

Entered - 08/09/00 - sb  
CL00L0495 - DIANNE C. MITCHELL

00-R-1515

CLAIM OF: **JACQUELINE BANKS**  
1777 Pryor Road, SW  
Apt. 2  
Atlanta, Georgia 30315

For damages alleged to have been sustained as a result of damage to a door during the arrest of a perpetrator on July 14, 2000 at 1777 Pryor Road, SW, Apt. 2.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY  
*by RN6*

ADVERSED REPORT  
Public Safety  
9/26/00  
*Clela Washington*  
*Michael...*  
*Calvin...*

CERTIFIED  
OCT 2 2000  
*Dem M. Starnes*  
COUNCIL PRESIDENT PROTEM

CERTIFIED  
OCT 02 2000  
*Ronda Daughin Johnson*  
MUNICIPAL CLERK

CONSENT AGENDA

ADVERSED BY CITY COUNCIL OCT 02 2000



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

October 9, 2000

Jacqueline Banks  
1777 Pryor Road, SW  
Apartment 2  
Atlanta, GA 30315

**00-R-1515**

Dear Ms. Banks:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on October 02, 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.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0495

Date: September 5, 2000

Claimant /Victim JACQUELINE BANKS

BY: (Atty) (Ins. Co.)

Address: 1777 Pryor Road, #2, Atlanta, Georgia 30315

Subrogation: Claim for Property damage \$ 155.00 Bodily Injury \$

Date of Notice: 08/09/00 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/14/00 Place: 1777 Pryor Road, SW #2

Department Police Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that the door of her apartment was damaged when it was "kicked in" by Atlanta Police. The investigation determined that the police responded to a "fight with weapon" call at the above location. The victim told police that her brother, who resides at the above address, had assaulted her with a gun and had barricaded himself in the apartment with her nephew. The police responded appropriately by using forced entry to gain access into the apartment in order to apprehend the perpetrator and to rescue the nephew. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1 and §36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 09-05-00

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell  
08/21/00  
*[Signature]*

Today's Date: \_\_\_\_\_

AUG - 9

ENTERED - 8-28-00 - SB : 26 RCVD  
00L0495 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 100<sup>door</sup> / 55 Labor property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 7-14-00 (month/day/year) 2. Time of Incident: 3:00pm 3. Police called:  Yes  No
4. Location of incident (including street address): 1777 Pryor Rd Apt 2 S.W.
5. Name of your insurance company: Lakewood Village Apt Policy No. \_\_\_\_\_
6. State what and how incident occurred: My door was kick in by City of Atlanta police. Without A warrant service.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Jaqueline Banks  
Signature of Claimant

Jaqueline Banks  
(Print Claimant's Name)

1777 Pryor Rd # 2 S.W.  
(Address)

Atlanta, GA. 30315  
(City, State and Zip Code)

404 762-1746 404 824-3314  
(Work Number) (Home Number)

Customer Number  
(404) 226-7607

00-R -1515

RCS# 2255  
10/02/00  
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

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

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
Y Starnes  
Y Bond  
Y Winslow

B Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
B Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

RCS# 2286  
10/02/00  
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

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

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ITEM (S) REMOVED FROM  
CONSENT AGENDA

00-O-1390  
00-O-1567  
00-R-1480  
00-R-1571  
00-R-1574

CONSENT

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1393	37. 00-R-1470	50. 00-R-1504
2. 00-O-0758	38. 00-R-1471	51. 00-R-1505
3. 00-O-1341	39. 00-R-1472	52. 00-R-1506
4. 00-O-1453	40. 00-R-1476	53. 00-R-1507
5. 00-O-1326	41. 00-R-1477	54. 00-R-1508
6. 00-O-1327	42. 00-R-1481	55. 00-R-1509
7. 00-O-1328	43. 00-R-1497	56. 00-R-1510
8. 00-O-1329	44. 00-R-1498	57. 00-R-1511
9. 00-O-1301	45. 00-R-1499	58. 00-R-1512
10. 00-O-0263	46. 00-R-1500	59. 00-R-1513
11. 00-O-0979	47. 00-R-1501	60. 00-R-1514
12. 00-O-1311	48. 00-R-1502	61. 00-R-1515
13. 00-O-1418	49. 00-R-1503	62. 00-R-1516
14. 00-O-1566		63. 00-R-1517
15. 00-O-1417		64. 00-R-1518
16. 00-O-1114		65. 00-R-1519
17. 00-O-1561		66. 00-R-1520
18. 00-R-1486		67. 00-R-1521
19. 00-R-1490		68. 00-R-1522
20. 00-R-1524		69. 00-R-1523
21. 00-R-1525		
22. 00-R-1572		
23. 00-R-1483		
24. 00-R-1484		
25. 00-R-1552		
26. 00-R-1310		
27. 00-R-1466		
28. 00-R-1467		
29. 00-R-1469		
30. 00-R-1563		
31. 00-R-1549		
32. 00-R-0977		
33. 00-R-1297		
34. 00-R-1495		
35. 00-R-1461		
36. 00-R-1464		