



Legislation Details (With Text)

File #: 2254-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/6/2016 **In control:** Judiciary And Court Administration Committee

On agenda: 9/26/2016 **Final action:** 9/27/2016

Title: To authorize and direct the City Attorney to settle the lawsuit known as Khristina McPherson v. City of Columbus, et al. pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of \$35,000.00 in settlement of this lawsuit; and to declare an emergency. (\$35,000.00).

Sponsors:

Indexes:

Code sections:

Attachments: 1. McPherson - Financial Codes

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 9/27/2016 | 1 | CITY CLERK | Attest | |
| 9/27/2016 | 1 | MAYOR | Signed | |
| 9/26/2016 | 1 | COUNCIL PRESIDENT | Signed | |
| 9/26/2016 | 1 | Columbus City Council | Approved | Pass |

This Ordinance is submitted to settle the lawsuit known as *Khristina McPherson v. City of Columbus, et al.*, Case No. 15CV-01-108 in the Franklin County Court of Common Pleas in the amount of thirty-five thousand dollars and zero cents (\$35,000.00). Khristina McPherson's claim arises out of an auto accident in which Ms. McPherson suffered injuries and incurred damages.

Emergency action is requested 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.

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the General Fund for this purpose.

To authorize and direct the City Attorney to settle the lawsuit known as *Khristina McPherson v. City of Columbus, et al.* pending in the Franklin County Court of Common Pleas; to authorize the expenditure of the sum of \$35,000.00 in settlement of this lawsuit; and to declare an emergency. (\$35,000.00).

WHEREAS, on January 7, 2015, Ms. McPherson filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 15CV-01-108, against the City of Columbus, Ohio, Bonnie Annette Patterson, and Janet L. Henderson in which Ms. McPherson claimed a City of Columbus vehicle was negligently operated by a City of Columbus employee, Bonnie Patterson, causing an auto accident; and

WHEREAS, Ms. McPherson suffered injuries and incurred damages as a result of the auto accident; 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 and Bonnie Annette Patterson in the amount of thirty-five thousand dollars and zero cents

(\$35,000.00) 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

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service, Division of Traffic Management, 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 *Khristina McPherson v. City of Columbus, et al.*, Case No. 15CV-01-108 in the Franklin County Court of Common Pleas by payment of thirty-five thousand dollars and zero cents (\$35,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That the expenditure of \$35,000.00, 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 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum thirty-five thousand dollars and zero cents (\$35,000.00) payable to Khristina McPherson and her attorneys Scott W. Schiff & Assoc. Co., L.P.A., 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 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.