

Entered - 08/09/00 - sb
CL00L0476 - DIANNE C. MITCHELL

CLAIM OF: LOUISE ROSE,
through her attorney,
Nicol J. Hanyard
100 Peachtree Street
Suite 2060
Atlanta, Georgia 30303

For damages alleged to have been sustained
as a result of personal injuries on February 8-
11, 2000 at Fain Elementary School.

THIS ADVERSED REPORT IS
APPROVED

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

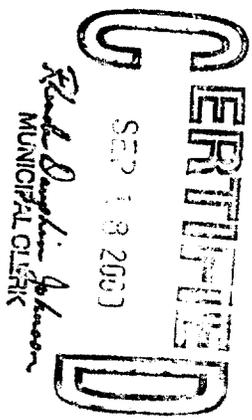
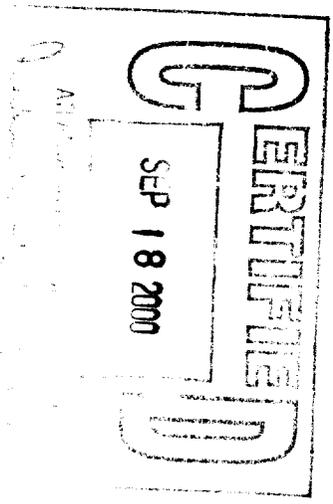
REPORT

Public Safety

9/18/00

C. T. Mack
Mark...

Sony Bell
...



ADVERSED BY
CITY COUNCIL SEP 18 2000

September 28, 2000

Nicol J. Hanyard
Attorney at law
100 Peachtree St.
Suite 2060
Atlanta, GA 30303

00-R-1359

RE: Louise Rose

Dear Attorney Hanyard:

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 January 03, 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. 00L0476

Date: August 28, 2000

Claimant /Victim LOUISE ROSE
BY: (Atty) Nicol J. Hanyard
Address: 100 Peachtree Street, Suite 2060, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 08/08/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/08-11/00 Place: Fain Elementary School
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured while on property belonging to the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue her client's claim directly with the Atlanta Board of Education.

INVESTIGATION:

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

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 08-28-00
Committee Action: Council Action

HANYARD LAW OFFICE, P.C.

NICOL J. HANYARD
ATTORNEY AT LAW
100 PEACHTREE STREET
SUITE 2060, THE EQUITABLE BLDG.
ATLANTA, GEORGIA 30303

M. Mitchell
08/08/00
[Signature]

TELEPHONE (404) 577-3595
FACSIMILE (404) 577-2484

PERSONAL INJURY

FAMILY LAW

August 8, 2000

ENTERED - 8-9-00 - SB
00L0476 - DIANNE MITCHELL

Via Certified Mail
Return Receipt Requested
Cert. Mail No. P 459 838 298
& Via Hand Delivery

Attn: Mayor William Campbell
Mayor, City of Atlanta
City Hall, Suite 2400
55 Trinity Avenue
Atlanta, Georgia 30335

RE: Our Client : Louise Rose
Date of Loss : February 8-11, 2000
School : Fain Elementary

Dear Mayor Campbell:

Please be advised that this office, along with the firm of Middleton, Mathis, Adams & Tate, represents Ms. Diane Rose and Louise (Sands) Rose. Diane Rose is the foster parent and legal guardian of Louise (Sands) Rose. Louise Rose is a mentally challenged, 8 year old. During the time of this incident, as set forth below, Louise was a student at Fain Elementary School.

Between the dates of February 8th and February 11th, Louise Rose was sexually assaulted and harassed by students attending Fain Elementary School. Accordingly, this letter is to provide you with formal notice of the claims asserted by Louise Rose, by and through her legal guardian Diane Rose, and of Louise Rose, Individually, arising out of acts and omissions occurring between the dates of February 8, 2000 and February 11, 2000. This notice is intended to satisfy all requirements under Georgia law as they are applicable to this action and to the City and to City Schools, and you are, hereby, put on notice of these claims as follows:

During the time period between February 8th and February 11th, 2000, Louise Rose rode the school bus home from Fain Elementary School. No monitor was on the bus during this time period.

Notice of Claim
Re: Louise Rose
P. 2, 8/8/2000

During her ride home between the dates of February 8th and February 11th, 2000, Louise Rose was sexually assaulted and harassed by male students who were also riding the bus. At one point, she was forced to have sex with one of the boys, while the other boys stood around jeering and provoking the attack. The assault included oral sex and sodomy.

