



## Legislation Details (With Text)

**File #:** 2818-2016      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/31/2016      **In control:** Judiciary And Court Administration Committee

**On agenda:** 11/21/2016      **Final action:** 11/23/2016

**Title:** To authorize and direct the City Attorney to settle the lawsuit known as Mark A. Aldrich v. The City of Columbus, 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 \$35,000.00 in settlement of this lawsuit; and to declare an emergency. (\$35,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/23/2016	1	ACTING CITY CLERK	Attest	
11/23/2016	1	MAYOR	Signed	
11/21/2016	1	COUNCIL PRESIDENT	Signed	
11/21/2016	1	Columbus City Council	Approved	Pass

This Ordinance is submitted to settle the lawsuit known as *Mark A. Aldrich v. The City of Columbus, et al.*, Case No. 2:15-cv-404 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of thirty-five thousand Dollars (\$35,000.00). On April 24, 2013, Officer Singleton, who was detaining Mr. Aldrich in the course of a felony investigation, used force against him. In his lawsuit, Mr. Aldrich claimed the use of force was in violation of the Fourth Amendment. Summary judgment was denied for Officer Singleton, and the case was set for trial.

This ordinance authorizes an expenditure of \$35,000.00 from an existing ACPR000606 from Ordinance 3109-2015 for this purpose.

To authorize and direct the City Attorney to settle the lawsuit known as *Mark A. Aldrich v. The City of Columbus, 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 \$35,000.00 in settlement of this lawsuit; and to declare an emergency. (\$35,000.00)

**WHEREAS**, on January 29, 2015, Mr. Aldrich filed a lawsuit in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:15-cv-404, against the City of Columbus and Officer Kevin Singleton in which he claimed he was subjected to an unreasonable use of force in violation of the Fourth Amendment; and

**WHEREAS**, summary judgment was denied for Officer Singleton, and the case was set for trial; and

**WHEREAS**, in connection with the settlement of claims against Officer Singleton and the City of Columbus, the amount of thirty-five thousand dollars (\$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 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 *Mark A. Aldrich v. The City of Columbus, et al.*, Case No. 2:15-cv-404 in the United States District Court for the Southern District of Ohio, Eastern Division by payment of thirty-five thousand and 00/100 dollars (\$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 to be expended from ACPR000606;

**SECTION 3.** That the City Auditor be and is hereby authorized to draw two warrants upon the City Treasurer one for the sum of ten thousand and 00/100 Dollars (\$10,000.00) payable to Mark A. Aldrich and one for the sum of twenty-five thousand and 00/100 Dollars (\$25,000.00) payable to his counsel Marshall and Morrow, LLC, 250 Civic Center Drive, Suite 480, Columbus, Ohio 43215-5296, upon receipt of a voucher and a release approved by the City Attorney.

**SECTION 4.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor has established ACPR000606 based on Ordinance 3109-2015

**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 its adoption and approval by the Mayor or ten (10) days after its adoption and approval if the Mayor neither approves nor vetoes the same.