



## Legislation Text

**File #: 2628-2018, Version: 1**

This Ordinance is submitted to settle the lawsuit known as *William R. Glenn v. City of Columbus, et al.*, 14CV-12117 in the Franklin County, Ohio Court of Common Pleas, in the amount of Four Hundred Ten Thousand Dollars and zero cents (\$410,000.00). Mr. Glenn's claims arise out of an auto accident that involved a vehicle driven by his mother, Elvyra T. Glenn, and Columbus Division of Fire Engine 32.

On November 20, 2014, Mr. Glenn, on behalf of Elvyra T. Glenn and as executor of her estate, filed a civil action against the City of Columbus and its employee Paul Sheridan. Mr. Glenn claimed the death of his mother was caused by the negligent, willful, wanton, and reckless operation of Engine 32 while it responded to a fire alarm. The City has been dismissed from the lawsuit, but the City's employee, Paul Sheridan, remains a defendant.

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

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 lawsuit known as *William R. Glenn v. City of Columbus, et al.* pending in the Franklin County, Ohio Court of Common Pleas; to authorize the appropriation and expenditure of the sum of \$410,000.00 in settlement of this lawsuit; and to declare an emergency. (\$410,000.00)

**WHEREAS**, on November 20, 2014, a lawsuit was filed by William R. Glenn in the Franklin County Court of Common Pleas, Case No. 14CV-12117, against the City of Columbus and Paul Sheridan, in which Mr. Glenn claimed the death of his mother was caused by Paul Sheridan's operation of Engine 32 during a response to a fire alarm; and

**WHEREAS**, following the evaluation of the claims and the risk of continued litigation of the claims against Paul Sheridan, an employee of the City, a settlement in the amount of Four Hundred Ten Thousand Dollars and zero cents (\$410,000.00), to be paid by the City, was deemed acceptable by the Department of Public Safety, along with dismissal of the case with prejudice and a release of the City of Columbus and its employees from any further liability; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Fire, in that it is necessary 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; 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 *William R. Glenn v. City of Columbus, et al.*, Case No. 14CV-12117 in the Franklin County, Ohio Court of Common Pleas by payment of Four Hundred Ten Thousand Dollars and zero cents (\$410,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2018, the sum of \$410,000.00 is appropriated in the Special Income Tax Fund 4430, subfund 443001 in Object Class 05, per the account codes in the attachment to this ordinance.

**SECTION 3.** That the expenditure of \$410,000.00, or so much thereof as may be needed, is hereby authorized as follows in the Special Income Tax Fund object class 05 Medical Claims per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer one for the sum of four hundred ten thousand dollars and zero cents (\$410,000.00) payable to Curry, Roby & Mulvey Co., LLC, upon receipt of a voucher and a release approved by the City Attorney.

**SECTION 5.** 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 from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.