

EMERGENCY

KCB

- 2025

AUTHORIZING the City Manager and City Solicitor to execute a Settlement Agreement in the class action lawsuit in the U.S. District Court for the Southern District of Ohio, Western Division captioned Kenney, et al., v. City of Cincinnati, et al., Case No. 1:22-cv-295.

WHEREAS, in May and June of 2020, there was a swell of protests across the country and within the City of Cincinnati in response to the murder of George Floyd; and

WHEREAS, over a span of several days and at the same time as many peaceful protests, there were also individuals engaged in property destruction and violence in several areas of the City necessitating an extensive police response; and

WHEREAS, the then-Mayor, in consultation with the then-City Manager and then-Chief of Police, implemented a curfew in order to protect the public health, safety, and welfare; and

WHEREAS, in 2022, several Plaintiffs, on behalf of a proposed class of plaintiffs, filed a lawsuit against the City of Cincinnati and other defendants captioned Kenney, et al., v. City of Cincinnati, et al., Case No. 1:22-cv-295 alleging violations of the Plaintiffs' First, Fourth, and Fourteenth Amendment rights; and

WHEREAS, the City, the City Defendants, and the Plaintiffs have engaged in extensive settlement negotiations regarding the claims raised in the civil action, Kenney, et al., v. City of Cincinnati, et al., Case No. 1:22-cv-295; and

WHEREAS, the City and the City Defendants now desire to resolve the issues raised in this civil action without further proceedings and without admitting any infirmity, fault, or liability; and

WHEREAS, the terms of the Settlement Agreement were extensively and vigorously negotiated in good faith over more than a year, including multiple sessions of facilitated mediation; and

WHEREAS, counsel for the City and the City Defendants believe it is desirable that the Plaintiffs' claims against the City and the City Defendants be fully and finally compromised, settled, resolved with, and barred pursuant to the term and agreement set forth in the Settlement Agreement which includes the City's agreement to pay \$8,078,000 and to undertake certain policy revisions and this, in the professional judgment of the City Manager and City Solicitor, represents the most economical solution which could be achieved through negotiation and best anticipated economic result; and

WHEREAS, the City intends to fund this settlement by issuing judgment bonds pursuant to R.C. 133.14 upon Court approval of the Settlement Agreement, which will require passage of an ordinance issuing those bonds at a point in the future; and

WHEREAS, the Federal Rules of Civil Procedure require a number of actions that involve a great deal of time and effort before the Court can approve the Settlement Agreement and so obtaining Council authorization now is in the best interests the City and Plaintiffs; now, therefore

BE IT ORDAINED by the Counsel of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager and City Solicitor are authorized to execute a Settlement Agreement with Maurice Kenney, Quinn Moore, Wilder Zeiser (FNU Mary Zeiser), Paula Bennett, Arianna Hicks, Andrew Amrein, Suann Lockard, Kimberly Calloway, Zoe Keller, William Todd Butler as the administrator of the Estate of Chase Butler, and Oxana Prokhorova as the administrator of the Estate of Paulina Prokhorova, individually, and on behalf of all others similarly situated (“Plaintiffs”) in substantially the form attached as Attachment A, to fully and finally settle Plaintiffs’ claims in U.S. District Court for the Southern District of Ohio, Western Division case captioned Kenney, et al., v. City of Cincinnati, et al., Case No. 1:22-cv-295.

Section 2. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare, and shall subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for said emergency is the immediate need for the City to execute the Settlement Agreement with Plaintiffs so that pursuant to Federal Rule of Civil Procedure 23(e) the Court can preliminarily certify a settlement class, preliminarily approve the Settlement Agreement, and approve the class notice so a fairness hearing can be set to expedite a final resolution of this matter.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk