

Entered - 12/14/09 - sb
CL - 09L1003 - Angelena Kelly

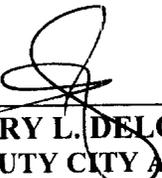
Claim of: Sidnye Fells
Through her attorney
N. Giovanni Bonner
500 West Lanier Avenue, Suite 411
Fayetteville, GA 30214

For damages alleged to have been sustained as a result of a
resignation on December 9, 2008 at Dobbs Elementary School,
1965 Lewis Road.

JAN 19 2010

THIS ADVERSED REPORT IS APPROVED

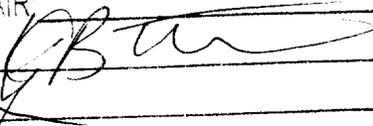
BY:

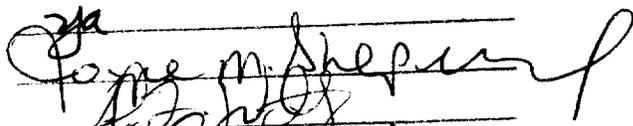
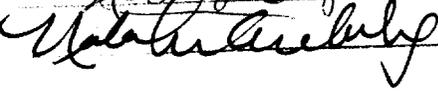

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: 

RECEIVED
JAN 19 2010
N. Giovanni Bonner
ATTORNEY AT LAW

JAN 19 2010
ADVERSED BY

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

N. Giovanni Bonner, Esquire
500 West Lanier Avenue, Suite
Fayetteville, Georgia 30214

10-R-0109

RE: Sidnye Fells

Dear Attorney N. Giovanni Bonner

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 19, 2010. 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. 09L1003

Date: December 16, 2009

Claimant /Victim: Sidnye Fells

BY:(Atty)(Ins. Co.) N. Giovanni Bonner

Address: P.O. Box 1618, 500 West Lanier Avenue, Suite 411, Fayetteville, GA 30214

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 12/8/09 Method: Written, proper X Improper

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

Date of Occurrence: 12/9/08 Place: Dobbs Elementary School, 1965 Lewis Road

Department: Bureau: Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained a personal injury when she was forced to resign from her position at Dobbs Elementary School. The investigation determined that the action was taken by the Atlanta Public School System which is a separate legal entity from the City of Atlanta. The claimant has been advised to pursue this claim with the Atlanta Public School System

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 Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

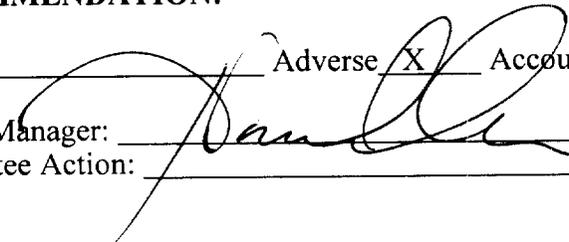
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ANGELEENA KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Manager:  Concur/date 12/21/09

Committee Action: Council Action

THE LAW OFFICE OF
N. GIOVANNI BONNER & ASSOCIATES, P.C.

ATTORNEY AT LAW
P. O. BOX 1618
500 WEST LANIER AVENUE SUITE 411
FAYETTEVILLE, GEORGIA 30214
TELEPHONE: (678) 228-1337
FACSIMILE: (678) 228-1307
nikki@ngiovannilaw.com

December 8, 2009

ENTERED - 12-14-09 - \$B
09L1003 - A. KELLY

Kelly

12/10/09



VIA FACSIMILE (404) 658-6454/ (404) 494-1687/ (404) 802-1803
CERTIFIED MAIL 7007 1490 0001 4677 4399

Atlanta City Council
Attn: Lisa Borders, President
Atlanta City Hall
55 Trinity Avenue S.W., Ste. 2900
Atlanta, GA 30303-3584

City of Atlanta
Department of Law
Attn: Roger Bhandari, Acting City Attorney
68 Mitchell Street, Ste. 4100
Atlanta, Georgia 30303

Atlanta Public Schools
Attn: Dr. Beverly L. Hall, Superintendent
130 Trinity Avenue
Atlanta, Georgia 30303

Re: Ad Litem Notice of Claim by Sidnye Fells

Dear Councilwoman Borders, Attorney Bhandari, and Superintendent Hall:

Please be advised that this law firm has been retained to represent Sidnye Fells.

By this letter, Ms. Fells, notifies the governing authority of Atlanta Independent School System (hereinafter "AISS"), Atlanta Public School (hereinafter "APS") and Dobbs Elementary in accordance with provisions of O.C.G.A. § 36-11-et. seq., of a claim for wrongful termination and retaliation in violation of the Family and Medical Leave Act ("FMLA") 29 U.S.C. § 2601 et seq., and Americans with Disabilities Act of 1990, 42 U.S.C. § 12112(b) (5) (A).

Ms. Fells was forced to resign from APS as a teacher at Dobbs Elementary on December 9, 2008 by signing a Waiver Release and Settlement Agreement (hereinafter "Agreement") to waive and release her rights while she was on medical leave for a disability and under the supervision of a psychiatrist for mental illness.

On September 30, 2008, Ms. Fells was diagnosed with Provisional post-traumatic stress order with psychotic symptoms from an assault that took place that summer. Dr. Victor Gonzalez was the treating psychiatrist and diagnosis her with this illness. Dr. Gonzalez sent a

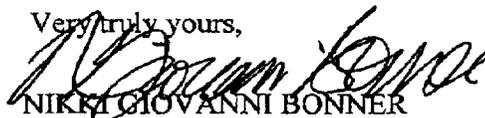
letter report to APS, specifically Ms. Alero Afejuku regarding Ms. Fells's illness and her inability to return to her job as a teacher. Dr. Gonzalez recommended that Ms. Fells should be evaluated and treated over the next six months "to determine her future course". Two months later, Ms. Fells was forced to resign by Ms. Sophia Clark, the Assistant General Counsel for AISS.

Ms. Clark completely disregarded Dr. Gonzalez recommendation and requested that Ms. Fells either resign or face termination. Due to her mental status, Ms. Fells was unable to assent to the Agreement in order to make the contract valid. There was no "meeting of the minds" or mutual assent because Ms. Fells was suffering from mental illness and unable to understand or comprehend what she was signing.

As a result of AISS, APS, and Dobbs Elementary willful and wanton action, Ms. Fells has suffered tangible mental and physical harm, as well as a financial loss. She has suffered the embarrassment of losing her job and her peers believing that she walked off her job after five years and just quit. Ms. Fells seeks a monetary value equal to her suffering and her loss.

We would like to resolve this matter without litigation. Please contact this office to address this claim at your earliest convenience. Thank you in advance for your prompt attention and cooperation to this critical matter.

Very truly yours,


NIKKI GIOVANNI BONNER
Attorney at Law

cc: Sidnye Fells

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I