



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #: 0914-2007, Version: 1**

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This Ordinance is submitted to settle the lawsuit entitled Eric Spittle v. Joe Cash, et al., Case No. 06CVC04-5028, pending in the Franklin County Court of Common Pleas, for the amount of Ninety-Nine Thousand Five Hundred and No/100 Dollars (\$99,500.00).

Fiscal Impact: Funds were not specifically budgeted for this settlement; however sufficient monies are available in the appropriate account to pay the amount of this settlement.

To authorize the City Auditor to transfer \$99,500 within the general fund from the Department of Finance and Management to the Department of Public Service, Division of Refuse; to authorize and direct the City Attorney to pay the settlement amount to Eric Spittle, plaintiff, and Kevin Kurgis Co., L.P.A. in the lawsuit entitled Eric Spittle v. Joe Cash, et al., Case No. 06CVC04-5028 pending in the Franklin County Court of Common Pleas, to authorize the expenditure of the sum of Ninety-Nine Thousand Five Hundred and No/100 Dollars (\$99,500.00); and to declare an emergency.

WHEREAS, on April 14, 2006, Eric Spittle filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 06CVC04-5028, against the City of Columbus and against Joe Cash, whom plaintiff Spittle subsequently dismissed from the lawsuit;

WHEREAS, in said lawsuit, plaintiff Spittle alleged that he was injured on the morning of December 20, 2005 when a City of Columbus refuse vehicle was involved in an accident at the intersection of Alum Creek Drive and Wilson Road;

WHEREAS, following the evaluation of plaintiff's claims in the course of litigation, the parties reached an agreement to settle this matter;

WHEREAS, due to the dispute of this claim and the risks and uncertainties associated with continued litigation and trial, the settlement amount was deemed acceptable by the City of Columbus, along with dismissal of the lawsuit with prejudice and a release of the City of Columbus and its present and past employees from further liability; and,

WHEREAS, by reason of the foregoing 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 lawsuit of Eric Spittle v. Joe Cash, et al., Case No. 06CVC04-5028, pending in the Franklin County Court of Common Pleas, by the payment of the total of Ninety-Nine Thousand Five Hundred and No/100 Dollars (\$99,500.00) 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 \$99,500.00 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 Service, Division of Refuse, Department/Division 59-02, Object Level One - 05, Object Level Three - 5539, OCA 593566.

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 Service, Division of Refuse Collection, Division Number 59-02, OCA Code 593566, Object Level One 05, Object Level Three 5563, Fund No. 010.

Section 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and release approved by the City Attorney in the amount of \$99,500.00 and to make payable to Eric Spittle and Kevin Kurgis Co., L.P.A.

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.