



Legislation Details (With Text)

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Title: To authorize and direct the City Attorney to settle the lawsuit of Sandra Houston, et al. v. City of Columbus, et al., Case No. 14CV-09-9199, pending in the Court of Common Pleas, Franklin County, Ohio, by the payment of \$75,000.00, and to declare an emergency.

Sponsors:

Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
7/30/2015	1	CITY CLERK	Attest	
7/29/2015	1	MAYOR	Signed	
7/27/2015	1	COUNCIL PRESIDENT	Signed	
7/27/2015	1	Columbus City Council	Approved	Pass

BACKGROUND: This Ordinance is to settle the lawsuit of *Sandra Houston, et al. v. City of Columbus, et al.*, Case No. 14CV-09-9199, pending in the Court of Common Pleas, Franklin County, Ohio. On October 5, 2012, Columbus Police Officer Cody P. Rostorfer was operating a motor vehicle in the course and scope of his employment. The vehicle operated by Officer Rostorfer collided with a vehicle operated by Plaintiff Sandra Houston at the intersection of Troon Trail and Olentangy River Road. Plaintiff Sandra Houston was injured in the accident. She filed the above referenced lawsuit seeking payment for her medical and psychological counseling expenses and loss of earnings. She also is seeking damages for pain and suffering. Plaintiff Edward Houston seeks damages for his claim that he was deprived of the consortium of his wife. The Houston's filed suit against the city and Officer Rostorfer on September 5, 2014.

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 *Sandra Houston, et al. v. City of Columbus, et al.*, Case No. 14CV-09-9199, pending in the Court of Common Pleas, Franklin County, Ohio, by the payment of \$75,000.00, and to declare an emergency.

WHEREAS, Sandra H. and Edward T. Houston have filed a lawsuit against the City of Columbus and Columbus Police Officer Cody P. Rostorfer in the Franklin County Common Pleas Court, Case No. 14CV-09-9199, arising out of a vehicle collision occurring on October 5, 2012;

WHEREAS, After investigation of the claims made therein, 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,

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 *Sandra Houston, et al. v. City of Columbus, et al.*, Franklin County Court of Common Pleas Case No. 14CV-09-9199, by payment of \$75,000.00 as a reasonable and fair amount, and in the best interests of the City of Columbus.

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 -5571, the sum of \$38,767 for medical expenses and 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 \$36,233.00 in damages and expenses, for a total payment of \$75,000.00.

SECTION 3. That the City Auditor be and hereby is 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 \$75,000.00, payable to Sandra and Edward Houston's Attorney, CLARK, PERDUE & LIST CO., LPA, 471 East Broad Street, Suite 1550, Columbus, OH 43215, 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 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.