05-R-1765

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING SETTLEMENT IN THE CASE OF LITIGATION TECHNOLOGY, INC. VS. CITY OF ATLANTA; 270, L.P.; 270 PROPERTIES, INC.; SELECTIVE WAY INSURANCE COMPANY; VISION CONSTRUCTION COMPANY, LLC; and CRAWFORD PLUMBING COMPANY, INC., SUPERIOR COURT OF FULTON COUNTY, GEORGIA, CIVIL ACTION FILE NO. 2001CV44589, IN THE AMOUNT OF $332,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT AND CENTER NUMBER 1A01 (GENERAL FUND)-529017 (PROPERTY LIQUIDATION)-T31001 (NON-DEPARTMENTAL).

WHEREAS, *Litigation Technology, Inc. vs. City of Atlanta, et al.* is a case in which the Plaintiff, Litigation Technology, Inc. ("LTI"), sued the City of Atlanta, LTI's property manager, construction company, insurance company and plumber contending that in April 2000 Plaintiff's business was destroyed due to a series of acts, breaches, omissions, and general failures by the defendants amounting to a nuisance that resulted in a series of sewer incursions and a massive sewage flood; and

WHEREAS, Litigation Technology, Inc. has agreed to settle its claims against all defendants, collectively, in the sum of $625,000.00, including attorneys fees and costs; and

WHEREAS, the City of Atlanta has offered as its portion of the settlement, $332,000.00 to Plaintiff to settle its claims against the City of Atlanta; and

WHEREAS, as part of the settlement, the co-defendants and their insurance carriers will release all claims and subrogation rights against the City of Atlanta; and

WHEREAS, it is the opinion of the City Attorney that the proposed settlement of all claims against the City of Atlanta for the sum of $332,000.00 is appropriate and is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEROGIA as follows:

SECTION 1: That The City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claims of LTI against the City of Atlanta as set forth in the case of *Litigation Technology, Inc. vs. City of Atlanta, et al.* in Civil Action File No. 2001CV44589 in the Fulton County Superior Court, as well as the subrogation and contribution claims of the co-defendants, by paying Three Hundred Thirty-Two Thousand Dollars ($332,000.00) in full settlement of all claims of the Plaintiff and co-defendants against the City of Atlanta, arising out of the incident or incidents which were the subject matter of the litigation.

SECTION 2: That in furtherance of said settlement the Chief Financial Officer is authorized to issue the City's check in the sum of Three Hundred Thirty-Two Thousand Dollars ($332,000.00), payable to Forest Brown (LTI President) and Austin & Sparks Attorneys (counsel for LTI) for and on behalf of Plaintiff Litigation Technology, Inc., and charge such amount to Account No. 1A01 (General Fund)-529017 (Property Liquidation)-T31001 (Non-Departmental).

SECTION 3: That the City Attorney is authorized to enter into and execute on behalf of the City of Atlanta any and all documents, agreements and pleadings necessary to effectuate the settlement as authorized herein.