

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0446

Date: August 10, 2004

Claimant /Victim ELOISE THELMA KAUSHIK

BY: (Atty) (Ins. Co.) _____

Address: P.O. Box 754 Roswell, Georgia 30077

Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ 250,000.00

Date of Notice: 07/12/04 Method: Written, proper X Improper _____

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

Date of Occurrence 02/12/02 Place: 9400 Roberts Drive Apartment 2-H

Department Police Services Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages during an arrest at 9400 Roberts Drive Apartment 2-H. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

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 _____

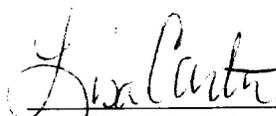
Improper Notice _____ More than Six Months X Other X Damages reasonable _____

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,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 08/19/04

Committee Action: _____ Council Action _____

Rev. Eloise Thelma Kaushik

P.O.Box 754
Roswell, Georgia 30077

Phone 678-760-7691

ENTERED - 7-13-04 - SB
04L0446 - LISA CARTER

July 05, 2004

City Of Atlanta Claims Department
68 Mitchell Street # 4100
Atlanta, Georgia 30303

Carter
07/12/04
PC

Ref: Claims for \$250,000.00
Eloise Thelma Kaushik

Dear Claims Adjuster,

This is a claim in the amount of \$250,000.00. for my malicious arrest by Det. Thomas Gilliard on 2/12/2002. who is a family friend to William J. Barnes, a retired police officer Willie Norwood, a ex- convicted felon of murder and Marie McWilliams a 84 year old lady living with a 39 year old crack addict..I called Marie McWilliams Aunt Marie for seventeen years because she was like a aunt to me. When I met her was a tax collector for the State of Georgia

Enclosed is the statement Marie McWilliams made to Det. Batchelor on 7/10/03. (Before the arrest and the sale of her home) The audio tape of the statement was left in Det. Batchelor's possession. You will also find a letter that I wrote to Dt. Batchelor, Scapi (William J. Barnes and a letter I faxed to aunt Maries brother and a affidavit of Aunt Marie . I am also enclosing a letter I sent to the police department addressed to who it may concern. This letter will explain the events before and on the date of the arrest.. It was after I wrote the letter that I knew Det. Gilliard would really try to kill me as he had stated prior to anyone receiving this letter.

Because Det. Batchelor had illegally arrested me, he tried to cover up by threatening that if I didn't waive my rights before we went to court, he would have warrants taken out against me and have me locked up for good. He said that he would have me locked up once I got to court,. This was told to my lawyer. **It was then that I realized he meant what he said in the police car, that he would kill me and my children if I came up against him.**

I was arrested because of greed by Det. Gilliard and Willie Norwood..The city of Atlanta OPS and Chief of Police has the complete file that I sent to them. On 2/12/2002, I had a telephone call. On the other end, a man spoke. He told me to get up off my ass and open the door. I asked who he was, he hung the telephone up.

This started because of a sale of Marie McWilliams home. She asked me to sell her home to her niece. She and her brother both asked me to sell the home to Renee. After awhile Willie started acting strange so Aunt
I was unable to proceed with filing the claim until now for several reasons. I had to wait until Renee Ward, the co-defendant was cleared from the charges otherwise, I was told by Det. Gillard that if I tried to do anything against him, he would make sure Renee's case stuck so that I would have to go to jail as well. After my arrest on 2/12/2002, my health deteriorated. On March 12, 2002, and April 12, 2002, I was hospitalized for possible heart failure. In late March, 2003, I woke up paralyzed on one side of my face. The paralysis lasted for one year and I am still maybe 5% paralyzed on the left side of my face. Fear for my family, Renee's release and my health contributed greatly in my delay. in filing this claim.

Before the arrest, I was greatly appreciated and well known in the community for my work with the homeless. After the arrest, I lost so much because of people faith in me. No one could believe that I was arrested because of

Det. Gillrads's abusive and malicious powers. Nothing has affected me so badly as a man who has been given unlimited powers to come into my home and threaten me in front of my daughter and nephew. In the police car, he told me what he would do to me and my children after I refuse to give him my children's name. I begged several times for him to tell me why I was being arrested and each time he told me that I didn't need to know. Again he asked me for my children's name and social security number.

I was arrested because of greed and because of an old woman's fear of her brother and Det. Gilliard's authority and his friendship with the family.

Before Det. Gilliard arrested me, there was no investigation regarding his allegations. Everything in the file is fraudulent. **Judge Mickels recused himself from the case on our first court appearance. Above all things I was never in the Neighborhood Justice Center nor was Judge Mikels a judge on my case.** I was taken to several places before I was detained on Garret street. When Renee and I got to Garrett street, to be processed, he took us to Pnce DeLeon first. I made a statement which is in my file and I assumed everything would be alright. I told him that Det. Batchelor had a tape where Marie McWilliams had made a sworn statement that her brother had stolen her house. Before the first court date, Det. Batchelor went to Connie West, the seller of Marie McWilliams mobile home and questioned her about her sale to Marie McWilliams. She told him that she sold the house for \$40,000.00 and that she did not know us before the sale. Det. Batchelor told her not to tell anyone that he had been there.

If Det. Batchelor had investigated, he would have known that the sale of Marie's and Connie house was legitimate. Because of Willie Norwood's greed, he and Det. Batchelor did everything to get the house back so they could profit. Marie had told her doctors, her care providers and everyone how she feared her brother and how he had stolen from her.

Det. Gilliard has used Marie McWilliams age, saying that she is legally blind and incompetent. Marie had lived alone from the time her husband died. She gave me good sound advice when I needed it. She administered her medication everyday on the time scheduled once her nurse had put them in her container. There was no special clock in her home or anything provided for the blind. Det. Gilliard did an interview with her on tape **two years after the incident after he and her brother Willie Norwood had put her to fear. Her live in boyfriend also feared Willie Norwood and Det. Gilliard.**

There was a receipt in the amount of Twenty thousand dollars for the mobile home. I am in the mortgage business and that day before I wrote the receipt out, I had a phone call from a lender about someone else. Twenty thousand dollars was put on the paper by mistake. Marie McWilliams had the original receipt of forty-thousand dollars in her safe deposit box. Ms. Connie West told Det. Gilliard how much the mobile home was for and how much she paid for it. When Det. Gilliard arrested me, that night I told him I had never met Ms. West before the negotiation of the mobile home. Ms. West told him over and over that she never met me before then.

He alleged that Ms. West, Renee and I were in conspiracy to take Marie's money. He claimed that she took \$20,000.00 and gave Renee and I \$20,000.00 but he never had Ms. West arrested.

There was no time that I defrauded Marie McWilliams. She begged to sell her home because someone was shooting coming around at night frightening her. She later told me that it was Sandra Norwood's (Willie Norwood's wife) brother. She sang nothing but praises about her mobile home to everyone that know her. I had communicated with Det. Lawson about her fear of her brother. I let him listen to a tape that was left on my voice mail. of Mr. Norwood threatening Marie McWilliams.

I am filing a claim for an illegal arrest, threat from Det. Gilliard and the lack of investigation by Det. Gilliard, OPS District Attorney's Office and Chief Richard Pennington for not doing their investigation. I am also filing a claim because no one addressed the issue of me and my family's safety. My life has changed in a big way. For two years, even to this day, I fear being alone. Please call me if you need to talk to me.

Sincerely

E. Thelma Kaushik



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

Eloise T. Kaushik
P.O. Box 754
Roswell, GA 30077

04-R-1536

Dear Ms. Kaushik:

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 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