

Entered - 3-9-00 - sb  
CL 00L0149- GWENDOLYN BURNS

CLAIM OF: Tyrone Davis  
through his attorneys,  
GARY LESHAW AND ASSOCIATES  
118 E. Trinity Place  
Decatur, Georgia 30030

For damages alleged to have been sustained  
as a result of a violation of constitutional  
rights in September, 1999 at 377 Westchester  
Boulevard, NW, Apartment B-14.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL AUG 07 2000

ADVERSED REPORT

*Confidential*  
*8/1/2000*  
*C. J. Martin*  
*Michael J. Ford*  
*Debra Henderson*  
*Gary Leshaw*

CERTIFIED  
AUG 7 2000  
ALBANY MUNICIPAL CLERK  
*Rosalind Rubens Newell*

CERTIFIED  
AUG 07 2000  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

August 28, 2000

Gary Leshaw & Associates  
Attorney at Law  
118 E. Trinity Place  
Decatur, GA 30030

00-R-1150

RE: Tyrone Davis

Dear Mr. Leshaw:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 07, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0149

Date: June 1, 2000

Claimant /Victim TYRONE DAVIS
BY: (Atty) (Ins. Co.) GARY LESHAW, Attorney At Law
Address: 118 East Trinity Place, Atlanta, Georgia 30030
Subrogation: Claim for damage \$ unspecified Bodily Injury \$
Date of Notice: 1/26/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/99 Place: 377 Westchester Boulevard, N.W.
Department POLICE Division
Employee involved K. D Allen Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages when his constitutional rights were violated by Officer Allen when he assisted the manager in evicting claimant from his apartment without legal process. However, the City is immune from liability as set forth in O.C.G.A. §36-33-3.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 7/20/2000
Committee Action: Council Action

GARY LESHAW AND ASSOCIATES

ATTORNEYS AT LAW  
118 E. TRINITY PLACE  
DECATUR, GEORGIA 30030  
TELEPHONE (404) 479-4400  
FAX (404) 378-0152

GARY LESHAW DIRECT DIAL (404) 479-4477

KAREN M. JACKSON DIRECT DIAL (404) 479-4437

ENTERED - 3-9-00 - SB  
00L0149 - GWEN BURNS

January 17, 2000

Bill Campbell  
Mayor, City of Atlanta  
68 Mitchell Street, SW  
Suite 4100  
Atlanta, Georgia 30335-0332

Attn: Law Department

Dear Mayor Campbell:

I represent Tyrone Davis. In or about September 1999 Mr. Davis moved into an apartment at American Garden Apartments, 377 Westchester Blvd., N.W., Apt. B-14, Atlanta, Georgia 30314. Thereafter, a dispute with the management arose. On December 23, 1999, the manager of the complex, Malinda Hampton, called the Atlanta Police Department for assistance. Her call for assistance was received at 12:12 P.M.

Officer K.D. Allen was dispatched to the scene of Mr. Davis' apartment. At that time, Officer Allen assisted Ms. Hampton in evicting Mr. Davis from his apartment without legal process. Officer Allen informed Mr. Davis he had to pay his rent or leave since he did not have a written lease. Officer Allen informed Mr. Davis he knew the law and Mr. Davis had to leave. Mr. Davis left without his possessions at the instructions of Officer Allen. Ms. Hampton confirms she called for assistance in removing Mr. Davis who allegedly was behind in his rent, though no eviction proceedings were instituted.

This conduct is a clear violation of Mr. Davis' constitutional rights and is actionable under 42 U.S.C. §1983. See Soldal v. Cook County, 506 U.S. 56 (1992). It is our intention to file a civil action against the City of Atlanta and Officer Allen, in his official and individual capacities. Please also consider this notice under O.C.G.A. §36-33-5 of Mr. Davis' intent to sue the City of Atlanta under state law for this conduct.

We will settle this case without litigation for the sum of \$100,000.00, payable by the City and Officer Allen. Should you believe there to be any evidence demonstrating the facts set forth here are in any way incomplete or incorrect, or there is any evidence showing the City and officer

0920208 GB

01/26/00

Gwen's please respond to SPL asap TNS

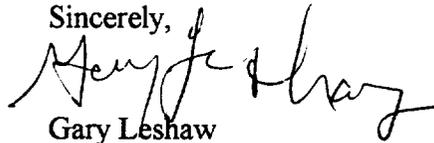
Claims

Diane ps  
let me know  
what really  
happened  
happened spl

Allen are not liable as claimed by Mr. Davis, please send that evidence to me by the end of this month.

Should I not hear from you, I will presume no such evidence exists and will proceed to initiate a civil action against the appropriate parties.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Leshaw".

Gary Leshaw

:s

CERTIFIED MAIL NO. Z084605318

00-*r*-1150