

RESOLUTION NO. 29829

A RESOLUTION AUTHORIZING SETTLEMENT OF ALL CLAIMS BY MARK SMELTZER, TOBY HEWITT, AND NEALIE HOGG, ET AL (CLASS ACTION PARTIES REFERENCED BELOW), SUBJECT TO THE EXECUTION OF A RELEASE OF ALL CLAIMS AND DISMISSAL, WITH PREJUDICE, OF THE CITY OF CHATTANOOGA AND WHEREIN THE CITY OF CHATTANOOGA WILL SETTLE ALL POLICE PAY CLAIMS OF THE LISTED NAMED THIRTY-ONE (31) POLICE OFFICERS, IN THE TOTAL AMOUNT OF FOUR HUNDRED FIFTY-FOUR THOUSAND FOUR HUNDRED FIVE AND 50/100 DOLLARS (\$454,405.50).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing settlement of all claims by Mark Smeltzer, Toby Hewitt and Nealie Hogg, et al (as class action representatives of the parties referenced below), subject to the execution of a Release of All Claims and dismissal, with prejudice, of the City of Chattanooga in the case styled, *Mark Smeltzer, et al. v. City of Chattanooga, et al.*, Hamilton County Chancery Court Docket No. 16-0621, and upon satisfaction of the conditions, wherein the City of Chattanooga will settle all back pay and retirement claims of the listed named thirty-one (31) police officers as potential class members, in the total settlement amount of \$454,405.50.

Payments to all parties involved in this final settlement of all claims are:

Nicholas Allen, Scott Avila, Barry Burns, Eddy Chamberlin, Tammy Cook, Corliss Cooper, Kirk Eidson, Ponda Bailey Foster, Scott Fulghum, Jerome Halbert, Toby Hewitt, Shawn Hickey, Nealie Hogg, Jason Irvin, Zachary McCullough, Edwin McPherson, Brian Moseley, William K. Nebllette, Kimberly Louise Noorbergen, Randy Noorbergen, David Roddy, Brian P. Rodgers, Glenn A. Scruggs, II, Mark Smeltzer, Jerri Sutton, Eric Tucker, Danna Vaughn, Nathan Vaughn, Daniel Welles, Tommy Woods, and David Woosley.

Only six officer claims in the above settlement proposal exceed the City Attorney's settlement authority in the amount of \$25,000.00 for the claims of Tammy Cook, Mark Smeltzer, Corliss Cooper, Ponda Bailey Foster, William K. Neblette and David Woosley.

ADOPTED: March 5, 2019