



Legislation Details (With Text)

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File created: 3/25/2016 **In control:** Judiciary And Court Administration Committee

On agenda: 4/18/2016 **Final action:** 4/21/2016

Title: To authorize and direct the City Attorney to settle the lawsuit of James R. Barber v. The City of Columbus, Ohio, 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 Two Hundred Thirty-Seven Thousand Dollars (\$237,000.00) in settlement of this lawsuit; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance Attachments

Date	Ver.	Action By	Action	Result
4/21/2016	2	CITY CLERK	Attest	
4/20/2016	2	MAYOR	Signed	
4/18/2016	2	COUNCIL PRESIDENT	Signed	
4/18/2016	1	Columbus City Council	Amended as submitted to the Clerk	Pass
4/18/2016	1	Columbus City Council	Approved	Pass

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within Finance's Citywide Account for this purpose.

To authorize and direct the City Attorney to settle the lawsuit of James R. Barber v. ~~The~~ City of Columbus, Ohio, 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 **Two Hundred Thirty-Seven Thousand Dollars** (\$237,000.00) in settlement of this lawsuit; and to declare an emergency.

This Ordinance is submitted to settle the lawsuit known as *James R. Barber v. ~~The~~ City of Columbus, Ohio, et al.*, Case No. 2:14-cv-2183 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of Two Hundred and Thirty-Seven **Thousand** Dollars (\$237,000.00). James R. Barber's claim arises out of an encounter with police officers on November 13, 2013, during which he was shot in the shoulder.

WHEREAS, on November 11, 2014, Mr. Barber filed a lawsuit in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:14-cv-2183, against The City of Columbus, Ohio, Kimberley Jacobs, Officers Bobby Schoolcraft and Kelly Yeager in which he claimed he was subjected to an unreasonable use of force by Officers Bobby Schoolcraft and Kelly Yeager in violation of the Fourth Amendment and Ohio law; and

WHEREAS, the officers had been dispatched on a cutting/stabbing and, when confronting James R. Barber, believed his actions posed a risk of harm to the officers and Officer Schoolcraft fired his weapon one time, striking Mr. Barber in the

shoulder; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation in the settlement of claims against ~~the~~ City of Columbus, Ohio, Kimberley Jacobs, Officers Bobby Schoolcraft and Kelly Yeager, in the amount of Two Hundred and Thirty-Seven **Thousand** Dollars (\$237,000.00) 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
"Hudson & Leo Hofmann"

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 *James R. Barber v. The City of Columbus, Ohio, et al.*, Case No. 2:14-cv-2183 in the United States District Court for the Southern District of Ohio, Eastern Division by payment of Two Hundred and Thirty-Seven **Thousand** Dollars (\$237,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That the transfer of \$237,000.00 or so much thereof as may be needed, is hereby authorized between object classes within the General Fund Transfer Line per the account codes in the attachment to this ordinance:

Section 3. That the expenditure of \$237,000.00, 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 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer one for the sum of Two Hundred and Thirty-Seven **Thousand** Dollars (\$237,000.00) payable to James R. Barber and his attorney Gerhardstein and Branch Co., LPA, 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 made a part hereof, this ordinance is hereby declared to an emergency measure and shall take effect and be in force ~~from and after the earliest period allowed by law~~ **after passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.**