



Legislation Details (With Text)

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File created: 2/13/2017 **In control:** Judiciary And Court Administration Committee
On agenda: 3/13/2017 **Final action:** 3/16/2017
Title: To authorize and direct the City Attorney to settle the lawsuit known as Robert Scott Vigh v. 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 \$50,000.00 in settlement of this lawsuit; and to declare an emergency. (\$50,000.00)

Sponsors:

Indexes:

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Date	Ver.	Action By	Action	Result
3/16/2017	1	CITY CLERK	Signed	
3/15/2017	1	MAYOR	Signed	
3/13/2017	1	COUNCIL PRESIDENT	Signed	
3/13/2017	1	Columbus City Council	Approved	Pass

This Ordinance is submitted to settle the lawsuit known as *Robert Scott Vigh v. City of Columbus, et al.*, Case No. 2:15-cv-2767 in the United States District Court for the Southern District of Ohio, Eastern Division, in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00). Robert Scott Vigh's claims arise out of his arrest, and subsequent incarceration for criminal trespass and disorderly conduct, which occurred on August 31st, 2014. In his lawsuit, Mr. Vigh claimed he was arrested without probable cause, and that excessive force was used to arrest him in violation of the Fourth Amendment. Mr. Vigh also claimed that as a result of these actions he was subjected to the intentional infliction of emotional distress. The federal court submitted this case to mediation, where the parties reached a tentative settlement due to the disputes of fact about the manner in which this incident occurred and the uncertainty of the outcome at trial.

This ordinance authorizes an expenditure of \$50,000.00 from an existing ACPO001159 from Ordinance 3109-2015 for this purpose.

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.

To authorize and direct the City Attorney to settle the lawsuit known as *Robert Scott Vigh v. 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 \$50,000.00 in settlement of this lawsuit; and to declare an emergency. (\$50,000.00)

WHEREAS, on August 28, 2015, a lawsuit was filed by the Robert Scott Vigh in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:15-cv-2767, against the City of Columbus, Officer Samuel Chappell, Officer Bryan J. Brumfield and Chief Kim Jacobs in which he claimed he was arrested without probable cause, and excessive force was used to affect his arrest, in violation of the Fourth Amendment; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation of the claims against the City of Columbus, Officer Samuel Chappell, Officer Bryan J. Brumfield and Chief Kim Jacobs, a settlement in the amount of

Fifty Thousand Dollars and Zero Cents (\$50,000.00) to be paid by the City, was deemed acceptable by the City of Columbus, Department of Public Safety, 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 *Robert Scott Vigh v. City of Columbus, et al.*, Case No. 2:15-cv-2767 in the United States District Court for the Southern District of Ohio, Eastern Division by payment of Fifty Thousand Dollars and Zero Cents (\$50,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the expenditure of \$50,000.00, or so much thereof as may be needed, is hereby authorized to be expended from ACPO001159.

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor has established ACPO001159 based on Ordinance 3109-2015.

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00) payable to Robert Scott Vigh, as Executor of the Robert Scott Vigh and his attorneys Leeseburg & Valentine, 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 its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.