



# City of Columbus

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

## Legislation Text

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**File #: 0238-2009, Version: 1**

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### BACKGROUND:

This Ordinance is submitted to settle the lawsuit known as Charles Garrett v. City of Columbus, et al., Case No. 07CVC09-12006 in the Franklin County Court of Common Pleas, in the amount of one hundred fifteen thousand dollars (\$115,000.00). Mr. Garrett sued the City and a former City employee, alleging defendants' negligence caused him personal injury. On September 13, 2005, Garrett, the driver of a vehicle stopped at a red light, was struck from behind by a refuse truck driven by an employee of the City's Department of Public Service. The City employee was cited for failure to maintain an assured clear distance ahead. Garrett suffered back and neck injury. He has continued to receive medical treatment and has not worked since the day of the accident.

### FISCAL IMPACT:

Funds have not been specifically budgeted for this settlement, but are available in the appropriate amount.

To authorize and direct the City Attorney to settle the claims brought by Charles Garrett against the City of Columbus in the Franklin County Court of Common Pleas, Case No. 07CVC09-12006, to authorize the transfer of \$50,000.00 within the General Fund; and to authorize the expenditure of the sum of one hundred fifteen thousand dollars (\$115,000.00) in settlement of this lawsuit and to declare an emergency.

**WHEREAS**, on September 6, 2007, Mr. Garrett filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 07CVC09-12006, against the City and former City employee Eric Crockett, in which he claimed personal injury caused by defendants' negligence in connection with a vehicular accident.

**WHEREAS**, following discovery and settlement conferences, the amount of one hundred fifteen thousand dollars (\$115,000.00) in settlement of Mr. Garrett's claims was deemed acceptable by the City of Columbus, along with dismissal of the case with prejudice and a release of the City of Columbus and its employees, past and present, from any further liability; 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 Charles Garrett v. City of Columbus, et al., Case No. 07CVC09-12006 in the Franklin County Court of Common Pleas by payment of one hundred fifteen thousand and 00/100 dollars (\$115,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

**Section 2.** That the City Auditor be and hereby is authorized and directed to transfer \$50,000.00 within the General Fund, Fund 010 from the Department of Finance and Management, Department-division 45-01, O.L. 01-03 Codes 10-5501, OCA 904508 to the Department of Public Service, Division of Refuse Collection, Department/Division 59-02, O.L. 01-03 Codes 05-5533, OCA Code 593566.

**Section 3.** That for the purposes of paying this settlement, there be and hereby is authorized to be paid from Fund No. 010, Department No. 59-02, OCA Code 593566, Minor Object Code 5533, the sum of one hundred fifteen thousand and 00/100 dollars (\$115,000.00).

**Section 4.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of one hundred fifteen thousand and 00/100 dollars (\$115,000.00) payable to Charles Garrett and the Law Office of M. Shawn Dingus upon receipt of a voucher and a release approved by the City Attorney.

**Section 5.** That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to

an emergency measure and shall take effect and be in force from and after the earliest period allowed by law.