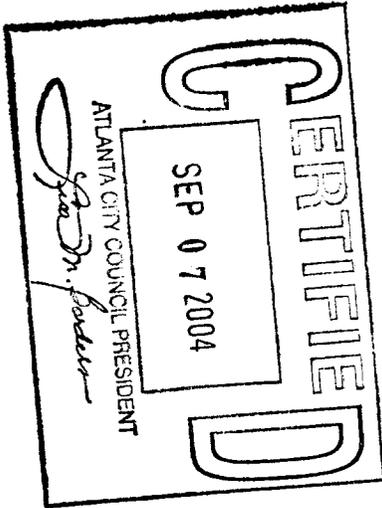


Entered 12-22-03 sb
CL 03L0968 GWENDOLYN BURNS

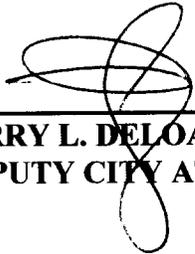
04-~~R~~-1514
Line 1

CLAIM OF: MARGARET IRENE CHAPMAN
through her attorney
Carl W. Bowers, Esq.
Bowers, Guerra & Yeager, P.C.
232 Alexander Street
Marietta, Georgia 30060

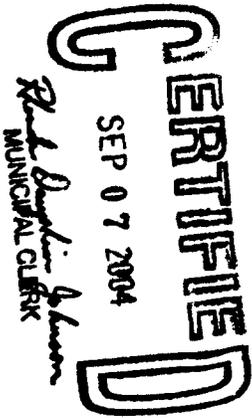


For bodily injuries allegedly sustained as a result of a wrongful arrest and incarceration on June 15, 2003 at 12700 Spine Road.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL



ADVERSE REPORT SEP 07 2004

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 8/31/04

CHAIR: H. Ch. [Signature]

Joseph M. Skowron

Marie [Signature]

[Signature]

Carla Smith

[Signature]

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0968

Date: August 17, 2004

Claimant /Victim MARGARET I. CHAPMAN
BY: (Atty) (Ins. Co.) Carl W. Bowers, Attorney at Law, BOWERS, GUERRA & YEAGER, P.C.
Address: 232 Alexander Street, Marietta, Georgia 30060
Subrogation: Claim for Property damage \$ Bodily Injury \$ 250,000.00
Date of Notice: 12/16/03 Method: Written, Proper X Improper X
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/15/03 Place: 12700 Spine Road
Department POLICE Bureau:
Employee involved B. C. Oliver Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she was falsely arrested and incarcerated by Atlanta Police in response to a request from U.S. Customs to have the claimant detained and checked due to an outstanding Dekalb County arrest warrant. However, the issues of this claim are being resolved through a lawsuit.

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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 08/19/04
Committee Action: Council Action

BOWERS, GUERRA & YEAGER, P.C.
ATTORNEYS AT LAW
232 Alexander Street
Marietta, Georgia 30060
O) 770-423-3363
F) 770-423-1380
bgylaw@mindspring.com

CARL W. BOWERS, ESQ.
ELIZABETH L. GUERRA, ESQ.
CINDI L. YEAGER, ESQ. †
†Also Admitted in Florida

Former Judge
Former Prosecutors
Criminal Defense/Family Law
ENTERED - 12-22-03 - SB
03L0968 - GWEN BURNS

RECEIVED

DEC 16 2003

CITY OF ATLANTA LAW DEPT.

BURNS
12/19/03
AM

December 12, 2003

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND VIA REGULAR U.S. MAIL

Linda DiSantis, City Attorney
City of Atlanta Law Department
68 Mitchell Street, Suite 4100
Atlanta, GA 30335

RE: Ante Litem Notice Pursuant to O.C.G.A. § 36-33-5 of Margaret I. Chapman

Dear Ms. DiSantis:

You are hereby notified that on June 15, 2003 at approximately 8:30 p.m. officers of the City of Atlanta Police Department effected the arrest of Margaret Irene Chapman at Hartsfield International Airport, allegedly pursuant to a Dekalb County, Georgia arrest warrant. Said arrest warrant, enumerated as 02W74182, charges a Margaret Chapman, a black female, age 62, with the crime of forgery in the first degree. Additional identifying information one Margaret Chapman is that she is 5'4", 210 lbs., with a date of birth of 8/23/1940, social security number of 524-56-2535 and a partial address of 6259 Westwood #01.

Margaret Irene Chapman is not a black female, but, in fact, is a white female. Margaret Irene Chapman's social security number is not 524-56-2535 and she does not reside at 6259 Westwood #01.

Margaret Irene Chapman is a middle-aged woman who suffers from high blood pressure and heart disease. As a consequence of her condition, Margaret Irene Chapman has been fitted with a pacemaker and is obligated to take various medications. Her condition and health have been negatively impacted by her treatment at the hands of the Atlanta Police Department. The wrongful arrest and subsequent incarceration of Margaret Irene Chapman have resulted in her suffering general and special damages.

Pursuant to O.C.G.A. § 36-33-5, Margaret Irene Chapman places you on notice of her claim and demands payment in the amount of \$250,000.00 as a full and final settlement and compromise of same.

Respectfully,

A handwritten signature in black ink that reads "Carl W. Bowers". The signature is written in a cursive style with a large initial 'C'.

Carl W. Bowers
Attorney at Law



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 14, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Carl W. Bowers
Attorney at Law
232 Alexander Street
Marietta, Georgia 30060

04-R-1514

RE: Margaret Irene Chapman

Dear Attorney Bowers:

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 September 07, 2004. 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