

Entered - 02/04/02 - sb
CL02L0087 - DIANNE C. MITCHELL

02-*R*-1314

CLAIM OF: **JOSEPH HOWARD HEARD,**
through his attorney,
James Brantley
230 Peachtree Street, NW
Suite 2650
Atlanta, Georgia 30303-1515

For damages alleged to have been sustained as a result of an arrest on
November 30, 2001 at M. L. King, Jr. Drive and Bolton Road.

THIS ADVERSED REPORT IS APPROVED

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

Joseph H. Heard
ATLANTA CITY COUNCIL PRESIDENT
CERTIFIED
AUG 19 2002

Robert N. Godfrey
MUNICIPAL CLERK
CERTIFIED
AUG 19 2002

CANCELLED AUG 19 2002

ADVERSED REPORT
COMM *P.S.L.A.*
DATE *7/30/02*
CHA *vice chair C. T. Minton*
Michael Archibald
Robert N. Godfrey
Carla Smith



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 20, 2002

James Brantley
Attorney at Law
230 Peachtree St., NW
Suite 2650
Atlanta, GA 30303-1515

02-R-1314

RE: Joseph Howard Heard

Dear Attorney Brantley:

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 August 5, 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. 02L0087

Date: July 8, 2002

Claimant /Victim WILLIAM C. PORTER
BY: (Atty) James Brantley
Address: 230 Peachtree Street, NW, Suite 2650, Atlanta, Georgia 30303-1515
Subrogation: Claim for Property damage \$ Bodily Injury \$ 250,000.00
Date of Notice: 01/31/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/30/01 Place: M. L. King, Jr. Drive and Bolton Road
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was unlawfully arrested and detained by Atlanta police. The City of Atlanta is immune from liability as set forth in O.C.G.A. §36-33-1 and §36-33-3.

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 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 2P01
Claims Manager: [Signature] Concur/date 07-09-02
Committee Action: Council Action

08/19/02 Council Meeting

ITEMS ADOPTED ON CONSENT
AGENDA

ITEMS ADVERSED
ON CONSENT AGENDA

- | | |
|---------------|---------------|
| 1. 02-O-1181 | 34. 02-R-1307 |
| 2. 02-O-1221 | 35. 02-R-1308 |
| 3. 02-O-1222 | 36. 02-R-1309 |
| 4. 02-O-1282 | 37. 02-R-1310 |
| 5. 02-O-1300 | 38. 02-R-1311 |
| 6. 02-O-1245 | 39. 02-R-1312 |
| 7. 02-O-1293 | 40. 02-R-1313 |
| 8. 02-O-1294 | 41. 02-R-1314 |
| 9. 02-O-1223 | 42. 02-R-1315 |
| 10. 02-O-1220 | 43. 02-R-1316 |
| 11. 02-O-1289 | 44. 02-R-1317 |
| 12. 02-O-1291 | 45. 02-R-1318 |
| 13. 02-O-1273 | 46. 02-R-1319 |
| 14. 02-O-1224 | 47. 02-R-1320 |
| 15. 02-O-1232 | 48. 02-R-1321 |
| 16. 02-O-1233 | 49. 02-R-1322 |
| 17. 02-O-1287 | 50. 02-R-1323 |
| 18. 02-R-1362 | 51. 02-R-1324 |
| 19. 02-R-1283 | 52. 02-R-1325 |
| 20. 02-R-1288 | 53. 02-R-1326 |
| 21. 02-R-1334 | 54. 02-R-1327 |
| 22. 02-R-1279 | 55. 02-R-1328 |
| 23. 02-R-1331 | 56. 02-R-1329 |
| 24. 02-R-1332 | 57. 02-R-1330 |
| 25. 02-R-1333 | |
| 26. 02-R-1338 | |
| 27. 02-R-1349 | |
| 28. 02-R-1350 | |
| 29. 02-R-1348 | |
| 30. 02-R-1303 | |
| 31. 02-R-1304 | |
| 32. 02-R-1305 | |
| 33. 02-R-1306 | |

1st Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272