



Legislation Details (With Text)

File #: O-545-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 11/14/2019 **In control:** Law Department
On agenda: 11/26/2019 **Final action:** 11/26/2019
Title: Authorizing the settlement of the claims of Geraldine McCalland in Case No. CI 15-3463 captioned Captain Carla Stachura, et al. v. City of Toledo, et al. pending in the Lucas County Court of Common Pleas for the state of Ohio for the sum of \$70,000; authorizing the expenditure of \$70,000 from the Risk Management Fund; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Audio: Agenda Review 11/19/2019

Date	Ver.	Action By	Action	Result
11/26/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
11/26/2019	1	City Council	declare emergency	Pass
11/26/2019	1	City Council	passage	Pass

McCalland
Department of Law
T. Green x1037

Authorizing the settlement of the claims of Geraldine McCalland in Case No. CI 15-3463 captioned *Captain Carla Stachura, et al. v. City of Toledo, et al.* pending in the Lucas County Court of Common Pleas for the state of Ohio for the sum of \$70,000; authorizing the expenditure of \$70,000 from the Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

In 2005, Geraldine McCalland brought suit against the City of Toledo and its former employees Michael Bell, John Coleman, and Robert Metzger alleging that she was the subject of unlawful discrimination and/or retaliation, and those alleged unlawful actions contributed to unfavorable job assignments and termination from her position with the City as a firefighter at the Department of Fire and Rescue. Later, in 2008, former Chief Michael Wolever was added as a defendant; and then after numerous appeals and after having been remanded back to the trial court, the case was refiled in 2015 and set for trial. After the first day of the trial on October 4, 2019, a settlement agreement resolving Ms. McCalland's claims against all defendants was reached conditioned on the approval of City Council and the Mayor.

A proposed agreement has been reached in the amount of \$70,000.00 to settle all remaining claims, including back wages and attorney fees resulting from the incident described herein without constituting an admission of liability for any violation of state or federal law.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That payment of \$70,000.00 in settlement of Ms. McCalland’s claims against the defendants in Case No. CI 15-3463 captioned *Captain Carla Stachura, et al. v. City of Toledo, et al.* pending in the Lucas County Court of Common Pleas for the state of Ohio is approved.

SECTION 2. That payment of these claims is contingent upon the execution of the proper releases by the claimant.

SECTION 3. That the Director of Finance is authorized to draw his warrant or warrants to Geraldine McCalland and her attorney, Terry J. Lodge, Esq., in the sum of \$70,000.00 against Account No. 12000/7095/3383003ALL35G upon presentation of the proper vouchers.

SECTION 4. That this Ordinance being an emergency measure shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to implement the settlement in accordance with the conditional agreement of the administration.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____
Clerk of Council