



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 26, 2000

Martin H. Rubin
Attorney at Law
31 Lenox pointe, NE
Atlanta, GA 30324-3172

00-R-1597

RE: Erskine Jones, Jr., as faather of Erskine
Jones, III, deceased

Dear Attorney Rubin:

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 October 26, 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**

RCS# 2337
10/16/00
8:35 PM

Atlanta City Council

Regular Session

MUTIPLE CLAIMS WITH FAVORABLE/Unfavor recommend
ITEMS 1-29
ADOPT
00-R-1597

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

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

MUTIPLE

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0409

Date: September 27, 2000

Claimant /Victim ERSKINE JONES, JR. AS FATHER OF ERSKINE JONES, III, deceased

BY: (Atty.) Martin H. Rubin

Address: 31 Lenox Pointe, Atlanta, Georgia 30324-3172

Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated

Date of Notice: 06/26/00 Method: Written, proper X Improper

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

Date of Occurrence 05/03/00 Place: Ralph David Abernathy Blvd., SW and West End Pl. SW

Department Police Division:

Employee involved Barry Hereford Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his son was struck and killed by a motorist involved in a chase with an Atlanta police officer. The City is immune from the tort actions of its police officers as set forth in O.C.G.A. §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 09-27-00

Committee Action: Council Action

LAW OFFICES
MARTIN H. RUBIN, P.C.
A PROFESSIONAL CORPORATION
LENOX POINTE
31 LENOX POINTE, N.E.
ATLANTA, GEORGIA 30324-3172

Jordan
06/26/00
AM

MARTIN H. RUBIN

June 23, 2000

404/264-9105
FAX 404/264-9108

VIA CERTIFIED MAIL

Honorable William C. Campbell
City Hall, Suite 2400
55 Trinity Avenue, S.W.
Atlanta, GA 30335

ENTERED - 7-6-00 - SB
00L0409 - DOBBS JORDAN

Re: Erskine Jones, III, Deceased

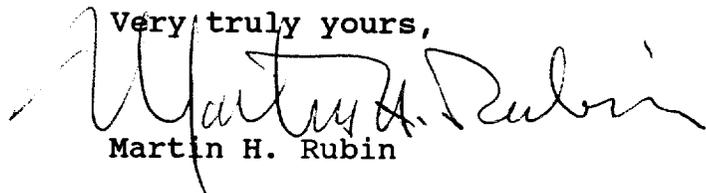
Dear Mayor Campbell:

I represent Erskine Jones, Jr. the father of Erskine Jones, III, deceased. Erskine Jones, III was killed as a result of an incident occurring on May 3, 2000 in the City of Atlanta. The incident happened near the intersection of Ralph David Abernathy Boulevard, S.W. and West End Place, S.W. The incident occurred as a result of a police chase of a vehicle driven by Barry Hereford, which chase was unnecessarily risky and reckless by the City of Atlanta police involved in the chase of Mr. Hereford. By the utter disregard of pedestrians such as Erskine Jones, III the same also constitutes a violation of the civil rights of the said decedent.

This letter is being written to you on behalf of Erskine Jones, Jr. as the surviving father of his now deceased son who was 19 years of age at the time of the incident.

We are sending a copy of this letter to the City Council, in care of its President Robert L. Pitts and to Susan P. Langford, your City Attorney. This notice is sent to you pursuant to the requirements of O.C.G.A. 36-33-5. We request a response as to whether or not you're prepared to enter into negotiations for a settlement.

Very truly yours,


Martin H. Rubin

MHR:bk

cc: Robert L. Pitts
55 Trinity Ave., S.W.
Suite 2900
Atlanta, GA 30335
via certified mail

Susan P. Langford
City Hall Tower, Suite 4100
68 Mitchell Street
Atlanta, GA 30335-0332
via certified mail

00- -1597

Entered - 07/06/00 - sb
CL00L0409 - DIANNE C. MITCHELL

00- R-1597

CLAIM OF: ERSKINE JONES, JR., AS FATHER OF ERSKINE
JONES, III, deceased,
through his attorney,
Martin H. Rubin
31 Lenox Pointe, NE
Atlanta, Georgia 30324-3172

For damages alleged to have been sustained as a result of a vehicular
accident on May 3, 2000 at Ralph David Abernathy Boulevard, SW and
West End Place, SW.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED REPORT

COM. P.S. & L.A.

DATE 10/16/00

V. Cleta Hensler

[Signature]

Dany Akh

[Signature]

ADVERSED
OCT 16 2000

