Entered -06-12-00 - sb
CL 00L0337 - ALEXIS HOLMES

00-R-1769

CLAIM OF: **CARLTON GREGORY, SR**
Patrick R. Matarrese, Esq.
MONTLICK & ASSOCIATES
17 Executive Park Drive
Suite 310
Atlanta, Georgia 30347-0406

For personal injury and vehicular damages alleged to have been sustained from a police pursuit involving the Austell, the DeKalb, and the City of Atlanta Police Departments, on December 26, 1999, on Memorial Drive and Covington Highway.

THIS ADVERSED REPORT IS APPROVED:

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT
Public Safety
10/31/00
VC Cleta Winslow

ADVERSED BY CITY COUNCIL NOV 06 2000

CERTIFIED
NOV 6 2000
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
NOV 06 2000
Rhonda Dauphin Johnson
MUNICIPAL CLERK

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

November 16, 2000

Montlick & Associates
Patrick R. Matarrese
Attorney at Law
17 Executive Park Dr.
Suite 310
Atlanta, Ga 30347-0406

00-R-1769

RE: Carlton Gregory, Sr.

Dear Attorney Matarrese:

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. 00L0337 Date: 10/19/00

Claimant /Victim **CARLTON GREGORY, SR.**
BY: (Atty) PATRICK R. MATARRESE, ESQ., MONTLICK & ASSOCIATES.
Address: 17 Executive Park Drive - Suite 310 P.O. Box 95406 - Atlanta, Georgia 30347-0406
Subrogation: _____ Claim for Property damage $ _____ Bodily Injury $4,200.00
Date of Notice: 6/02/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 12/26/99 Place: Memorial Drive and Covington Highway
Department POLICE Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The Claimant alleges that his car was severely damaged in an automobile collision as a result of a vehicular pursuit involving Austell, DeKalb and City of Atlanta Police Departments. An investigation determined that Claimants' vehicle was struck by a 1989 Buick LaSabre that was fleeing Police. The City is not responsible for the tort actions of third parties. Furthermore, under O.C.G.A. § 36-33-3, the City of Atlanta is not liable for tort actions of its police or other officers.

INVESTIGATION:

Statements: City employee _____ Claimant X 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 _____ 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,

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 10-19-00
Committee Action: _____ Council Action _____

FORM 23-61

MONTLICK & ASSOCIATES, P.C.
ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 310
P.O. BOX 95406 • ATLANTA, GEORGIA • 30347-0406

TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

JORDAN
06/02/00

May 31, 2000

ENTERED – 6–12–00 – SB
00L0337 – DOBBS JORDAN

CC: 00L0334

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bill Campbell
Mayor, City of Atlanta
2400 City Hall
55 Trinity Ave, SW
Atlanta, Georgia 30335

Clifford Hardwick
City Attorney of Atlanta
4100 City Hall Tower
68 Mitchell Street
Atlanta, Georgia 30335

Beverly Harvard
Chief of Police
Atlanta Police Department
175 Decatur Street
Atlanta, Georgia 30335

RE: **ANTE LITEM NOTIFICATION**
Pursuant to O.C.G.A. §§ 36-33-5 & 50-21-26

Our Client:	Carlton Gregory, Jr.; JulonGregory, Christopher White and Carlton Gregory, Sr.
Date of Incident:	December 26, 1999
Location:	Joe Jerkins Blvd. Austell, Georgia through intersection of Memorial Drive and Covington Highway, Decatur Georgia.

Dear Sirs and Madam:

Please be advised that this firm represents the interests of Carlton Gregory, Jr.; Julon Gregory; Christopher White and Carlton Gregory Sr. for injuries received as a result of an incident on December 26, 1999. This letter shall constitute ante litem notice pursuant to applicable statutes.

