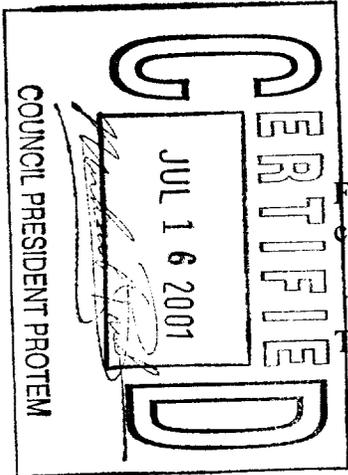


01-R-1031

Entered - 07/19/00 - sb  
CL00L0446 - DIANNE C. MITCHELL

CLAIM OF: **TIMOTHY HUNNICUTT,**  
through his attorney,  
**David M. Toolan**  
400 Perimeter Center Terrace  
Suite 70, North Terraces  
Atlanta, Georgia 30346

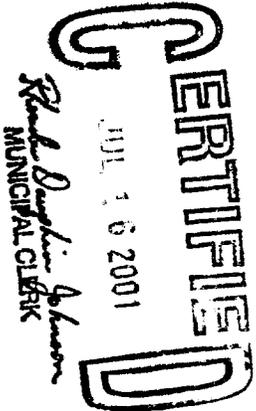


For damages alleged to have been sustained as a result of violation of  
civil rights on January 9, 2000 at Camilla Street and Ashby Street.

THIS ADVERSED REPORT IS APPROVED

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

CONSENT AGENDA



ADVERSE REPORT  
CITY CLERK  
JUL 16 2001

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/10/01

CHAIR: C. J. Martin

[Signature]  
[Signature]

\_\_\_\_\_  
\_\_\_\_\_



## 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 26, 2001

David M. Toolan  
Attorney at Law  
400 Perimeter Center Terrace  
Suite 70, North Terraces  
Atlanta, GA 30346

01-R-1031

RE: Timothy Hunnicutt

Dear Attorney Toolan:

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. 00L0446

Date: June 28, 2001

Claimant /Victim TIMOTHY HUNNICUTT
BY: (Atty.) David M. Toolan
Address: 400 Perimeter Center Terrace, Suite 70, North Terraces, Atlanta, Georgia 30346
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 07/10/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/09/00 Place: Camilla Street and Ashy Street
Department Police Division:
Employee involved Officer P. Brown Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The claimant, employed as an investigator in the Police Department, alleges that his civil rights were violated when he was stopped by Officer Brown and cited for a traffic violation. An investigation by the Office of Professional Standards found that both the claimant and Officer Brown had violated departmental work rule 1.01, Appropriate Action Required.

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 06-28-01
Committee Action: Council Action

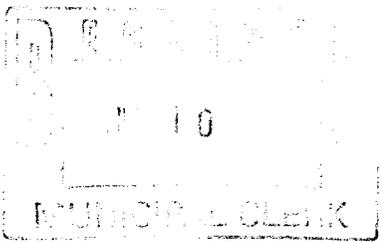
**DAVID M. TOOLAN**  
ATTORNEY AT LAW  
400 PERIMETER CENTER TERRACE  
SUITE 70, NORTH TERRACES  
ATLANTA, GEORGIA 30346

*Mitchell*  
*07/13/00*  
*[Signature]*

FAX 770/351-0790  
770/351-0670

ENTERED - 7-19-00 - SB  
00L0446 - DIANNE MITCHELL

*5:05 pm [Signature]*



July 7, 2000

Robert L. Pitts  
President, Atlanta City Council  
Atlanta City Hall  
55 Trinity Avenue SW  
Atlanta GA 30335

**Re: Claimant: Timothy Hunnicutt**  
**Date of Incident: 01/09/2000**  
**Place of Injury: Camilla Street, Atlanta GA**

Dear Mr. Pitts:

Pursuant to OCGA § 36-33-5, please be advised that Timothy Hunnicutt will bring a civil rights and malicious prosecution claim against the City of Atlanta, Georgia for the damages he sustained when he was detained by the City of Atlanta Police on January 9, 2000. (See attached Incident Report.) As a result of the traffic stop, which occurred on Camilla Street, Officer Hunnicutt sustained injuries in excess of \$5,000.00 to his person. These injuries include mental suffering and damage to reputation.

Officer Hunnicutt, who is a City of Atlanta police officer, was stopped by Officer P. R. Brown and subjected to verbal abuse in front of his two children. Officer Brown had no probable cause to initiate the traffic stop and pointed his gun at Officer Hunnicutt without cause. It is evident that Officer Hunnicutt's race served as the basis for the traffic stop and that policies within the City of Atlanta police department promote such actions.

Sargent Padgett, who was the supervising officer called to the scene to investigate the matter, told Officer Brown to issue Officer Hunnicutt four citations and refused to listen to Officer Hunnicutt's version of the incident. Moreover, there is evidence that Sargent Padgett interfered with the internal affairs investigation of the incident.

Please call me if you have any questions or need any additional information.

Very truly yours,

*[Signature]*  
David M. Toolan

cc: Rhonda Dauphin Johnson, Municipal Clerk  
Timothy Hunnicutt

01-R-1031

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**

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
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
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  76. 01-R-1072
  77. 01-R-1073
  78. 01-R-1104
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