



Legislation Text

File #: 2266-2016, **Version:** 1

This Ordinance is submitted to settle the claims of Ava Ellis, Andrea Ellis, and Brad Ellis in the amount of Seven Hundred Eighty Thousand Dollars (\$780,000.00). The claims of Ava Ellis and her parents Andrea and Brad Ellis arise out of a June 19, 2015 incident in which Ava Ellis was injured in a police involved shooting incident involving Columbus police officer Jonathan Thomas. Officer Thomas had responded to the Ellis residence located at 4197 Chandler Drive, in Whitehall, Ohio to render assistance to an injured Andrea Ellis. While on scene, he was charged by the Ellis family dog and fired a gunshot at the dog in an attempt to protect himself. Officer Thomas' shot missed the dog and instead accidentally struck the then four-year old Ava Ellis in her right thigh, causing serious physical injuries. Her medical expenses have been significant.

There is also a need to appropriate funds in the Special Income Tax funds for this expense.

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the Special Income Tax Fund for this purpose.

Emergency Justification: 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.

To authorize and direct the City Attorney to settle the claims of Ava Ellis, Andrea Ellis, and Brad Ellis; to appropriate funds in the Special Income Tax Fund; to authorize the expenditure of the sum of \$780,000.00 in settlement of these claims; and to declare an emergency.(\$780,000.00)

WHEREAS, on June 19, 2015 Ava Ellis was injured in a police involved shooting incident involving Columbus Police Officer Jonathan Thomas; and

WHEREAS, following the evaluation of the incident, a settlement in the amount of Seven Hundred Eighty Thousand Dollars (\$780,000.00), to be paid by the City, was deemed to be acceptable in exchange for a release from Ava Ellis, Andrea Ellis, and Brad Ellis of any claims against the City of Columbus and any of its employees, agents, officials, including Officer Jonathan Thomas; and

WHEREAS, it is necessary to appropriate funds within the Special Income Tax fund in order to pay this claim.

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 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 be and hereby is authorized and directed to settle all claims against the City of Columbus, its officers, agents, and employees, including Officer Jonathan Thomas, by payment of the sum of Seven Hundred Eighty Thousand Dollars (\$780,000.00) as a reasonable and fair amount and in the best interest of the City of

Columbus.

SECTION 2. That the appropriation and expenditure of \$780,000.00 or so much thereof as may be needed, is hereby authorized in the SIT Fund per the account codes in the attachment to this ordinance.

SECTION 3. That, upon receipt of a voucher and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw warrants upon the City Treasurer for the sum of Seven Hundred Eighty Thousand Dollars (\$780,000.00) as follows:

- a) \$310,000.00 payable to “BHG Structured Settlements, Inc.” for structured settlement annuities to fund the Periodic Payments. This check shall be delivered to NFP Structured Settlements, 55 Public Square, Suite 2050, Cleveland, OH 44113;
- b) \$250,000.00 to “BARCO Assignments LTD” for a structured settlement annuity to fund the Periodic Payments. This check shall be delivered to NFP Structured Settlements, 55 Public Square, Suite 2050, Cleveland, OH 44113;
- c) \$220,000.00 to “Wright and Schulte, LLC., Brad Ellis, and Andrea Ellis.” This check shall be delivered to Wright and Schulte, LLC., 130 West Second Street, Suite 1600, Dayton, Ohio 45402.

SECTION 4. 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 after passage and approval by the Mayor, or 10 days after passage if the Mayor neither vetoes nor approves the same.