

Mayor and Council Communication

DATE: 03/26/24

M&C FILE NUMBER: M&C 24-0237

LOG NAME: 14T HOLLOWAY LAWSUIT SETTLEMENT

SUBJECT

(ALL) Authorize Settlement and Payment in the Amount of \$150,000.00 for the Claims of Tawayne Holloway. Related to the Lawsuit Entitled Tawayne Holloway, Plaintiff v. City of Fort Worth, Texas and Mitchell J. Miller, Defendants (Cause No. 4:23-CV-00487)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the settlement and payment in the amount of \$150,000.00 to Tawayne Holloway, and Dean Malone PC attorney in settlement of all claims related to the lawsuit styled Tawayne Holloway, plaintiff v. City of Fort Worth, Texas and Mitchell J. Miller, defendants (Cause No. 4:23-CV-00487); and
 2. Authorize the appropriate City Personnel to execute all releases and agreements necessary to complete the settlement.
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DISCUSSION:

On January 28, 2022, officers were dispatched to a disturbance call. As a result of that call Tawayne Holloway was arrested for the offense of Public Intoxication and transported to the Fort Worth City Jail. After arriving at the entrance of the City jail, Holloway was removed from the backseat of the patrol car by Officer Miller to escort him inside the jail. While Officer Miller was escorting Holloway, whose hands were handcuffed behind his back, Holloway turned toward Officer Miller appearing to say something. Officer Miller responded by conducting a takedown maneuver on Holloway. Consequently, Holloway's head struck the concrete floor, and he lost consciousness and suffered bodily injury as well as emotional distress.

An agreement has been reached to settle the claims of Tawayne Holloway for \$150,000.00, subject to City Council approval.

Parties are to bear their own court costs.

Approval of this settlement should not be construed as an admission of liability by the City of Fort Worth, as any liability in this matter is denied.

Funding is budgeted in the Lawsuit Payments/Settlements account with the Risk Financing Fund, as appropriated.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the Risk Financing Fund, to support the approval of the above recommendations. Prior to any expenditure being incurred, the Human Resources and Law Departments have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Jessica L. McEachern 5804

Originating Business Unit Head: Dianna Giordano 7783

Additional Information Contact:

Expedited