



City of Columbus

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

Legislation Details (With Text)

File #: 0520-2011 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/22/2011 **In control:** Public Safety & Judiciary Committee

On agenda: 4/25/2011 **Final action:** 4/27/2011

Title: To authorize and direct the City Attorney to settle the lawsuit of James D. Hough v. City of Columbus, et al., pending in the United States District Court for the Southern District of Ohio, by the payment of Thirty-three Thousand Five Hundred Dollars; and to declare an emergency. (\$33,500.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/27/2011	1	MAYOR	Signed	
4/27/2011	1	CITY CLERK	Attest	
4/25/2011	1	Columbus City Council	Approved	Pass
4/25/2011	1	COUNCIL PRESIDENT	Signed	
4/8/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
4/6/2011	1	CITY ATTORNEY	Reviewed and Approved	
4/5/2011	1	Atty Drafter	Sent for Approval	
4/1/2011	1	Atty Drafter	Sent for Approval	
4/1/2011	1	CITY AUDITOR	Reviewed and Approved	
4/1/2011	1	CITY AUDITOR	Reviewed and Approved	
3/31/2011	1	Finance Reviewer	Reviewed and Approved	
3/31/2011	1	FINANCE DIRECTOR	Reviewed and Approved	
3/30/2011	1	Finance Reviewer	Reviewed and Approved	
3/30/2011	1	Finance Reviewer	Reviewed and Approved	
3/29/2011	1	Safety Reviewer	Reviewed and Approved	
3/29/2011	1	SAFETY DIRECTOR	Reviewed and Approved	
3/28/2011	1	Safety Reviewer	Reviewed and Approved	
3/28/2011	1	Safety Reviewer	Reviewed and Approved	
3/22/2011	1	Atty Drafter	Sent for Approval	

BACKGROUND: This Ordinance is submitted to settle the lawsuit of *James D. Hough v. City of Columbus, et al.*, Case No. 2:10-cv-0073, United States District Court for the Southern District of Ohio. On June 27, 2008, a fight broke out amongst the patrons of the Friendly Grill, owned by James D. Hough. CPD Officers Bruce and Reffitt were called to the scene. Mr. Hough encountered the officers outside the bar and stated that the fight was over. The officers advised that it was necessary to investigate the scene, however Mr. Hough blocked the entrance into the bar and Mr. Hough and Officer Bruce became embroiled in a physical altercation. Mr. Hough was struck and ultimately tasered. Mr. Hough received physical injuries to his head and face as a result of this incident, for

which he received medical treatment. Mr. Hough was charged with obstruction of official business and assault on a police officer. Mr. Hough was found not guilty of the assault on the police officer and the charge of interfering with official business was ultimately dismissed. Mr. Hough filed a suit in the United States Federal District Court Case No. 2:10-cv-0073, alleging that he had incurred medical bills, lost wages, and attorney fees. The City Attorney conducted an investigation and evaluated Mr. Hough's claims, and the parties were able to reach a settlement in the total amount of Thirty-three Thousand Five Hundred Dollars (\$33,500.00) to resolve all claims, including attorney's fees.

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

To authorize and direct the City Attorney to settle the lawsuit of *James D. Hough v. City of Columbus, et al.*, pending in the United States District Court for the Southern District of Ohio, by the payment of Thirty-three Thousand Five Hundred Dollars; and to declare an emergency. (\$33,500.00)

WHEREAS, James D. Hough has filed a lawsuit against the City of Columbus in the United States Federal District Court, Case No. 2:10-cv-0073, arising out of a June 27, 2008 police use of force incident; and,

WHEREAS, After investigation of the claims made therein and the injuries allegedly suffered by the plaintiff, the City Attorney's Office has reached a settlement that is acceptable to both parties and that is recommended by the City Attorney as being in the best interest of the City to resolve this matter; 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 interest to compromise and settle this matter and for the preservation of the public health, 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 *James D. Hough v. City of Columbus, et al.*, Case No. 2:10-cv-0073, United States District Court for the Southern District of Ohio by the payment of Thirty-three Thousand Five Hundred Dollars (\$33,500.00).

SECTION 2. That for the purposes of paying this settlement, there be and hereby is authorized to be expended by the City of Columbus from the Department of Public Safety, Division of Police, Division No. 30-03, Fund No. 010, OCA Code 301382, Object Level 1- 05, Object Level 3- 5573, the sum of Thirty-three Thousand Five Hundred Dollars (\$33,500.00).

SECTION 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer upon receipt of a voucher and a release approved by the City Attorney in the amount of Thirty-three Thousand Five Hundred Dollars (\$33,500.00), payable to James D. Hough and his attorney, John W. Waddy, Esq.

SECTION 4. 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.