



## Legislation Text

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**File #: 3199-2018, Version: 1**

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This Ordinance is submitted to settle the lawsuit known as *Ahkilah Pendergrass v. City of Columbus, et al.*, 2:17-cv-695 in the United States District Court, for the Southern District of Ohio, Eastern Division, in the amount of Ninety Thousand Dollars and zero cents (\$90,000.00). Ms. Pendergrass' claims arise out of an allegedly unlawful entry into a residence, an allegedly unjustifiable seizure of the residence, and an allegedly excessive use of force arising out of an August 9, 2016 incident.

On August 9, 2017, Ms. Pendergrass, filed a civil action against the City of Columbus and its employee Randal Lyons. Ms. Pendergrass claimed Officer Lyons, and others, unlawfully entered her residence in search of an armed robbery suspect and, after discovering the suspect at her residence, unjustifiably ordered everyone from the residence while CPD waited for a search warrant. According to Ms. Pendergrass, Officer Lyons also threw her to the ground during a melee that occurred inside the residence as others attempted to get back inside. Medical records suggest Ms. Pendergrass suffered a probable nondisplaced fracture of a bony outgrowth on her left scapula (i.e., shoulder blade) during the incident and has been on disability for over 94 weeks. The City and Officer Lyons have denied liability, denied Ms. Pendergrass' version of events, and asserted their immunity under both federal and state law.

This ordinance authorizes an expenditure of \$90,000.00 from an existing ACDI000706 from Ordinance 3059-2018 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 *Ahkilah Pendergrass v. City of Columbus, et al.* pending in the United States District Court, for the Southern District of Ohio, Eastern Division; to authorize the expenditure of the sum of \$90,000.00 in settlement of this lawsuit; and to declare an emergency. (\$90,000.00)

**WHEREAS**, on August 19, 2017, a lawsuit was filed by Ms. Pendergrass in the United States District Court, for the Southern District of Ohio, Eastern Division, Case No. 2:17-cv-695, against the City of Columbus and its employee Randal Lyons, in which Ms. Pendergrass claimed an allegedly unlawful entry into her residence, an allegedly unjustifiable seizure of her residence, and an allegedly excessive use of force arising out of an August 9, 2016 incident; and

**WHEREAS**, following the evaluation of the claims and the risk of continued litigation of the claims against Randal Lyons, an employee of the City, a settlement in the amount of Ninety Thousand Dollars and zero cents (\$90,000.00) to be paid by the City, was deemed acceptable by the City of Columbus, 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 Police, 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 *Ahkilah Pendergrass v. City of Columbus, et al.*, Case No. 12:17-cv-695 in the United States District Court, for the Southern District of Ohio, Eastern Division, by

payment of Ninety Thousand Dollars and zero cents (\$90,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus;

**SECTION 2.** That the expenditure of \$90,000.00, or so much thereof as may be needed, is hereby authorized to be expended from ACDI000706 established via 3059-2018.

**SECTION 3.** That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Ninety Thousand Dollars and zero cents (\$90,000.00) payable to Byron L. Potts & Co., L.P.A. and Ahkilah Pendergrass, upon receipt of a voucher and a release approved by the City Attorney, and

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