

Entered - 4-9-01 - sb  
CL01L0228 - ALEXIS HOLMES

01-l-1155

CLAIM OF: **NEAL H. HOWARD**  
1900 Century Place, Suite 310  
Atlanta, Georgia 30345

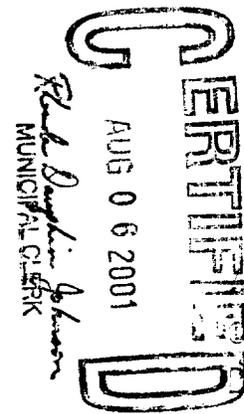
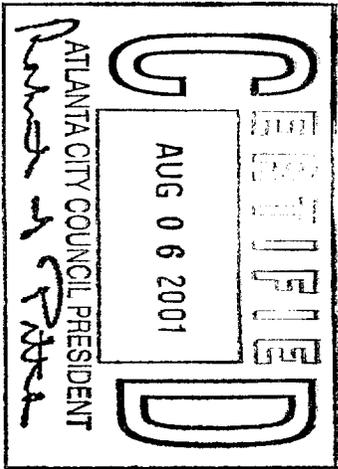
For alleged damages sustained as a result of a wrongful arrest at  
Plaster Avenue and Peachtree Hills Road.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY  
CITY COUNCIL AUG 06 2001

CONSENT AGENDA



**ADVERSED REPORT**

COMM IS 6 LA  
DATE 7/31/01  
CHAIR C. J. ...  
Michael B...  
Dany ...  
Chris ...  
Clara ...



**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**

August 8, 2001

Neal H. Howard  
1900 Century Place, Suite 310  
Atlanta, Georgia 30345

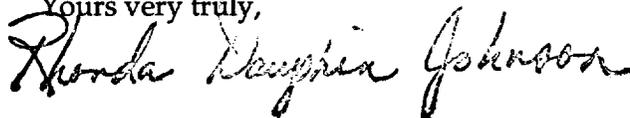
01-R-1155

Dear Mr. Howard:

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 August 6, 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. 01L0228

Date: 7/10/01

Claimant /Victim NEAL H. HOWARD

BY: (Atty)(Ins.)

Address: 1900 Century Place, Suite 310, Atlanta, Georgia 30345

Subrogation Claim for Property damage \$ Unspecified Bodily Injury \$

Date of Notice: 4/9/01 Method: Written, proper X Improper

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

Date of Occurrence 10/24/00 Place: Plaster Avenue and Peachtree Hills Road

Department Police Division: Field Operations Division

Employee involved Officer Ludwig Disciplinary Action: None taken

NATURE OF CLAIM: The claimant alleges that a City of Atlanta Police Officer wrongfully arrested him and charged him with Felony Property Damage, and Felony Intoxication, after he intervened on behalf of another person who was having his car towed. Accordingly, O.C.G.A. § 36-33-3 states "municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharged of their duties."

INVESTIGATION:

Statements: City employee Claimant Other 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 07.12.01

Committee Action: Council Action

RCS# 3033  
8/06/01  
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-15

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y 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) REMOVED FROM  
CONSENT AGENDA  
01-O-1106  
01-R-1200  
01-R-1217

CONSENT

**ITEMS  
ADOPTED ON  
CONSENT  
AGENDA**

1. 01-O-1081
2. 01-O-1083
3. 01-O-1084
4. 01-O-1085
5. 01-O-1123
6. 01-O-1126
7. 01-O-1105
8. 01-O-1120
9. 01-R-1130
10. 01-R-1131
11. 01-R-1132
12. 01-R-1187
13. 01-R-1188
14. 01-R-1224
15. 01-R-1227
16. 01-R-1228
17. 01-R-0103
18. 01-R-1226
19. 01-R-0971
20. 01-R-1167
21. 01-R-1168
22. 01-R-1215
23. 01-R-1218
24. 01-R-1136
25. 01-R-1137
26. 01-R-1138
27. 01-R-1139
28. 01-R-1140

**ITEMS  
ADOPTED ON  
CONSENT  
AGENDA**

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30. 01-R-1142
31. 01-R-1143
32. 01-R-1144
33. 01-R-1145
34. 01-R-1146
35. 01-R-1147
36. 01-R-1148
37. 01-R-1189
38. 01-R-1190
39. 01-R-1191
40. 01-R-1192
41. 01-R-1193
42. 01-R-1194
43. 01-R-1195
44. 01-R-1196
45. 01-R-1197
46. 01-R-1198
47. 01-R-1199

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

48. 01-R-1041
49. 01-R-1042
50. 01-R-1043
51. 01-R-1149
52. 01-R-1151
53. 01-R-1152
54. 01-R-1153
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65. 01-R-1164
66. 01-R-1165
67. 01-R-1166
68. 01-R-1201
69. 01-R-1202
70. 01-R-1203
71. 01-R-1204
72. 01-R-1205
73. 01-R-1206
74. 01-R-1207
75. 01-R-1208

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

76. 01-R-1209
  77. 01-R-1210
  78. 01-R-1211
  79. 01-R-1212
  80. 01-R-1213
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