FACTS

On or about December 26, 1999, at or about 11:20 p.m., just one day after Christmas, Julon Gregory was operating a 1990 Geo Prizm, owned by Carlton Gregory, Sr. Carlton Gregory, Jr. and Christopher White were passengers in the subject 1990 Geo Prizm, seated in the back seat. Mr. Gregory's vehicle was proceeding under a green light through the intersection of Memorial Drive and Covington Highway, Dekalb County, Georgia when suddenly and without warning his vehicle was broadsided at a high rate of speed by a 1989 Buick LeSabre motor vehicle operated by Keeon J. Almon. At time of the collision, Keeon J. Almon was being

pursued by Sgt. John L. Poulk of the K-9 Unit of the Austell Police Department and Atlanta Police Units. It is our understanding and belief based on our investigation that Officer Poulk and the Atlanta Police did not follow proper protocol, initiated and continued a high speed chase through several jurisdictions and unnecessarily endangered the lives of the motoring public, to wit: Carlton Gregory, Jr., Julon Gregory and Christopher White as well as any and all other individuals injured and/or who suffered damages as a result of the subject collision.

LIABILITY

This incident occurred as a result of the negligence of Sgt. John L. Poulk and the Atlanta Police, and any and all other employees of the City of Austell and City of Atlanta who ignored his/their public duty to the safety of the driving public by participating in an improper and unsafe high speed chase, failing to exercise and follow proper protocol thereby exposing Carlton Gregory Jr. and Julon Gregory as well as any and all other individuals injured and/or who suffered damages to unnecessary harm and injury. Officer Poulk and Atlanta Police continued to chase Keeon J. Almon through Dekalb County with his siren and lights turned off. Officer Poulk's and Atlanta City Police's conduct was in reckless disregard of the safety of Carlton Gregory, Jr.; Julon Gregory and Christopher White as well as any and all other individuals injured and/or who suffered damages in the subject collision.

This claim is based on general theories of negligence under Georgia Law including but not limited to O.C.G.A. § 40-6-6-(d)(1). Additional theories of negligence may include the negligent hiring and retention of an employee and the negligent supervision of the employee. At this time these theories are not inclusive and additional theories may be alleged as our investigation continues.

You are hereby informed that Carlton Gregory, Jr., Julon Gregory, Christopher White and Carlton Gregory, Sr. make their claims as a result of the negligence of the City of Austell and its employee John L. Poulk, Atlanta Police Officers and any and all other employees of the city of Austell and the city of Atlanta who may have caused or contributed to the cause of Carlton Gregory, Jr., Julon Gregory and Carlton Gregory, Sr. injuries and losses who are not yet known. We ask that you please investigate this matter and contact us upon completion of your investigation. This notice is presumed to comply with all notice requirements unless you advise us differently within ten (10) days of the date of this letter.

INJURIES

CARLTON GREGORY, JR.:

Carlton Gregory, Jr. was 15 years old at the time of the collision. He was a passenger, seated in the passenger side, rear seat, of his father's vehicle. Unfortunately the point of impact was at the exact area of where Carlton Jr. was seated. The speed of the chase vehicle is estimated at somewhere between 60mph to 80mph at the time of impact. Carlton Jr. suffered a fractured neck as a result of the impact.

Carlton, Jr. was rushed by ambulance to Dekalb Medical Center where CT scans demonstrated a C4 on C5 cervical vertebrae subluxation and C5 fracture with C4 facet fracture. Carlton, Jr. was then transferred to Egleston Children's Hospital for further medical care.

Upon admission to Egleston Children's Hospital, a MRI was performed which revealed a 20-degree angulation on C4 and C5 and an associated 5-mm subluxation. On December 29th, the treating physician performed an external reduction of the sublaxation using a halo traction modality. A few days later another MRI was performed that showed continued sublaxation with a traumatic disk hernieation. The hernieation was pressing upon the spinal cord.

On January 5, 2000, Orthopaedic surgeons performed invasive surgery instituting a C3 through C5 arthrodesis with auto graft lateral mass plating. Carlton, Jr. remained in the pediatric intensive care unit until January 10, 2000. Carlton endured a most serious and painful injury, celebrated the transition into the year 2000 in the intensive care ward, and was millimeters away from complete paralysis. Carlton Jr. will be compromised for the rest of his life as a direct result of his injuries.

