

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ANDREW ABERNATHY VS. CITY OF ATLANTA, CIVIL ACTION FILE NO. 19EV001358, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$50,000.00; AUTHORIZING SAID AMOUNT TO BE PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND) 200301 (NDP UNALLOCATED CITYWIDE EMPLOYEE EXPENSES) 5212005 (LITIGATION EXP) AND 1540000 (HUMAN RESOURCES); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Andrew Abernathy filed a lawsuit, *Andrew Abernathy vs. City of Atlanta*, alleging injuries as result of an automobile accident involving a vehicle owned by the City of Atlanta, and driven by a City of Atlanta employee;

WHEREAS, the City Attorney has done an extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, Plaintiff has agreed to accept \$50,000.00 in full settlement of all claims against the City of Atlanta; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1 The City Attorney is hereby authorized to negotiate, settle and execute all settlement documents in the case of *Andrew Abernathy vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 19EV001358, in the amount of Fifty Thousand Dollars (\$50,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Fifty Thousand Dollars (\$50,000.00) to Andrew Abernathy. Said payment is to be charged, paid and issued from Fund 5051 (Water & Wastewater Revenue Fund) 200301 (NDP Unallocated Citywide Employee Expenses) 5212005 (Litigation Exp) and 1540000 (Human Resources); and made payable to *Brendan C. Flanagan, Esq., FLANAGAN LAW, P.C., as attorney for Andrew Abernathy, 5855 Sandy Springs Circle, Suite 300, Atlanta, Georgia 30328*. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

CITY COUNCIL
ATLANTA, GEORGIA

19-R-4320

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Workflow List:

Bernard Pepukayi	Completed	08/05/2019 8:26 AM
Finance	Completed	08/05/2019 8:27 AM
Office of Research and Policy Analysis	Completed	08/06/2019 2:59 PM
Public Safety & Legal Administration Committee	Pending	08/13/2019 3:00 PM
Atlanta City Council	Pending	08/19/2019 1:00 PM
Mayor's Office	Pending	

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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	