



## Legislation Text

**File #:** 2073-2019, **Version:** 1

**BACKGROUND:** This ordinance is submitted to settle the lawsuit known as *Patricia Butts, et al. v. Matthew Dover, et al.*, Franklin County Court of Common Pleas, Case No. 18CV-02-1834, in the amount of \$35,000.00. On March 7, 2016, Patricia Butts was injured as a result of a collision between the automobile she was driving and a cruiser driven by Columbus Police Officer Matthew Dover. The collision occurred on East 17th Avenue at the intersection of the southbound ramp from I-71 in Columbus, Ohio when Officer Dover failed to stop at a stop sign. Plaintiff Patricia Butts claimed injuries to her head, neck, chest and back.

**FISCAL IMPACT:** Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the General Fund to pay this settlement.

To authorize the City Attorney to settle the lawsuit of *Patricia Butts, et al. v. Matthew Dover, et al.*, pending in the Franklin County Court of Common Pleas; to authorize the expenditure of \$35,000.00 within the General Fund for payment of the settlement; and to declare an emergency.

**WHEREAS**, on February 28, 2018, Patricia Butts filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 18CV-02-1834, against the City of Columbus and Officer Matthew Dover in which she claimed the defendants' negligence caused the collision resulting in personal injuries;

**WHEREAS**, following investigation and evaluation of plaintiff's claims in the course of litigation, the parties reached an agreement to settle this matter. Due to the dispute of this claim and the risks and uncertainties associated with continued litigation, the settlement amount was deemed acceptable by the City of Columbus, along with dismissal of the lawsuit with prejudice and a release of the City of Columbus and Officer Matthew Dover from all further liability; and

**WHEREAS**, it is in the best interests of the City to settle this case for a total of Thirty-Five Thousand Dollars (\$35,000); and

**WHEREAS**, by reason of the foregoing an emergency exists in the usual daily operations of the City Attorney's office and it would be in the City's best interests to compromise and settle this matter immediately and for further preservation of the public health, peace, property, safety and welfare, now, therefore:

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the City Attorney be and hereby is authorized to settle the lawsuit of *Patricia Butts, et al. v. Matthew Dover, et al.*, Franklin County Court of Common Pleas, Case No. 18CV-02-1834, by the payment of \$35,000.00, as a reasonable and fair amount in the best interests of the City of Columbus.

**SECTION 2.** That for the purpose of paying the settlement, there be and hereby is authorized to be expended the sum of \$35,000 from fund 1000 - General Fund, per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the City Auditor be and is hereby authorized to draw two warrants upon the City Treasury for a total sum of Thirty-Five Thousand Dollars (\$35,000.00) upon receipt of a voucher and a release approved by the City Attorney payable in the following manner:

Thirty-Four Thousand Two Hundred Eighty-Six Dollars and Ninety-Three Cents (\$34,286.93) to:

Patricia A. Butts, and her attorney, Steven Mathless

and

Seven Hundred Thirteen Dollars and Seven Cents (\$713.07) to:

State of Ohio, Department of Medicaid

the latter warrant representing payment to Patricia A. Butts's subrogee of Ms. Butts's obligation to it arising from the Department of Medicaid's payment of Ms. Butts's medical bills under her insurance coverage.

**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.