



Legislation Text

File #: 1673-2016, **Version:** 1

This ordinance is submitted to pay the award of attorneys' fees and costs with respect to the jury verdict in favor of Joseph Hines, in the amount of Ninety-Nine Thousand Nine Hundred and Thirty-Four Dollars and 89/100 (\$99,934.89).

Plaintiff's claims arose out of his arrest on or about August 29, 2012. Plaintiff Hines was lawfully arrested, but complained that when he resisted arrest officers used excessive force while handcuffing him and taking him into custody.

Plaintiff filed his complaint pursuant to 42 U.S.C. § 1983 and § 1988 alleging violation of his rights under the Fourth and Fourteenth Amendments. During the course of litigation, the City of Columbus and several Division of Police personnel were dismissed, with three officers remaining when the case went to trial on September 21, 2015. On September 28, 2015, the jury entered a verdict against one officer, on one claim, in the amount of \$30,000.00 (See Ordinance 2833-2015). In addition to the verdict, a petition for attorneys' fees and costs was filed, and by Opinion and Order dated May 4, 2016, the Court ordered payment pursuant to 42 U.S.C. § 1988, in the amount of \$99,934.89.

This ordinance authorizes an expenditure of \$99,934.89 from an existing ACPO000577 from Ordinance 3109-2015 for this purpose.

To authorize and direct the City Attorney to pay the attorneys' fees and costs in accordance with the Order entered on May 4, 2016 in the case of *Joseph Hines v. Thomas DeWitt, et al.*, in the United States District Court for the Southern District of Ohio; to authorize the expenditure of the sum of \$99,934.89; and to declare an emergency. (\$99,934.89)

WHEREAS, on August 29, 2012, Joseph Hines was lawfully arrested; and

WHEREAS, in 2013, Mr. Hines filed a complaint in the United States District Court alleging the City interfered with his rights under the Fourth Amendment claiming excessive force; and

WHEREAS, following a jury trial of Mr. Hines' claims, the jury returned a verdict in favor of the plaintiff in this matter (for which judgment was entered on March 11, 2016), following which, by Opinion and Order dated May 4, 2016, the Court awarded Ninety-Nine Thousand Nine Hundred and Thirty-Four Dollars and 89/100 (\$99,934.89) for attorneys' fees and costs; and

WHEREAS, by reason of the foregoing an emergency exists in the usual daily operation of the Department of Public Safety and the City is required to promptly pay the amount ordered by the Court in this case on May 4, 2016; 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 pay to Joseph Hines for attorneys' fees and costs, and payable to the Clerk, United States District Court, the total amount of Ninety-Nine Thousand Nine Hundred and Thirty-Four and 89/100 Dollars (\$99,934.89), as provided in the May 4, 2016 Opinion and Order in the case of *Joseph Hines v. Thomas DeWitt, et al.*, Case No. 2:13 cv 1058, United States District Court for the Southern District of Ohio.

SECTION 2. That the expenditure of \$99,934.89, or so much thereof as may be needed, is hereby authorized to be expended from ACPO000577;

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor has established ACPO000577 based on Ordinance 3109-2015.

SECTION 4. That to carry out the purposes of this ordinance the amount of Ninety-Nine Thousand Nine Hundred and Thirty-Four and 89/100 Dollars (\$99,934.89) be made payable in the following manner:

Clerk, U.S. District Court
Office of the Clerk
Joseph P. Kinneary U.S. Courthouse
85 Marconi Blvd., Rm. 121
Columbus, OH 43215

SECTION 5. 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.