



CITY OF ATLANTA
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

July 27, 2001

David Trainor
Attorney at Law
41 Marietta Street, NW
Suite 507
Atlanta, GA 30303

01-R-1029

RE: Termaine Stewart

Dear Attorney Trainor:

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 July 16, 2001. 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. 01L0310

Date: June 27, 2001

Claimant /Victim TREMAINE STEWART
BY: (Atty) David Trainor
Address: 41 Marietta Street, NW, Suite 507, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 05/16/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/15/00 Place: 3006 Delmar Lane
Department Police Division:
Employee involved D. Stribling Disciplinary Action: Not Sustained

NATURE OF CLAIM: The claimant alleges that he was injured during his arrest and that he was illegally detained and searched. An investigation by the Department of Police, Office of Professional Standards found no evidence to prove or disprove the claimant's allegations and the complaint was not sustained against the officer. Furthermore, 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 X 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 06-27-01
Committee Action: Council Action

MALKA & TRAINOR, P.C.

A PROFESSIONAL CORPORATION

ATTORNEYS-AT-LAW

41 MARIETTA STREET, N.W.

SUITE 507

ATLANTA, GEORGIA 30303

FAX (404) 582-0031

Mitchell
05/16/01
DM

HARRY MALKA, Esq.
(404) 582-0043

May ¹⁵ 14, 2001

DAVID TRAINOR, Esq.
(404) 582-0000

Ms. Susan Langford
Atlanta City Attorney
68 Mitchell Street, S.W.
Suite 4100
Atlanta, Georgia 30335

ENTERED - 5-17-01 - SB
01L0310 - DIANNE MITCHELL

sent certified mail 7000 1670 0011 9281 2432

Dear Ms. Langford:

Pursuant to O.C.G.A. §36-33-5 you are hereby notified that a claim for damages against the City of Atlanta based upon injuries sustained by our client Tremaine Stewart on the 15th day of November 2000 at approximately 8:00 P.M. is being presented to you for adjustment.

The facts of the incident leading to our clients injuries follows: On the above date and time Mr. Stewart was beaten by officers of the Atlanta Police Department in the vicinity of 3006 Delmar Lane. A complaint was filed with the Atlanta Police Department where the facts of the matter are more particularly described.

Mr. Stewart was injured as follows: He suffered contusions and lacerations to his body as well as mental and emotional pain and suffering. He was subsequently incarcerated after an illegal detention and search of his person.

Mr. Stewart suffered as a result of the above referenced incident and is entitled to monetary damages.

Mr. Stewart intends to sue for his damages. Please contact our office to settle this matter at your earliest convenience.

Sincerely,
MALKA & TRAINOR, P.C.



David Trainor
Attorney at Law

01-R -1029

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED
ON CONSENT
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
50. 01-R-1045
51. 01-R-1046
52. 01-R-1047
53. 01-R-1048
54. 01-R-1049
55. 01-R-1050
56. 01-R-1051
57. 01-R-1052
58. 01-R-1053
59. 01-R-1054
60. 01-R-1055
61. 01-R-1056
62. 01-R-1057
63. 01-R-1058
64. 01-R-1059
65. 01-R-1060
66. 01-R-1061
67. 01-R-1062
68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED
ON CONSENT
AGENDA**

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
-