



Legislation Text

File #: 0317-2016, **Version:** 1

This Ordinance is submitted to settle the lawsuit known as *Jordan Helman v. Anthony Pray, et al.*, Case No. 2:15-cv-398 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of eighty-five thousand Dollars (\$85,000.00). On February 1, 2014, Officer Pray, who was working special duty at BBR, used force against Mr. Helman, who sustained injury. In his lawsuit, Mr. Helman claimed the use of force was in violation of the Fourth Amendment and further constituted battery and infliction of emotional distress in violation of Ohio law.

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 lawsuit of Jordan Helman v. Officer Anthony Pray, et al., pending in the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the expenditure of the sum of eighty-five thousand dollars in settlement of this lawsuit; and to declare an emergency. (\$85,000.00)

WHEREAS, on January 28, 2015, Mr. Helman filed a lawsuit in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:15-cv-398, against Officer Anthony Pray, the City of Columbus, and PNCJ, Inc. d/b/a BBR and/or Peerless Culinary and Nightlife Management Group in which he claimed he was subjected to an unreasonable use of force by Officer Pray in violation of the Fourth Amendment and Ohio law; and

WHEREAS, In connection with the settlement of claims against Officer Pray and the City of Columbus, the amount of eighty-five thousand dollars (\$85,000.00) to be paid by the City 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 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, 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 pending in the case known as *Jordan Helman v. Officer Anthony Pray, et al.*, Case No. 2:15-cv-398 in the United States District Court for the Southern District of Ohio, Eastern Division by payment of eighty-five thousand and 00/100 dollars (\$85,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That the expenditure of \$85,000.00, or so much thereof as may be needed, is hereby authorized as follows in the General Fund object class 05 Medical Claims per the accounting codes in the attachment to this ordinance.

Section 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of eighty-five thousand and 00/100 Dollars (\$85,000.00) payable to Jordan Helman and his attorneys ROURKE & BLUMENTHAL, LLP, upon receipt of a voucher and a release approved by the City Attorney.

Section 4. 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 its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.

