

Entered -12-31-02 - sb
CL 02L0941 - GWENDOLYN BURNS

CLAIM OF: **LARRY SCHAUER**
2610 Paces Place, Apt. H
Atlanta, Georgia 30339

03- R -0164

For damages alleged to have been sustained from an arrest on June 22, 2002 at 1113 Spring Street.

THIS ADVERSED REPORT IS APPROVED

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

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
FEB 17 2003
Patricia W. Woodard

CERTIFIED
MUNICIPAL CLERK
FEB 17 2003
Rosalind Rubens Newell

ADVERSED BY
CITY COUNCIL FEB 17 2003

ADVERSE REPORT

COMM: *Public Safety*
DATE: *2-11-03*
CHAIR: *[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 18, 2003

Larry Schauer
2610 Paces Place
Apartment H
Atlanta, GA 30339

03-R-0164

Dear Mr. Schauer:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on February 17, 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. 02L0941

Date: January 30, 2003

Claimant /Victim LARRY SCHAUER
BY: (Atty) (Ins. Co.)
Address: 2610 Paces Place, Apartment H, Atlanta, Georgia 30339-4019
Subrogation: Claim for damage \$ Bodily Injury \$ unspecified
Date of Notice: 12/24/02 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 6/22/02 Place: 1113 Spring Street
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained injuries when he was arrested by a Fulton County Deputy and Atlanta Police failed to respond to his 911 call for intervention. However, the claimant failed to comply with the requirements of notice as the six month statute of limitations expired prior to the City's receipt of his claim. Furthermore, the Department of Police is a governmental function and is protected by sovereign immunity as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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 X 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 01-31-03
Committee Action: Council Action

RCS# 4470
2/17/03
2:22 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11: Except 03-R-0224

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

2/17/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 02-O-0037
2. 03-O-0127
3. 03-O-0185
4. 03-O-0187
5. 03-O-0085
6. 03-O-0125
7. 03-R-0143
8. 03-R-0144
9. 03-R-0189
10. 03-R-0210
11. 03-R-0211
12. 03-R-0212
13. 03-R-0213
14. 03-R-0145
15. 03-R-0146
16. 03-R-0149
17. 03-R-0150
18. 03-R-0151
19. 03-R-0152
20. 03-R-0153
21. 03-R-0160
22. 03-R-0207
23. 03-R-0208
24. 03-R-0209
25. 03-R-0141
26. 03-R-0142
27. 03-R-0140
28. 03-R-0128
29. 03-R-0129
30. 03-R-0130
31. 03-R-0131
32. 03-R-0132
33. 03-R-0133
34. 03-R-0134
35. 03-R-0135
36. 03-R-0136

**Items Adversed on the Consent
Agenda**

37. 03-R-0161
38. 03-R-0162
39. 03-R-0137
40. 03-R-0138
41. 03-R-0139
42. 03-R-0163
43. 03-R-0164
44. 03-R-0165
45. 03-R-0166
46. 03-R-0167
47. 03-R-0168
48. 03-R-0169
49. 03-R-0170
50. 03-R-0171
51. 03-R-0172
52. 03-R-0173
53. 03-R-0174
54. 03-R-0175
55. 03-R-0176
56. 03-R-0177
57. 03-R-0178
58. 03-R-0179
59. 03-R-0180
60. 03-R-0181
61. 03-R-0201

Consent I Vote: 14Yeas; 0 Nays: (See RCS #4470)

Item Removed from the Consent Agenda: 03-R-0224