

ADVERSE REPORT JAN 22 2002

Entered - 12/11/01 - sb  
CL01L0776 - DIANNE C. MITCHELL

CLAIM OF: **ONTERRIO SMITH**  
426 Charter Oak Drive  
Atlanta, Georgia 30331

**02-R -0022**

For damages alleged to have been sustained as a result of personal injuries from an assault by Department of Corrections officers on May 25, 2000 at Grady Detention.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

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

**CERTIFIED**  
JAN 22 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Hoffard*

**CERTIFIED**  
JAN 22 2002  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

**ADVERSE REPORT**

COMM: *P.S.L.A.*

DATE: *1-15-02*

CHAIR: \_\_\_\_\_

*[Signature]*

*[Signature]*

*C. T. Martin*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## 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

January 29, 2002

Onterio Smith  
426 Charter Oak Drive  
Atlanta, GA 30331

02-R-0022

Dear Mr. Smith:

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 January 22, 2002. 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.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0776

Date: December 14, 2001

Claimant /Victim ONTERRIO SMITH

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 426 Charter Oak Drive, Atlanta, Georgia 30331

Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ 5,000.00

Date of Notice: 12/11/01 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 05/25/01 Place: Grady Detention

Department Corrections Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges he sustained personal injuries due to an altercation with Corrections officers while he was in custody at Grady Detention. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

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 \_\_\_\_\_

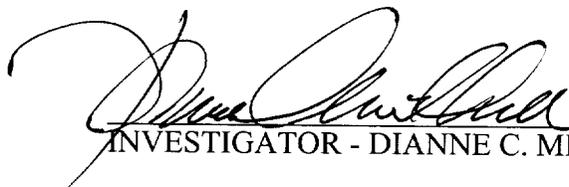
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

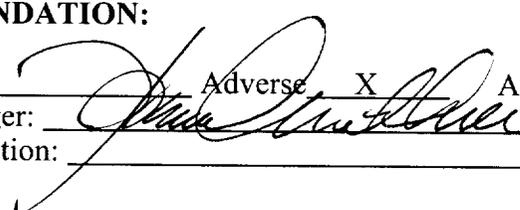
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 12-14-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3405  
1/22/02  
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

**SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA**

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

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

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**01/22/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSED ON  
CONSENT AGENDA**

17. 02-R-0011
  18. 02-R-0012
  19. 02-R-0013
  20. 02-R-0014
  21. 02-R-0015
  22. 02-R-0016
  23. 02-R-0017
  24. 02-R-0018
  25. 02-R-0019
  26. 02-R-0020
  27. 02-R-0021
  28. 02-R-0022
  29. 02-R-0023
  30. 02-R-0024
  31. 02-R-0025
  32. 02-R-0026
  33. 02-R-0027
  34. 02-R-0028
  35. 02-R-0029
  36. 02-R-0030
  37. 02-R-0098
  38. 02-R-0099
  39. 02-R-0100
  40. 02-R-0101
  41. 02-R-0102
  42. 02-R-0103
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