



## Legislation Details (With Text)

**File #:** 110295. **Version:** 0 **Name:** Elvan Moore, II vs. City of Gainesville, Florida; Chief Norman Botsford as Chief of the Gainesville, Florida Police Department; Officer Robert Kennedy, in his Official and Individual capacity; Eighth Judicial Circuit, Court Case No. 01-2011-CA-4417 (B)

**Type:** Staff Recommendation **Status:** Passed

**File created:** 9/15/2011 **In control:** City Attorney

**On agenda:** **Final action:** 9/1/2011

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**Attachments:** 1. 110295\_Elvan Moore Consent\_20090901.pdf

Date	Ver.	Action By	Action	Result
9/1/2011	0	City Commission	Approved as Recommended	Pass

Elvan Moore, II vs. City of Gainesville, Florida; Chief Norman Botsford as Chief of the Gainesville, Florida Police Department; Officer Robert Kennedy, in his Official and Individual capacity; Eighth Judicial Circuit, Court Case No. 01-2011-CA-4417 (B)

The City Commission: 1) authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City of Gainesville and the City employee acting in the course and scope of his employment, with the consent and waiver of potential conflict by the City Commission and by said City employee, and; 2) the City Commission authorize the City Manager to execute a consent and waiver of potential conflict on behalf of the City in the case styled Elvan Moore, II vs. City of Gainesville, Florida; Chief Norman Botsford as Chief of the Gainesville, Florida Police Department; Officer Robert Kennedy, in his Official and Individual capacity; Eighth Judicial Circuit, Court Case No. 01-2011-CA-4417.

On August 30, 2011, the City and Officer Kennedy were served with a Summons and Complaint filed by Elvan Moore, II in the Circuit Court. The Plaintiff alleges that he is a victim of false arrest, false imprisonment, battery and malicious conduct which occurred during his arrest on August 26, 2007. He claims to have sustained severe and permanent traumatic injuries, including mental, psychological and emotional damages. Plaintiff is seeking compensatory damages, costs, and attorney's fees.

In the same complaint, Mr. Moore also filed suit individually against the City officer who arrested him. In this lawsuit, the interests of the City employee and the City appear, at this time, to not be in conflict. However, the possibility does theoretically exist for a conflict of interest to develop at some time in the future between the City's interests and those of the City employee. Therefore, informed consent confirmed in writing by both the City and the City employee is appropriate.