



Legislation Details (With Text)

File #: 0324-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/4/2014 **In control:** Public Safety & Judiciary Committee

On agenda: 3/3/2014 **Final action:** 3/6/2014

Title: To authorize and direct the City Attorney to pay the judgment in the amount of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents to Versatile Helicopters, Inc. in accordance with the jury verdict awarded in the lawsuit of Versatile Helicopters, Inc. v. City of Columbus, et al. filed in the United States District Court, Southern District of Ohio, Eastern Division; to authorize the appropriation and expenditure of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents from the Special Income Tax Fund; and to declare an emergency. (\$379,790.78)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/6/2014	1	CITY CLERK	Attest	
3/5/2014	1	MAYOR	Signed	
3/3/2014	1	COUNCIL PRESIDENT	Signed	
3/3/2014	1	Columbus City Council	Approved	Pass

This ordinance is submitted to pay the judgment in the amount of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents (\$379,790.78) obtained by Versatile Helicopters, Inc. in the lawsuit of *Versatile Helicopters, Inc. v. City of Columbus, et al.*, Case No. 2:10-cv-1110 in the United States District Court, Southern District of Ohio, Eastern Division.

Versatile Helicopters, Inc. purchased a helicopter from the City of Columbus and asserted in its lawsuit against the City of Columbus that the City of Columbus had breached the contract by not providing Versatile Helicopters, Inc. with a helicopter that was airworthy at the time of the sale. The matter proceeded to trial in front of Judge Frost and the jury ruled against the City of Columbus. The City of Columbus appealed to the Sixth Circuit United States Court of Appeals and the Court of Appeals affirmed the jury's verdict.

FISCAL IMPACT: Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the appropriate account to pay the amount of these claims.

To authorize and direct the City Attorney to pay the judgment in the amount of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents to Versatile Helicopters, Inc. in accordance with the jury verdict awarded in the lawsuit of *Versatile Helicopters, Inc. v. City of Columbus, et al.* filed in the United States District Court, Southern District of Ohio, Eastern Division; to authorize the appropriation and expenditure of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents from the Special Income Tax Fund; and to declare an emergency. (\$379,790.78)

WHEREAS, the City of Columbus was sued by Versatile Helicopters, Inc. in the United States District Court on a breach of contract matter, claiming that the City of Columbus failed to deliver a helicopter in airworthy condition to Versatile Helicopters, Inc.; and,

WHEREAS, the City of Columbus vigorously defended said lawsuit; and,

WHEREAS, the jury returned a verdict in the amount of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents (\$379,790.78) against the City of Columbus; and,

WHEREAS, it is necessary for the City of Columbus to pay said judgment; and,

WHEREAS, Versatile Helicopters, Inc. has now passed a corporate resolution directing that said monies be paid directly to their attorneys, Hahn Loeser & Parks, LLP; and,

WHEREAS, Hahn Loeser & Parks, LLP, will provide a receipt and Satisfaction of Judgment once they have received the payment from the City of Columbus; and,

WHEREAS, by reason of the foregoing an emergency exists in the usual daily operation of the City in that it is necessary to pay this judgment immediately in order to avoid unnecessary additional interest payments on the judgment; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the City Attorney is hereby authorized and directed to pay the judgment of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents (\$379,790.78) in the lawsuit of *Versatile Helicopters, Inc. v. City of Columbus, et al.*, Case No. 2:10-cv-1110 in the United States District Court, Southern District of Ohio, Eastern Division directly to the law firm of Hahn Loeser & Parks, LLP.

SECTION 2. That for the purpose of paying the judgment as set forth in SECTION 1, the appropriation of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents (\$379,790.78) from the Special Income Tax Fund is hereby authorized and approved as follows:

Fund: 430
OCA Code: 302018
Object Level 1: 05
Object Level 3: 5573
Amount: \$379,790.78

SECTION 3. That for the purpose of paying the judgment as set forth in SECTION 1, it is hereby authorized to be expended by the City of Columbus from the Special Income Tax Fund, Fund no. 430, Object level one - 05, Object level three - 5573, the sum of Three Hundred Seventy-nine Thousand Seven Hundred Ninety Dollars and Seventy-eight Cents (\$379,790.78).

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer in the sum of \$379,790.78 payable to Hahn Loeser & Parks, LLP, 65 East State Street, Suite 1400, Columbus, OH 43215 upon receipt of a voucher approved 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 days after passage if the Mayor neither approves nor vetoes the same.