We are enclosing copies of Carlton's medical records and billing statements that we have obtained to date from Dekalb County EMS, Dekalb Medical Center, Radiology Associates of Dekalb, Egleston Children's Hospital, the Emory Clinic – Pediatric Neurosurgery for your review. We will provide you with additional medical records and bills, as they become available.

Carlton's ***medical expenses are in the approximate amount of $47,137.***

JULON GREGORY:

Julon and Carlton are brothers. Julon is seventeen years old. Julon Gregory suffered chest wall contusion, neck, shoulder head and back soft tissue injuries.

We are enclosing the medical records and billing statements we have obtained to date from Dekalb Medical Center, Radiology Associates of Dekalb and Rehab Orthopedic Medicine regarding treatment for Julon's injuries.

Julon's ***medical expenses are in the approximate amount of $2,458.***

CHRISTOPHER WHITE:

Christopher White was a passenger in Julon Gregory's motor vehicle. Christopher suffered contusions and soft tissue injuries. Christopher was treated at Dekalb Medical Center. We will provide you with copies of Christopher's medical records and bill upon receipt thereof.

Christopher's medical expenses are in the approximate amount of $600.

00-R-1769

CARLTON GREGORY, SR.

Carlton Gregory, Sr. is Carlton, Jr. and Julon's father. Mr. Gregory's motor vehicle was totaled in the subject collision and his ***property damage loss is in the approximate amount of $4,200.***

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. §§ 36-33-5 & 50-21-26. If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY: _____
Patrick R. Matarrese
Attorney at Law

LTR_1509:274237:ndls
cc: Carlton Gregory, Jr.

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

ITEM (S) REMOVEDFROM CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADVERSED ON CONSENT AGENDA**	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 00-O-1577	30. 00-R-1716	59. 00-R-1753
2. 00-O-1586	31. 00-R-1724	60. 00-R-1754
3. 00-O-1615	32. 00-R-1725	61. 00-R-1755
4. 00-O-1661	33. 00-R-1727	62. 00-R-1756
5. 00-O-1663	34. 00-R-1728	63. 00-R-1757
6. 00-O-1670	35. 00-R-1729	64. 00-R-1758
7. 00-R-1578	36. 00-R-1730	65. 00-R-1759
8. 00-R-1685	37. 00-R-1731	66. 00-R-1760
9. 00-R-1780	38. 00-R-1732	67. 00-R-1761
10. 00-R-1659	39. 00-R-1733	68. 00-R-1762
11. 00-R-1688	40. 00-R-1734	69. 00-R-1763
12. 00-R-1689	41. 00-R-1735	70. 00-R-1764
13. 00-R-1704	42. 00-R-1736	71. 00-R-1765
14. 00-R-1722	43. 00-R-1737	72. 00-R-1766
15. 00-R-1723	44. 00-R-1738	73. 00-R-1767
16. 00-R-1708	45. 00-R-1739	74. 00-R-1768
17. 00-R-1774	46. 00-R-1740	75. 00-R-1769
18. 00-R-1709	47. 00-R-1741	76. 00-R-1770
19. 00-R-1710	48. 00-R-1742	77. 00-R-1771
20. 00-R-1711	49. 00-R-1743	78. 00-R-1772
21. 00-R-1712	50. 00-R-1744	79. 00-R-1773
22. 00-R-1713	51. 00-R-1745	
23. 00-R-1714	52. 00-R-1746	
24. 00-R-1715	53. 00-R-1747	
25. 00-R-1717	54. 00-R-1748	
26. 00-R-1718	55. 00-R-1749	
27. 00-R-1719	56. 00-R-1750	
28. 00-R-1720	57. 00-R-1751	
29. 00-R-1721	58. 00-R-1752	