



## Legislation Details (With Text)

**File #:** 0377-2019      **Version:** 1

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

**File created:** 1/28/2019      **In control:** Judiciary And Court Administration Committee

**On agenda:** 2/11/2019      **Final action:** 2/13/2019

**Title:** To authorize and direct the City Attorney to settle the lawsuit case of Teresa Barry v. James P. O'Grady, et al., pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the transfer and expenditure of \$140,000.00 in the General Fund for payment of the settlement; and to declare an emergency. (\$140,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Legislation Template - Teresa Barry Settlement

Date	Ver.	Action By	Action	Result
2/13/2019	1	CITY CLERK	Attest	
2/12/2019	1	MAYOR	Signed	
2/11/2019	1	COUNCIL PRESIDENT	Signed	
2/11/2019	1	Columbus City Council	Approved	Pass

**BACKGROUND:** This ordinance is submitted to settle the lawsuit of *Teresa Barry v. James P. O'Grady, et al.*, pending before the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:14CV-02693. Ms. Barry is a former employee of the Franklin County Municipal Court. The lawsuit alleges violations of the Equal Protection Clause of the Fourteenth Amendment and retaliation in violation of the First Amendment. Defendants are three Judges of the Court, the Court Administrator and the former Chief of Probation. Ms. Barry claimed she was subjected to a hostile working environment and retaliated against for complaining about the environment.

Defendants were successful in having the majority of the claims and defendants dismissed but two claims remain for trial. After discussions with the clients, it was decided that settlement is in the best interest of the City.

**FISCAL IMPACT:** Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the General Fund to pay the amount of this claim. A transfer within the General Fund will be necessary. This piece is contingent upon passage of the 2019 general fund operating budget.

**EMERGENCY:** An emergency is being requested to authorize the immediate payment of this settlement to ensure the City is not required to expend additional funds as a result of any delay.

To authorize and direct the City Attorney to settle the lawsuit case of *Teresa Barry v. James P. O'Grady, et al.*, pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the transfer and expenditure of \$140,000.00 in the General Fund for payment of the settlement; and to declare an emergency. (\$140,000.00)

**WHEREAS**, there is a lawsuit captioned *Teresa Barry v. James P. O'Grady, et al.*, pending before the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:14CV-02693, and;

**WHEREAS**, following the evaluation of the claims and the risk of continued litigation of the claims, the parties agreed to

settle the lawsuit in the amount of one hundred forty thousand dollars (\$140,000.00) in full settlement of all Ms. Barry's claims, including attorney fees, in exchange for dismissal of the case with prejudice and a release of all claims, and;

**WHEREAS**, it is necessary for this Council to authorize a transfer and expenditure of funds within the General Fund,

**WHEREAS**, an emergency exists in the usual daily operations of the City Attorney's Office, in that it is immediately to authorize payment of this settlement to ensure that the City is not required to expend additional funds as a result of any delay; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the City Attorney be and is hereby authorized and directed to settle the lawsuit of *Teresa Barry v. James P. O'Grady, et al.* by the payment of one hundred and forty thousand dollars (\$140,000.00).

**SECTION 2.** That the transfer of \$140,000.00 or so much thereof as may be needed, is hereby authorized within the General Fund, per the account codes in the attachment to this ordinance.

**SECTION 3.** That for the purpose of paying this settlement, the expenditure of \$140,000.00 or so much thereof as may be needed is hereby authorized to be paid by the City of Columbus from fund 1000 - General Fund, per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such account codes as necessary.

**SECTION 5.** That the City Auditor be and hereby is authorized to draw two warrants as follows upon the City Treasury upon receipt of a voucher and release approved by the City Attorney:

\$105,000.00 payable to: Teresa Barry

\$ 35,000.00 payable to: Michael Garth Moore  
9040 North Placita Verde  
Tucson, Arizona 85704

**SECTION 6.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be 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.