

CLAIM OF: **JENA BARNETT AND MARC ANTOINE WILLIAMS ON BEHALF OF THEIR DECEASED SON, ANTOINE WILLIAMS THROUGH THEIR ATTORNEY, SHERRIE M. BRADY, ESQ. THE COCHRAN FIRM**
127 Peachtree Street, NE, Suite 800
Atlanta, Georgia 30303

JAN 19 2010

For damages alleged to have been sustained due to the death of a minor on October 14, 2008 at 3450 Benjamin E. Mays Drive, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

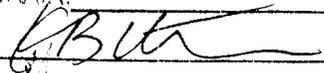
RECEIVED
JAN 19 2010
City of Atlanta
Municipal Clerk

ADVERSE REPORT

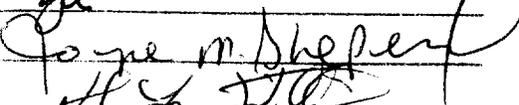
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

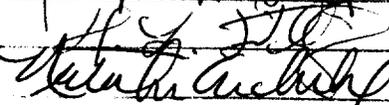
DATE: 1/12/10

CHAIR: _____









JAN 19 2010
ADVERSED BY
CITY COUNCIL

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Ms. Sherrie M. Brady, Esquire
The Cochran Firm
127 Peachtree Street, N.E.
Suite 800
Atlanta Georgia 30303

10-R-0114

RE: Jena Barnett and Marc Antoine
Williams on behalf of their son ,

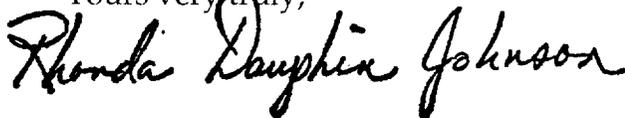
Dear Ms. Brady

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

SDEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0255

Date: November 23, 2009

Claimant /Victim JENA BARNETT AND MARC ANTOINE WILLIAMS ON BEHALF OF THEIR DECEASED SON, ANTOINE WILLIAMS

BY: (Atty) (Ins. Co) Sherry M. Brady, Esq., The Cochran Firm

Address: 127 Peachtree Street, NE, Suite 800, Atlanta, Georgia 30303

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

Date of Notice: 3/25/09 Method: Written, Proper X Improper

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

Date of Occurrence 10/14/08 Place: 3450 Benjamin E. Mays Drive, SW

Department POLICE AND FIRE Bureau: Office:

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that a wrongful death occurred to their son as a result of the City's miscommunication and failure to dispatch fire paramedics to the above address within a reasonable time. However, the City has governmental immunity for Police and Fire operations pursuant to O.C.G.A. §36-33-1 & 3.

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report X Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

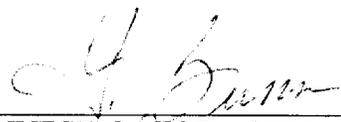
Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

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

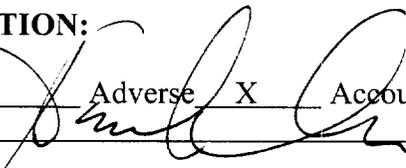
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

Claims Manager:  Concur/date 12/12/09

Committee Action: Council Action

THE COCHRAN FIRM
COCHRAN, CHERRY, GIVENS, SMITH, SISTRUNK & SAMS, P.C.

127 PEACHTREE STREET, NE • SUITE 800
ATLANTA, GEORGIA 30303
(404) 222-9922 • FAX: (404) 222-0170

BURNS
04/02/09
J

March 18, 2009

ENTERED - 4-6-09 - SB
09L0255 - G. BURNS

RECEIVED

MAR 25 2009

FIRE CHIEF'S OFFICE

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Mayor Shirley Franklin
City of Atlanta
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, Georgia 30303

Ms. Lisa Borders
City Council President
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, Georgia 30303

Mr. Miles R. Butler, Director
Atlanta Emergency Communications
Atlanta Police Department
675 Ponce de Leon Avenue
Atlanta, Georgia 30308

Elizabeth B. Chandler, Esq.
City Attorney
City of Atlanta, Dept. of Law
68 Mitchell Street, S.W., Suite 4100
Atlanta, Georgia 30303

Kelvin J. Cochran, Fire Chief
City of Atlanta
Department of Fire Rescue
675 Ponce de Leon Avenue, Suite 2001
Atlanta, Georgia 30308

RE: *Antoine Williams - Notice of Injury and Claim against the City of Atlanta, Georgia*

Dear Sirs and Madams:

Pursuant to O.C.G.A. § 36-33-5(b) and 36-11-1, this notice is to advise you that our law firm, Cochran, Cherry, Givens, Smith, Sistrunk & Sams, P.C., has been retained by Jena Barnett and Marc Antoine Williams regarding the wrongful death of their son, Antoine Williams, on October 14, 2008.

As you know, on October 14, 2008, Atlanta Emergency Communications was contacted with an emergency call from a teacher at Mayes High School. The 911 tape shows desperate pleas from the teacher and moaning in the background from 16-year-old Antoine Williams after he went unconscious during class time.

March 18, 2009
Page 2

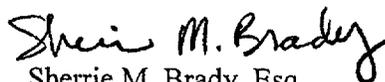
Records indicate that Atlanta 911 dispatched police and paramedic fire engine 36 at 3:21 p.m. Grady 911 dispatched a CARE ambulance, which arrived within eight minutes. However, the fire unit with two extra paramedics still was not there 26 minutes later when Antoine Williams possibly went into cardiac arrest. The firefighters did not arrive until approximately 37 minutes after the initial 911 call was placed.

The paramedic support that was needed for Antoine's care and treatment had been negligently canceled before Antoine was medically evaluated. The extremely long lapse in time, from when emergency communications was contacted to when the fire paramedics actually arrived on the scene, cost Antoine Williams his life on October 14, 2008.

As a result of the above actions of Atlanta Emergency Communication and Atlanta Department of Fire Rescue, Jena Barnett and Marc Antoine Williams, individually and as the estate of Antoine Williams, hereby make a claim of negligence and wrongful death against Atlanta Emergency Communications; law enforcement officer, John Doe, who canceled the necessary fire paramedics; Atlanta Department of Fire Rescue, and the City of Atlanta, for negligence, wrongful death, and pain and suffering. Should either of these entities have insurance to cover any damages, we hereby call upon you to provide our office, within thirty (30) days of this request, the name, address, and policy number of each known insurer who may cover any damages sustained in the above referenced incident as required pursuant to O.C.G.A. § 33-3-28 (a)(2).

If you have any questions, please do not hesitate to contact our office.

Sincerely,


Sherrie M. Brady, Esq.

SMB:smm

Enclosures

cc: Jena Barnett
Marc Antoine Williams

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