



Legislation Details (With Text)

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On agenda: 7/31/2017 **Final action:** 8/3/2017

Title: To authorize and direct the City Attorney to settle the lawsuit known as Daryl Blakey v. City of Columbus, et al. pending in the United States District Court for the Southern District of Ohio; to authorize the expenditure of the \$45,000.00 in settlement of this lawsuit; and to declare an emergency. (\$45,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 170713 Blakey financial string

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Columbus City Council	Approved	Pass

This Ordinance is submitted to settle the lawsuit known as *Daryl Blakey v. City of Columbus, et al.*, 2:16-cv-0722 in the United States District Court for the Southern District of Ohio, in the amount of forty-five thousand dollars and zero cents (\$45,000.00). Daryl Blakey's claim arises out of a situation where he was detained by officers from the Division of Police and was injured while being placed in handcuffs.

On July 13, 2016, Mr. Blakey filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 16CV-6552, against the City of Columbus, Duane Derwacter, and Brian Connelly, in which he claimed he was injured as he was placed in handcuffs on July 15, 2014. Specifically, Mr. Blakey underwent surgery to repair a torn rotator cuff in his left shoulder. The City removed the case to the United States District Court for the Southern District of Ohio, Case No. 2:16-cv-0722.

Emergency Designation:

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.

Fiscal Impact:

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

To authorize and direct the City Attorney to settle the lawsuit known as *Daryl Blakey v. City of Columbus, et al.* pending in the United States District Court for the Southern District of Ohio; to authorize the expenditure of the \$45,000.00 in settlement of this lawsuit; and to declare an emergency. (\$45,000.00)

WHEREAS, on July 13, 2016, a lawsuit was filed by Daryl Blakey in the Franklin County Court of Common Pleas, Case No. 16CV-6552, against the City of Columbus, Duane Derwacter, and Brian Connelly, who collectively removed the case to the United States District Court for the Southern District of Ohio, Case No. 2:16-cv-0722, in which Mr. Blakey claimed

he was injured as he was placed in handcuffs by Officers Derwacter and Connelly; and

WHEREAS, following the evaluation of the claims and the risk of continued litigation of the claims against the City of Columbus, Duane Derwacter, and Brian Connelly a settlement in the amount of forty-five thousand dollars and zero cents (\$45,000.00) 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 *Daryl Blakey v. City of Columbus, et al.*, Case No. 2:16-cv-0722 in the United States District Court for the Southern District of Ohio by payment of Forty-Five Thousand Dollars and zero cents (\$45,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the expenditure of \$45,000.00, or so much thereof as may be needed, be and the same is hereby authorized in the General Fund in Object Class 05 Medical Claims Other Expense per the accounting codes in the attachment to this ordinance:

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 4. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer one for the sum of forty-five thousand dollars and zero cents (\$45,000.00) payable to Eric Holloway Law Group, LLC, 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.