



Legislation Text

File #: 2338-2021, Version: 1

Background

This ordinance is submitted to settle the lawsuit known as *Andrea Boxill v. James P. O'Grady, et al.* pending before the United States District Court for the Southern District of Ohio, Eastern Division, Case No. 2:16-cv-126, in the amount of two hundred ten thousand dollars (\$210,000.00). Ms. Boxill was employed by the Franklin County Municipal Court and Judge O'Grady was a judge serving on the Franklin County Municipal Court. Ms. Boxill filed a complaint alleging sexual harassment with the United States District Court for the Southern District of Ohio, Eastern Division.

Fiscal Impact

This legislation authorizes a transfer of funds within the general fund from the Department of Finance and Management to the Franklin County Municipal Court Judges, for the purpose of settling the *Andrea Boxill v. James P. O'Grady, et al.* lawsuit. Funding in the amount of \$210,000.00 is budgeted and available within the 2021 General Fund Budget.

To authorize the City Attorney to settle the case of *Andrea Boxill v. James P. O'Grady, et al.* pending before the United States District Court for the Southern District of Ohio, Eastern Division; to authorize the transfer of \$210,000.00 between divisions within the general fund; and to authorize the expenditure of \$210,000.00 from the general fund in payment of the settlement.

WHEREAS, Andrea Boxill has presented claims against Judge James O'Grady arising out of her previous employment with the Franklin County Municipal Court ("FCMC"), as alleged in the civil action captioned *Andrea Boxill v. James P. O'Grady et al.*, USDC, SD OH, Case No. 2:16-cv-126; and

WHEREAS, the Franklin County Municipal Court is located in the City and R.C. 1901.38 has been interpreted to require the City to provide Judges of the Court with insurance against liability arising from the duties of their office or employment, including liability on account of errors or omissions unknowingly made by them and for which they may be held liable; and

WHEREAS, the City is self-insured and does not carry a separate policy for the judges and employees of the Court; and

WHEREAS, following the evaluation of claims and the risk of continued litigation of the claims against Judge O'Grady, a settlement in the amount of two hundred ten thousand, dollars (\$210,000.00) to be paid by the City, is being recommended by the City Attorney along with dismissal of the case with prejudice and a release of the City of Columbus and its employees and Judge O'Grady together with all current and former judges of the FCMC from any further liability; and

WHEREAS, A transfer of funds within the general fund is necessary; and

WHEREAS, it is in the best interest of the City to pay the agreed sum in accordance with the terms of the settlement agreement; **NOW, THEREFORE**,

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

Section 1. That the City Attorney be and is hereby authorized to settle all claims against the City of Columbus, its

officers, agents and employees and Judge O'Grady together with all current and former judges of the FCMC in the lawsuit of *Andrea Boxill v. James P. O'Grady et al.*, Case No. 2:16-cv-126 pending before the United States District Court for the Southern District of Ohio, Eastern Division, by payment of two hundred ten thousand dollars (\$210,000.00) as a reasonable and fair amount, and in the best interest of the City of Columbus.

Section 2. That the transfer of \$210,000.00, or so much thereof as may be needed, is hereby authorized within the general fund (Fund 1000), Dept-Div 4501, Object Class 10 - Transfers Out, to the Franklin County Municipal Court Judges Dept-Div 2501, per the account codes in the attachment to this ordinance.

Section 3. That the expenditure of up to \$210,000.00, or so much thereof as may be needed pursuant to the action authorized in SECTION 1, is hereby authorized in the Franklin County Municipal Court Judges, Dept-Div 2501, per the accounting codes in the attachment to this ordinance.

Section 4. That the City Auditor be and is hereby authorized to draw two warrants upon the City Treasurer: 1) for the sum of \$110,143.52 payable to Andrea Boxill; and 2) the sum of \$99,856.48 payable to Michael Garth Moore, upon receipt of a release approved by the City Attorney.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.