

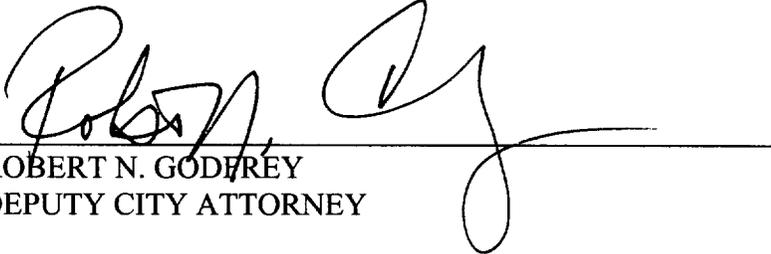
Entered - 12-21-01- sb  
CL - 01L0809 ALEXIS HOLMES

CLAIM OF: **ERNEST LEE WARD**  
Through his Attorney  
Brian E. Wiklendt  
3700 Crestwood Parkwood, NW  
Suite 1080  
Duluth, Georgia 30096

02-*l* -0427

For vehicular damages alleged to have been sustained as a result of being arrested on June 18, 2001 at Techwood at 14<sup>th</sup> Street.

THIS ADVERSE REPORT IS APPROVED

BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

**CERTIFIED**  
MAR 18 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Westland*

**CERTIFIED**  
MAR 18 2002  
MUNICIPAL CLERK  
*Rachel Douglas G. Linn*

**ADVERSE REPORT**

COMM: *Public Safety*  
DATE: *3-12-02*  
CHAIR: *[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

ADVERSE BY  
CITY COUNCIL  
MAR 18 2002



## 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

March 28, 2002

Brian E. Wiklendt  
Attorney at Law  
3700 Crestwood Parkwood, NW  
Suite 1080  
Duluth, Georgia 30096

02-R-0427

RE: Erenest Lee Ward

Dear Attorney Wiklendt:

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 March 18, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0809

Date: 02/25/02

Claimant /Victim ERNEST LEE WARD
BY: (Atty)(Ins.) Brian E. Wiklendt
Address: 3700 Crestwood Parkway, NW Suite 1080 Duluth, Georgia 30096
Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified
Date of Notice: 12/19/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 6/18/01 Place: Techwood at 14th Street
Department Police Division: FOD
Employee involved: Officer B.P. Wiles Disciplinary Action: None taken

NATURE OF CLAIM: The claimant alleges that he sustained injuries during an arrest by Cobb County and City of Atlanta police officers. However, the City is immune from liability s set forth under O.C.G.A. § 36-33-3.

INVESTIGATION:

Statements: City employee X Claimant Other X Written Oral X
Pictures Diagrams Reports: Police Dept Report Other X
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 02-27-02
Committee Action: Council Action

RCS# 3628  
3/18/02  
3:49 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS:        11  
NAYS:        1  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED:    0  
ABSENT      1

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0167  
02-O-0458

**CORRECTED COPY**

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 02-O-0361
2. 02-O-0456
3. 02-O-0465
4. 02-O-0466
5. 02-O-0468
6. 02-O-0469
7. 02-O-0335
8. 02-O-0336
9. 02-O-0462
10. 02-O-0342
11. 02-O-0378
12. 02-O-0251
13. 02-O-0324
14. 02-O-0346
15. 02-O-0254
16. 02-O-0352
17. 02-R-0165
18. 02-R-0382
19. 02-R-0407
20. 02-R-0483
21. 02-R-0484
22. 02-R-0194
23. 02-R-0482
24. 02-R-0252
25. 02-R-0388
26. 02-R-0391
27. 02-R-0409

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

28. 02-R-0446
29. 02-R-0448
30. 02-R-0449
31. 02-R-0472
32. 02-R-0395
33. 02-R-0406
34. 02-R-0412
35. 02-R-0413
36. 02-R-0414
37. 02-R-0415
38. 02-R-0416
39. 02-R-0417
40. 02-R-0418
41. 02-R-0419
42. 02-R-0420
43. 02-R-0421
44. 02-R-0422
45. 02-R-0423
46. 02-R-0447

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

47. 02-R-0410
48. 02-R-0411
49. 02-R-0424
50. 02-R-0425
51. 02-R-0426
52. 02-R-0427
53. 02-R-0428
54. 02-R-0429
55. 02-R-0430
56. 02-R-0431
57. 02-R-0432
58. 02-R-0433
59. 02-R-0434
60. 02-R-0435
61. 02-R-0436
62. 02-R-0437
63. 02-R-0438
64. 02-R-0439
65. 02-R-0440
66. 02-R-0441
67. 02-R-0442
68. 02-R-0443
69. 02-R-0444
70. 02-R-0445