City of Columbus

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Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	5/13/2010	**In control:**	Safety Committee
On agenda:	6/7/2010	**Final action:**	6/9/2010
Title:	To authorize and direct the City Attorney to settle the lawsuit of Perry Stanley, et al. v. Martin Malone, et al., United States District Court for the Southern District of Ohio, Case No. 2:07-cv-694, to authorize the City Auditor to transfer One Hundred Eighty-Two Thousand Five Hundred Dollars ($182,500.00) within the General Fund from the Department of Finance and Management to the Department of Public Safety, Division of Police, to authorize the expenditure of One Hundred Eighty-Two Thousand Five Hundred Dollars ($182,500.00), and to declare an emergency.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
6/9/2010	1	CITY CLERK	Attest	
6/8/2010	1	MAYOR	Signed	
6/7/2010	1	Columbus City Council	Approved	Pass
6/7/2010	1	COUNCIL PRESIDENT	Signed	
5/25/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
5/24/2010	1	Atty Drafter	Sent for Approval	
5/24/2010	1	CITY ATTORNEY	Reviewed and Approved	
5/20/2010	1	Finance Reviewer	Reviewed and Approved	
5/20/2010	1	Finance Reviewer	Reviewed and Approved	
5/20/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
5/20/2010	1	Finance Reviewer	Sent for Approval	
5/19/2010	1	Atty Drafter	Sent for Approval	
5/19/2010	1	CITY ATTORNEY	Reviewed and Approved	
5/19/2010	1	Atty Drafter	Sent for Approval	
5/17/2010	1	Atty Drafter	Sent for Approval	
5/17/2010	1	Auditor Reviewer	Reviewed and Approved	
5/13/2010	1	Atty Drafter	Sent for Approval	
5/13/2010	1	Finance Reviewer	Sent for Approval	
5/13/2010	1	Safety Reviewer	Reviewed and Approved	
5/13/2010	1	SAFETY DIRECTOR	Reviewed and Approved	

BACKGROUND: This ordinance is submitted to settle the lawsuit known as *Perry Stanley, et al. v. Martin Malone, et al.*,

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United States District Court for the Southern District of Ohio, Case No. 2:07-cv-694, in the amount of $182,500.00. In July 2005, Columbus Police detectives obtained and executed a search warrant at the home of Perry Stanley and Deborah Stanley in Johnstown, Ohio. Several automobiles and automobile titles were seized. Perry Stanley was charged with VIN tampering and the charge was subsequently dismissed. The plaintiffs claimed that the search and seizure of their property were in violation of their Fourth Amendment rights.

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

To authorize and direct the City Attorney to settle the lawsuit of *Perry Stanley, et al. v. Martin Malone, et al.*, United States District Court for the Southern District of Ohio, Case No. 2:07-cv-694, to authorize the City Auditor to transfer One Hundred Eighty-Two Thousand Five Hundred Dollars ($182,500.00) within the General Fund from the Department of Finance and Management to the Department of Public Safety, Division of Police, to authorize the expenditure of One Hundred Eighty-Two Thousand Five Hundred Dollars ($182,500.00), and to declare an emergency.

WHEREAS, on July 20, 2007, the plaintiffs filed a lawsuit in the United States District Court for the Southern District of Ohio, Case No. 2:07-cv-694, against members of the Columbus Division of Police in which they claimed a violation of their Fourth Amendment rights;

WHEREAS, following investigation and evaluation of plaintiffs' claims in the course of litigation, the parties reached an agreement to settle this matter during several settlement conferences. Due to the dispute of this claim and the risks and uncertainties associated with continued litigation, the settlement amount was deemed acceptable by the City of Columbus, along with a joint request by the parties to the United States District Court for the Southern District of Ohio to vacate its Order finding liability against a Columbus Police officer, the dismissal of the lawsuit with prejudice and a release of the City of Columbus and its employees from further liability; and

WHEREAS, it is in the best interests of the City to settle this case for a total of $182,500.00; and

WHEREAS, by reason of the foregoing an emergency exists in the usual daily operations of the City and it would be in the City's best interests to compromise and settle this matter 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 *Perry Stanley, et al. v. Martin Malone, et al.*, United States District Court for the Southern District of Ohio, Case No. 2:07-cv-694, by the payment of $182,500.00, as a reasonable and fair amount in the best interests of the City of Columbus.

SECTION 2. That the City of Columbus Auditor be and is hereby authorized and directed to transfer $182,500.00 within the general fund, fund no. 010 from the Department of Finance & Management, department/division 45-01, object level 1-10, object level 3-5501, OCA 904508 to the Department of Public Safety, Division of Police, division No. 30-03, OCA Code 301382, object level one 05, object level three 5573, and fund no. 010.

SECTION 3. For the purpose of paying the settlement, there be and hereby is authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, division No. 30-03, OCA Code 301382, object level one 05, object level three 5573, and fund no. 010, the sum of One Hundred Eighty-Two Thousand Five Hundred Dollars ($182,500.00).

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer in the sum of $182,500.00 payable to Perry Stanley, Deborah Stanley, and their attorneys, Lavelle and Associates, 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 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.

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