Louise was one of two girls, amongst several boys, who rode the bus. Our investigation further reveals that the bus driver did nothing to thwart the attacks.

On February 11, 2000 the sexual assault was reported and a police investigation was begun. Subsequently, one boy was arrested and charged with statutory rape and sodomy. We have enclosed a copy of the police report for your review.

These acts were wrongful and have caused Louise Rose extensive physical and emotional injury and will continued to cause Louise Rose injuries in the future. The injuries and damages sustained by Louise Rose were the direct and proximate result of the negligent and wrongful acts and omissions of the Fulton County Board of Education, City of Atlanta Board of Education and the agents and employees of each. These negligent and wrongful acts and omissions include, but were not limited to, failing to take appropriate and necessary steps to protect the physical and emotional welfare of Louise Rose; failing to adequately provide a safe environment for school children, including Louise Rose; failing to monitor and control the conduct of students on the bus upon which Louise Rose was riding from February 8th to February 11th 2000; failing to timely report or take action regarding the abuse and harassment of Louise Rose. The negligent and wrongful acts and omissions of these entities, their agents and employees, were in violation of Georgia law and in violation of the School Board and the Board of Education's own rules, regulations, policies and procedures.

Additionally, medical expenses have been incurred and will be incurred as a result of these wrongful acts. Louise Rose is entitled to recover damages for said expenses. These parties will pursue all available claims against the County School Board, Board of Education, the bus driver, and all other necessary parties.

Notice of Claim
Re: Louise Rose
P. 3, 8/8/2000

Should you wish to discuss any of these issues, I will be more than happy to talk to you about them.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicol V. Hanyard". The signature is stylized with large loops and a long horizontal stroke at the end.

Nicol V. Hanyard
On behalf of Louise (Sands) Rose
& Diane Rose

NJH:n
cc: Charles A. Mathis, Jr., Esq.

00- -1359

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1321
00-R-1322
00-R-1388
00-O-1435

CORRECTED COPY

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234	41. 00-R-1352	51. 00-R-1357
2. 00-O-1007	42. 00-R-1353	52. 00-R-1358
3. 00-O-1015	43. 00-R-1397	53. 00-R-1359
4. 00-O-1427	44. 00-R-1398	54. 00-R-1360
5. 00-O-1429	45. 00-R-1399	55. 00-R-1362
6. 00-O-1432	46. 00-R-1400	56. 00-R-1363
7. 00-R-1387	47. 00-R-1401	57. 00-R-1364
8. 00-R-1392	48. 00-R-1402	58. 00-R-1365
9. 00-R-1395	49. 00-R-1403	59. 00-R-1366
10. 00-R-1452	50. 00-R-1404	60. 00-R-1367
11. 00-R-1340		61. 00-R-1368
12. 00-R-1323		62. 00-R-1369
13. 00-R-1433		63. 00-R-1370
14. 00-R-0560		64. 00-R-1371
15. 00-R-0561		65. 00-R-1372
16. 00-R-1454		66. 00-R-1373
17. 00-R-1299		67. 00-R-1374
18. 00-R-1308		68. 00-R-1375
19. 00-R-1334		69. 00-R-1376
20. 00-R-1335		70. 00-R-1377
21. 00-R-1338		71. 00-R-1378
22. 00-R-1394		72. 00-R-1379
23. 00-R-1331		73. 00-R-1380
24. 00-R-1330		74. 00-R-1381
25. 00-R-1332		75. 00-R-1382
26. 00-R-1333		76. 00-R-1383
27. 00-R-1337		77. 00-R-1384
28. 00-R-1339		78. 00-R-1385
29. 00-R-1419		79. 00-R-1386
30. 00-R-1426		80. 00-R-1405
31. 00-R-1342		81. 00-R-1406
32. 00-R-1343		82. 00-R-1407
33. 00-R-1344		83. 00-R-1408
34. 00-R-1345		84. 00-R-1409
35. 00-R-1346		85. 00-R-1410
36. 00-R-1347		86. 00-R-1411
37. 00-R-1348		87. 00-R-1412
38. 00-R-1349		88. 00-R-1413
39. 00-R-1350		
40. 00-R-1351		