



Legislation Text

File #: 0984-2014, Version: 1

BACKGROUND

This Ordinance is submitted to settle the lawsuit known as *Dean Stevens v. Debra Maxson, et al.* Case No. 11CVC-07-9008 in the Franklin County Court of Common Pleas in the amount of fifty thousand dollars (\$50,000.00). Mr. Stevens sued Officer Maxson and the City, alleging the officer's operation of a City motor vehicle on August 8, 2008 caused his personal injury. Mr. Stevens was injured in the collision; he received medical treatment, and he was absent from work for two and a half months resulting in lost income. He claimed lasting pain. The City was dismissed from this suit based on statutory immunity. Plaintiff's self-funded insurer joined in the suit seeking reimbursement of medical costs.

FISCAL IMPACT

Funds in the amount of \$50,000.00 have not been specifically budgeted for this settlement, but are available in the Public Safety, Division of Police's General Fund budget.

EMERGENCY DESIGNATION

Emergency action is requested to pay the settlement in a timely manner.

To authorize and direct the City Attorney to settle the lawsuit of *Dean Stevens v. Debra Maxson, et al.*, pending in the Franklin County Court of Common Pleas; to authorize the expenditure of \$50,000.00 from the General Fund; and to declare an emergency. (\$50,000.00)

WHEREAS, on July 21, 2011, Mr. Stevens filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 11CVC-07-9008, against Officer Debra Maxson and the City, in which he claimed personal injury caused by a traffic accident involving Officer Maxson's operation of her police cruiser; and

WHEREAS, following mediation, the amount of fifty thousand dollars (\$50,000.00) in settlement of Mr. Stevens' claims was deemed acceptable by the City of Columbus, along with dismissal of the case with prejudice by all parties and a release of the City of Columbus and its employees, past and present, from any further liability; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is necessary to pay this settlement immediately in order resolve the pending lawsuit; 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 *Dean Stevens v. Debra Maxson, et al.* Case No. 11CVC-07-9008 in the Franklin County Court of Common Pleas by payment of fifty thousand dollars (\$50,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

SECTION 2. That for the purposes of paying this settlement, there be and hereby is authorized to be paid from fund No. 010, Department No. 30-03, OCA Code 301382, Object Level (1) 05, Object Level (3) 5573, the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

SECTION 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of

Fifty Thousand and 00/100 Dollars (\$50,000.00) payable to Dean Stevens and his counsel, David Goldstein, upon receipt of a voucher and a release approved by the City Attorney.

SECTION 4. 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.