



Legislation Text

File #: 2921-2019, **Version:** 1

BACKGROUND:

This ordinance is submitted to settle the claim of Ramon Clifford against the City of Columbus in the amount of \$32,500.00. On October 21, 2015, Ramon Clifford was injured as a result of a collision between the automobile in which he was a passenger and a cruiser driven by Columbus Police Officer Mark Younger. The collision occurred on East Livingston Avenue near its intersection with South Ohio Avenue in Columbus, Ohio when Officer Younger rear ended an automobile in which Ramon Clifford was a passenger. Plaintiff Ramon Clifford claimed injuries to his neck and back.

This claim was initially brought as a lawsuit known as *Ramon Clifford, et al. v. City of Columbus, et al.*, Franklin County Court of Common Pleas, Case No. 17CV9358. This lawsuit was voluntarily dismissed without prejudice by the plaintiff on February 18, 2019, which case is subject to re-filing by the plaintiff in the event this claim is not resolved.

FISCAL IMPACT:

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

EMERGENCY DESIGNATION:

Emergency legislation is necessary to ensure settlement is paid in a timely manner.

To authorize the City Attorney to settle the claim of Ramon Clifford; to authorize the expenditure of \$32,500.00 within the General Fund for payment of the settlement; and to declare an emergency.

WHEREAS, on October 18, 2017, Ramon Clifford filed a lawsuit in the Franklin County Court of Common Pleas, Case No. 17CV9358, against the City of Columbus in which he claimed Columbus Police Officer Mark Younger's negligence caused the collision resulting in personal injuries; and

WHEREAS, this lawsuit was voluntarily dismissed without prejudice by the plaintiff on February 18, 2019, which case is subject to re-filing by the plaintiff in the event this claim is not resolved; and

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 Mark Younger from all further liability; and

WHEREAS, it is in the best interests of the City to settle this matter for a total of Thirty-Two Thousand Five Hundred Dollars (\$32,500.00); 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 is hereby authorized to settle the claim of Ramon Clifford, as set forth in the lawsuit of *Ramon Clifford, et al. v. City of Columbus, et al.*, Franklin County Court of Common Pleas Case No. 17CV9358, by the payment of \$32,500.00, 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 \$32,500.00 from fund 1000 - General Fund, object class 05 - Medical Claims, per the accounting codes in the attachment to this ordinance.

SECTION 3. That the City Auditor be and is hereby authorized to draw a warrant upon the City Treasury for a total sum of Thirty-Two Thousand Five Hundred Dollars (\$32,500.00) upon receipt of a voucher and a release approved by the City Attorney made payable to Ramon Clifford and Colley Shroyer & Abraham Co., LPA.

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.