Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Details (With Text)

File #:	0356-2020 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	1/30/2020	**In control:**	Criminal Justice & Judiciary Committee
On agenda:	2/24/2020	**Final action:**	2/27/2020
Title:	To authorize and direct the City Attorney to settle the lawsuit captioned Carla Hoover, et al. v. Steven G. Rosser, et al., United States District Court Case No. 2:19-cv-01453; to authorize the transfer of $185,000.00 between divisions within the general fund; to authorize the expenditure of the sum of $185,000.00 in settlement of the lawsuit; and to declare an emergency ($185,000.00).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Ordinance 0356-2020 DAX coding		

Date	Ver.	Action By	Action	Result
2/27/2020	1	CITY CLERK	Attest	
2/26/2020	1	MAYOR	Signed	
2/24/2020	1	COUNCIL PRESIDENT	Signed	
2/24/2020	1	Columbus City Council	Approved	Pass

Background:

This Ordinance is submitted to settle the lawsuit captioned *Carla Hoover, et al. v. Steven G. Rosser, et al.*, United States District Court Case No. 2:19-cv-01453, in the amount of One Hundred Eighty Five Thousand Dollars ($185,000.00). This amount will be made payable to Cooper & Elliott, LLC IOLTA, in six separate checks, for the following six Plaintiffs: $35,000 for Carla Hoover, $30,000 for Emily Haudenschield, $30,000 for Brittany Yates, $30,000 for Danielle Calderon, $30,000 for Ashley Graves, and $30,000 for Chelsea Paige Ewart.

Plaintiffs Carla Hoover, Emily Haudenschield, Brittany Yates, Danielle Calderon, Ashley Graves, and Chelsea Paige Ewart were criminally charged by either former Columbus Police Vice Officer Steven Rosser or former Columbus Police Vice Officer Whitney Lancaster with violating O.R.C. § 2907.40(C)(2) "illegal oriented activity in sexually oriented businesses." Plaintiffs allege that Rosser and Lancaster falsely swore out the criminal complaints against them. Plaintiffs allege that they were charged without probable cause in violation of their Fourth and Fourteenth Amendment rights and the City's policies and practices were the moving force behind their arrests.

Fiscal Impact:

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the 2020 general fund budget to pay the amount of this claim. **This ordinance is contingent upon passage of the 2020 General Fund Budget.**

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To authorize and direct the City Attorney to settle the lawsuit captioned *Carla Hoover, et al. v. Steven G. Rosser, et al.*, United States District Court Case No. 2:19-cv-01453; to authorize the transfer of $185,000.00 between divisions within the general fund; to authorize the expenditure of the sum of $185,000.00 in settlement of the lawsuit; and to declare an emergency ($185,000.00).

WHEREAS, Carla Hoover, Emily Haudenschield, Brittany Yates, Danielle Calderon, Ashley Graves, and Chelsea Paige Ewart allege that the City of Columbus and former Columbus Police Officers Steven Rosser and Whitney Lancaster violated their constitutional rights by charging them with violating O.R.C. § 2907.40(C)(2) without probable cause in violation of their Fourth and Fourteenth Amendment rights; and

WHEREAS, following the evaluation of the incident, a settlement in the amount of One Hundred Eighty Five Thousand Dollars ($185,000.00), to be paid by the City, was deemed to be acceptable in exchange for releases from Hoover, Haudenschield, Yates, Calderon, Graves, and Ewart of any claims against the City of Columbus and any of its employees, agents, officials, including former Columbus Police Officers Steven Rosser and Whitney Lancaster; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Police, in that it is immediately necessary to authorize the City Attorney to settle the lawsuit in order for the parties to effectuate the settlement of these claims, 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 is hereby authorized and directed to settle the lawsuit captioned *Carla Hoover, et al. v. Steven G. Rosser, et al.*, United States District Court Case No. 2:19-cv-01453, by payment of the sum of One Hundred Eighty Five Thousand Dollars ($185,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That the transfer of $185,000.00, or so much thereof as may be needed, is hereby authorized within the General Fund, from Dept-Div 4501 Financial Management, Object Class 10 - Transfer Out to Dept-Div 3003 Police, Object Class 05 - Claims, per the account codes in the attachment to this ordinance:

SECTION 3. That the expenditure of $185,000.00, or so much thereof as may be needed, is hereby authorized as follows in the General Fund in object class 05-Claims, per the accounting codes in the attachment to this ordinance:

SECTION 4. That, upon receipt of a voucher and releases approved by the City Attorney, the City Auditor be and is hereby authorized to draw six warrants upon the City Treasurer as follows:

1. For Plaintiff Carla Hoover: $35,000 made payable to Cooper & Elliott, LLC IOLTA;
2. For Plaintiff Emily Haudenschield: $30,000 made payable to Cooper & Elliott, LLC IOLTA;
3. For Plaintiff Brittany Yates: $30,000 made payable to Cooper & Elliott, LLC IOLTA;
4. For Plaintiff Danielle Calderon: $30,000 made payable to Cooper & Elliott, LLC IOLTA;
5. For Plaintiff Ashley Graves: $30,000 made payable to Cooper & Elliott, LLC IOLTA;
6. For Plaintiff Chelsea Paige Ewart: $30,000 made payable to Cooper & Elliott, LLC IOLTA

SECTION 5. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force after passage and approval by the Mayor, or 10 days after passage if the Mayor neither vetoes nor approves the same.

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