



Legislation Text

File #: 0702-2012, **Version:** 1

This Ordinance is submitted to settle the lawsuit known as *Virgil E. Jones, Sr. v. Megan Faenza, et al.* Case No. 11CV-04-4860 in the Franklin County Court of Common Pleas, in the amount of Forty-two Thousand Six Hundred Dollars (\$42,600.00). Mr. Jones sued the City and a City employee, alleging the City employee's negligent operation of a City motor vehicle caused him personal injury. On April 21, 2009, the City employee rear-ended Mr. Jones's vehicle. The City employee was cited for failure to maintain an assured clear distance ahead. As a result of the collision, Mr. Jones was injured and his vehicle was totaled. He received medical treatment and missed several weeks of work. Mr. Jones is a truck driver, and could only return to work on a limited basis.

FISCAL IMPACT:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available for this settlement.

To authorize and direct the City Attorney to settle the case of *Virgil E. Jones, Sr. v. Megan Faenza, et al.*, pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of Forty-two Thousand Six Hundred Dollars (\$42,600.00) in settlement of this lawsuit; and to declare an emergency.

WHEREAS, on April 18, 2011, Mr. Jones filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 11CV-04-4860, against the City and City employee Megan Faenza, in which he claimed personal injury caused by Ms. Faenza's negligence in connection with a vehicular accident; and

WHEREAS, following discovery and settlement negotiations, the amount of Forty-two Thousand Six Hundred Dollars (\$42,600.00) in settlement of Mr. Jones's claims was deemed acceptable by the City of Columbus, along with dismissal of the case with prejudice by all parties and a release of the City of Columbus and its employees, past and present, from any further liability, and;

WHEREAS, an emergency exists in the usual daily operation of the City Attorney's Office in that it is immediately necessary to resolve this matter to ensure that the City is not required to expend additional funds as a result of any 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 pending in the case known as *Virgil E. Jones Sr. v. Megan Faenza, et al.* Case No. 11CV-04-4860 in the Franklin County Court of Common Pleas by payment of Forty-two Thousand Six Hundred Dollars (\$42,600.00) 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. 600, OCA Code 601880, Minor Object Code 5572, the sum of Forty-two Thousand Six Hundred Dollars (\$42,600.00).

Section 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Forty-two Thousand Six Hundred Dollars (\$42,600.00) payable to:

Virgil E. Jones, Sr. and his attorney,
Michael D. Christensen
MICHAEL D. CHRISTENSEN LAW OFFICES, LLC
3184 West Broad Street
Columbus, OH 43204

upon receipt of a voucher and a release approved by the City Attorney.

Section 4. That for the reasons set forth in the preamble, which are incorporated by reference herein, this ordinance is hereby deemed to be an emergency measure and shall take effect and be in force from and immediately after its passage and approval by the Mayor, or 10 days after, if the Mayor neither approves nor vetoes the same.