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

Legislation Details (With Text)

File #:	2017-2014 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	8/28/2014	**In control:**	Public Safety & Judiciary Committee
On agenda:	9/22/2014	**Final action:**	9/25/2014
Title:	To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of John Edwards in the total sum of Thirty-five Thousand Dollars ($35,000.00) and to declare an emergency.		
Sponsors:			
Indexes:			
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Attachments:			

Date	Ver.	Action By	Action	Result
9/25/2014	1	CITY CLERK	Attest	
9/24/2014	1	MAYOR	Signed	
9/22/2014	1	COUNCIL PRESIDENT	Signed	
9/22/2014	1	Columbus City Council	Approved	Pass

This ordinance is submitted to settle the claim of John Edwards in the total amount of Thirty-five Thousand Dollars ($35,000.00).
Funds were not specifically budgeted for this settlement; however, sufficient monies are available for this settlement.

On March 1, 2013, Mr. Edwards was attending a Mixed Martial Arts (MMA) match at the Lifestyles Communities Pavilion which was part of the 2013 Arnold Fitness Classic events. At approximately 10 p.m., Mr. Edwards was observing the conclusion of a round on one of the large screen televisions behind the main bar. At this time, another individual was causing a disturbance in the area and the director of security for the Pavilion requested that this individual be removed from the premises. There were special duty officers working security at the event as well as regular duty officers. One of the regular duty officers who was removing the intoxicated and disorderly individual from the premises believed he was pushed by Mr. Edwards. After the individual had been removed, the officer returned to Mr. Edwards to confront him. A discussion ensued and finally the officer advised Mr. Edwards that he would have to leave the premises and Mr. Edwards refused, denying that he had shoved the officer. At some point, the officer advised Mr. Edwards that he was going to arrest him for criminal trespass and the officer believed that Mr. Edwards was going to resist his arrest. The officer then maced Mr. Edwards and he was taken to the ground. Mr. Edwards cut his forehead on the pavement in the take-down. Mr. Edwards suffered a concussion, a cut on his forehead, two sprained wrists from the fall and abrasions on his wrists. Because of conflicting testimony, Mr. Edwards was taken to the Franklin County Jail and incarcerated where he remained for nine hours. Mr. Edwards is from North Carolina and sought medical treatment amounting to One Thousand Seven Hundred Twenty Dollars and Fifty-seven cents ($1,720.57). It was also necessary for Mr. Edwards to travel back to Columbus for the criminal proceedings, at which time the case was dismissed because of conflicting witness testimony.

To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of John Edwards in the total sum of Thirty-five Thousand Dollars ($35,000.00) and to declare an emergency.

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WHEREAS, on March 1, 2013, John Edwards was arrested and charged with criminal trespass and resisting arrest; and,

WHEREAS, during the arrest of Mr. Edwards he sustained certain physical injuries; and,

WHEREAS, the charges against Mr. Edwards were ultimately dismissed; and,

WHEREAS, John Edwards has presented a claim to the City of Columbus asserting that he was subjected to excessive force and malicious prosecution by the Division of Police; and,

WHEREAS, the City Attorney has conducted an investigation and evaluated the claim of John Edwards and the parties have been able to reach a settlement in the total amount of Thirty-five Thousand Dollars ($35,000.00) to resolve all claims, including attorney fees; 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 to settle the claim of John Edwards in the total amount of Thirty-five Thousand Dollars ($35,000.00).

SECTION 2. That the expenditure of $35,000.00, or so much thereof as may be needed, be and the same is hereby authorized as follows:

DIV 30-03 | FUND 010 | OBJ LEV (01) 05 | OBJECT LEV (03) 5571 | OCA# 301382|AMOUNT $1,720.57
DIV 30-03 | FUND 010 | OBJ LEV (01) 05 | OBJECT LEV (03) 5573 | OCA# 301382|AMOUNT $33,279.43

SECTION 3. That the City Auditor be and hereby is authorized to draw a warrant upon receipt of a voucher and release approved by the City Attorney in the amount of Thirty-five Thousand Dollars ($35,000.00), payable to:

John Edwards and his attorney,
Edward R. Forman
MARSHAL & MORROW LLC
250 Civic Center Drive, Suite 480
Columbus, OH 43215

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.

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