seventy-six dollars and zero cents (\$176.00), to be paid by the City of Columbus, was deemed acceptable by the City of Columbus, Department of Public Safety, along with dismissal of the case with prejudice and a release of the City of Columbus and its employees, including Matthew Caldwell, John Coaty, Todd Eagon, Sean Noltemeyer, Rodney Reed, and Laura Thomas, from any further liability; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Police, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement of this lawsuit in accordance with terms of the agreement, 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 and directed to settle all claims against the City of Columbus, its officers, agents, and employees, including Matthew Caldwell, John Coaty, Todd Eagon, Sean Noltemeyer, Rodney Reed, and Laura Thomas, pending in the case known as *Luzy Saenz, Administrator of the Estate of Deborah Saenz, v. Matthew Caldwell, et al.*, Case No. 21CV04224, in the Franklin County Court of Common Pleas, by payment of six hundred thousand dollars and zero cents (\$600,000.00), plus court costs in the amount of one hundred seventy-six dollars and zero cents (\$176.00), as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the transfer of \$600,000.00, or so much thereof as may be needed, is hereby authorized between object classes within the General Fund from the Department of Finance's Citywide account to the Department of Public Safety per the accounting codes in the attachment to this ordinance:

SECTION 3. That the expenditure of \$600,000.00 and \$176.00, or so much thereof as may be needed, is hereby authorized as follows in the General Fund, object classes 03 and 05 per the accounting codes in the attachment to this ordinance:

SECTION 4. That, upon the receipt of a voucher and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of six hundred thousand dollars and zero cents (\$600,000.00) payable to “Luzy Saenz, Administrator of the Estate of Deborah Saenz, and Dittmer, Wagoner & Steele, LLC,” and is further authorized to draw a separate warrant upon the City Treasurer for the sum of one hundred seventy-six dollars and zero cents (\$176.00) payable to “Luzy Saenz, Administrator of the Estate of Deborah Saenz, and Dittmer, Wagoner & Steele, LLC.”

SECTION 5. That for the reasons stated in the preamble hereto, which is 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.