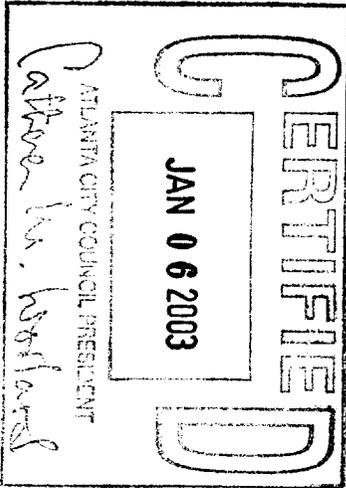


Entered - 11/13/01 - sb  
CL01L0719 - DIANNE C. MITCHELL

CLAIM OF: **HEATH THOMAS,**  
through his attorney,  
**Robert G. Rubin**  
2786 North Decatur Road  
Suite 245  
Decatur, Georgia 30033

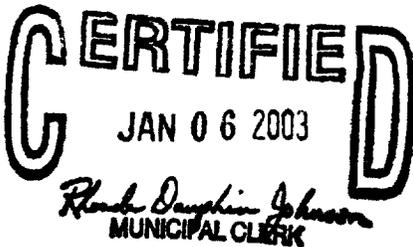
**02-R-2155**



For damages alleged to have been sustained as a result of an arrest on  
April 29, 2001 at the Marriott Marquis Hotel.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSED BY  
CITY COUNCIL JAN 06 2003

**ADVERSE REPORT**

COMM. \_\_\_\_\_  
DATE \_\_\_\_\_  
CHAIR \_\_\_\_\_  
Carla Smith  
C. T. Massey  
H. L. Shook  
\_\_\_\_\_  
\_\_\_\_\_



## 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 14, 2003

Robert G. Rubin  
Attorney at Law  
2786 North Decatur Rd.  
Suite 245  
Decatur, GA 30033

02-R-2155

RE: Heath Thomas

Dear Attorney Rubin:

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 January 03, 2003. 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. 01L0719

Date: November 25, 2002

Claimant /Victim HEATH THOMAS  
BY: (Atty) Robert G. Rubin  
Address: 2786 North Decatur Road, Suite 245, Decatur, Georgia 30033  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 500,000.00  
Date of Notice: 11/06/01 Method: Written, proper X Improper           
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 04/29/01 Place: Marriott Marquis Hotel  
Department Police Division:           
Employee involved          Disciplinary Action:         

NATURE OF CLAIM: The claimant alleges that he was assaulted and wrongfully arrested by police. However, the City is immune from liability for the tort actions of its police officers pursuant to O.C.G.A §36-33-3.

INVESTIGATION:

Statements: City employee          Claimant          Others          Written          Oral           
Pictures          Diagrams          Reports: Police          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,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$          Adverse X Account charged: 1A01          2J01          2H01          2P01           
Claims Manager:  Concur/date 11-26-02  
Committee Action:          Council Action



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**1/06/03 Council Meeting****ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT  
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

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Consent I Vote: 11 Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056