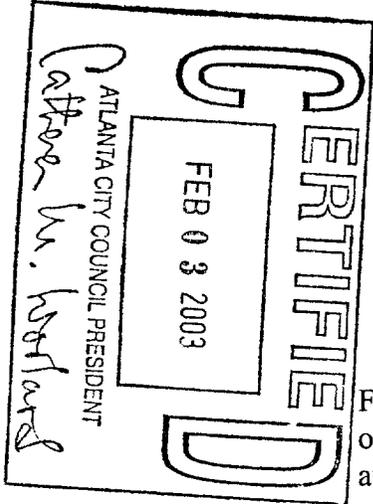


Entered - 11/13/01 - sb  
CL01L0725 - DIANNE C. MITCHELL

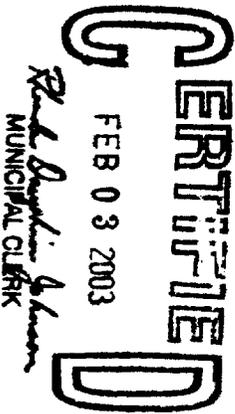
03-*R*-0095

CLAIM OF: **EDWARD LAMAR CALHOUN, SR. AND  
FELECIA ELLIS**, as next friends of Alicia  
LaVonne Ellis, deceased and Edward Lamar  
Calhoun, Jr., deceased,  
through their attorney,  
Akil K. Secret  
1280 West Peachtree Street  
Suite 310  
Atlanta, Georgia 30309



For damages alleged to have been sustained as a result of the deaths  
of claimants' minor children due to a residential fire on May 8, 2001  
at 1956 Lois Place, NW.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL FEB 03 2003

**ADVERSE REPORT**

COMM: Public Safety  
DATE: 1-17-8-20-30  
CHAIR: [Signature]  
Mary Newell  
[Signature]  
[Signature]  
[Signature]  
[Signature]



## 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

February 6, 2003

Akil K. Secret  
Attorney at Law  
1280 West Peachtree Street  
Suite 310  
Atlanta, GA 30309

03-R-0095

RE: Edwaard Lamar Calhoun, Sr. & Felecia Ellis, as  
next friends of Alicia LaVonne Ellis, deceased  
and Edward Lamar Calhoun, Jr. deceased

Dear Attorney Secret:

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 February 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. 01L0725

Date: January 15, 2003

Claimant /Victim EDWARD LAMAR CALHOUN, SR. AND FELICIA ELLIS, as next friends of Alicia LaVonne Ellis, deceased and Edward Lamar Calhoun, Jr., deceased

BY: (Atty) Akil K. Secret

Address: 1280 West Peachtree Street, Suite 310, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ Bodily Injury \$ 10,000,000.00

Date of Notice: 11/08/01 Method: Written, proper X Improper         

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

Date of Occurrence 05/08/01 Place: 1956 Lois Place, NW

Department Fire Division:         

Employee involved          Disciplinary Action:         

NATURE OF CLAIM: The claimants allege their minor children were killed in a residential fire and that their deaths were due to the slow response time of the Fire Department and the failure of United Water Services Atlanta to properly maintain the water levels in the fire hydrants. The investigation determined that the Fire Department responded within a reasonable time. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1. The claim was also forwarded to United Water Services Atlanta for handling and has been resolved.

INVESTIGATION:

Statements: City employee          Claimant          Others          Written          Oral         

Pictures          Diagrams          Reports: Police          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         

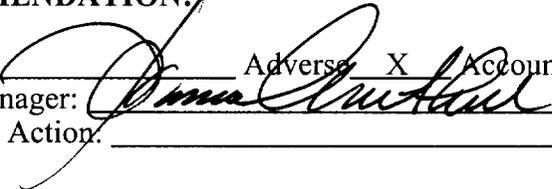
Claimant Negligent          City Negligent          Joint          Claim Abandoned         

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 01-16-03

Committee Action:          Council Action

RCS# 4417  
2/03/03  
2:27 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7: Except 02-0-2096

ADOPT

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 I

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**2/03/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0033
2. 03-O-0123
3. 03-O-0109
4. 02-O-1038
5. 03-O-0105
6. 03-O-0057
7. 03-O-0111
8. 03-R-0121
9. 03-R-0069
10. 03-R-0070
11. 03-R-0071
12. 03-R-0072
13. 03-R-0073
14. 03-R-0074
15. 03-R-0075
16. 03-R-0076
17. 03-R-0077
18. 03-R-0078
19. 03-R-0079
20. 03-R-0126
21. 03-R-0090

**Items Adversed on the Consent  
Agenda**

22. 03-R-0091
23. 03-R-0092
24. 03-R-0093
25. 03-R-0094
26. 03-R-0095
27. 03-R-0096
28. 03-R-0097
29. 03-R-0098
30. 03-R-0099
31. 03-R-0100

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Consent I Vote: 15Yeas; 0 Nays: (See RCS #4417)  
Item Removed from the Consent Agenda: 02-O-2096