

Entered - 04/10/02 - sb
CL02L0277 - DIANNE C. MITCHELL

CLAIM OF: **ROBIN HENRY, CHARLOTTE HENRY AND
SAHARA HENRY, surviving children of
ROBERT CHARLES HENRY,**
through their attorney,
W. James Moore
400 Colony Square, Suite 200
1201 Peachtree Street, NE
Atlanta, Georgia 30362

02- *R* -0945

For damages alleged to have been sustained as a result of the shooting death of their father on November 2, 2001 at 885 Bouldercrest Drive.

THIS ADVERSED REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY JUN 03

ADVERSE REPORT

COMM: *Public Safety*

DATE: *5/28/02*

CHAIR: *Natasha Acitubay*

Sp. T. Maxwell

Clayton Wilson

Carrie Smith

CERTIFIED
JUN 03 2002
ATLANTA CITY COUNCIL PRESIDENT
Latrice W. Woodard

CERTIFIED
JUN 03 2002
Phyllis Douglas Johnson
MUNICIPAL CLERK



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

June 12, 2002

W. James Moore
Attorney at Law
400 Colony Square, Suite 200
1201 Peachtree Street, NE
Atlanta, Georgia 30362

02-R-0945

RE: Robin, Charlotte and Sahara Henry,
surviving children of Rober C. Henry

Dear Attorney Moore:

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 June 3, 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. 02L0277

Date: May 7, 2002

Claimant /Victim ROBIN HENRY, CHARLOTTE HENRY AND SAHARA HENRY, surviving children of ROBERT CHARLES HENRY, deceased

BY: (Atty) W. James Moore

Address: 400 Colony Square, Suite 200, 1201 Peachtree Street, NE, Atlanta, Georgia 30361

Subrogation: Claim for Property damage \$ _____ Bodily Injury \$ 1,275,000.00

Date of Notice: 04/03/02 Method: Written, proper X Improper _____

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

Date of Occurrence 11/02/01 Place: 885 Bouldercrest Drive

Department Police Division: _____

Employee involved Sgt. W. K. Murdock Disciplinary Action: None Taken

NATURE OF CLAIM: The claimants allege their father was wrongfully shot and killed by Atlanta Police. An internal investigation conducted by the Office of Professional Standards, exonerated Sgt. Bailey and determined that his conduct was justified, lawful and proper, pursuant to the employee work rule regarding the use of firearms. Furthermore, pursuant to O.C.G.A. §36-33-3, the City is immune from liability for the tort actions of its police officers engaged in the discharge of the duties imposed on them by law.

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 _____

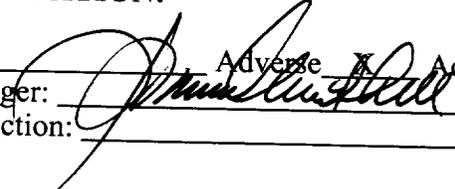
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 05-13-02

Committee Action: _____ Council Action _____

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

06/03/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-0726	34. 02-R-0892	57. 02-R-0924
2. 02-O-0723	35. 02-R-0895	58. 02-R-0925
3. 02-O-0694	36. 02-R-0896	59. 02-R-0926
4. 02-O-0854	37. 02-R-0897	60. 02-R-0927
5. 02-O-0709	38. 02-R-0898	61. 02-R-0928
6. 02-O-0710	39. 02-R-0903	62. 02-R-0929
7. 02-O-0711	40. 02-R-0950	63. 02-R-0930
8. 02-O-0712	41. 02-R-0968	64. 02-R-0931
9. 02-O-0713	42. 02-R-0975	65. 02-R-0932
10. 02-O-0714	43. 02-R-0910	66. 02-R-0933
11. 02-O-0715	44. 02-R-0911	67. 02-R-0934
12. 02-O-0716	45. 02-R-0912	68. 02-R-0935
13. 02-O-0717	46. 02-R-0913	69. 02-R-0936
14. 02-O-0953	47. 02-R-0914	70. 02-R-0937
15. 02-O-0719	48. 02-R-0915	71. 02-R-0938
16. 02-O-0720	49. 02-R-0916	72. 02-R-0939
17. 02-O-0722	50. 02-R-0917	73. 02-R-0940
18. 02-O-0959	51. 02-R-0918	74. 02-R-0941
19. 02-O-0962	52. 02-R-0919	75. 02-R-0942
20. 02-O-0966	53. 02-R-0920	76. 02-R-0943
21. 02-O-0967	54. 02-R-0921	77. 02-R-0944
22. 02-O-0730	55. 02-R-0922	78. 02-R-0945
23. 02-O-0958	56. 02-R-0923	79. 02-R-0946
24. 02-O-0961		80. 02-R-0947
25. 02-R-0894		
26. 02-R-0948		
27. 02-R-0949		
28. 02-R-0905		
29. 02-R-0906		
30. 02-R-0904		
31. 02-R-0954		
32. 02-R-0974		
33. 02-R-0801		
