

Entered - 7-10-09 sb  
CL 09L0485 GWENDOLYN BURNS

10- R-0356

CLAIM OF: **TERRANCE J. JOHNSON  
THROUGH HIS ATTORNEY,  
JAMES R. HODGES, ESQ.  
GREASON & ASSOCIATES, P.C.  
5300 Memorial Drive, Suite 140  
Stone Mountain, Georgia 30083**

MAR 01 2010

For damages alleged to have been sustained from an arrest  
on January 1, 2009 at 2424 Piedmont Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH  
DEPUTY CITY ATTORNEY**



RECEIVED  
MAR 01 2010  
CITY CLERK

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAR 01 2010  
CITY CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

March 10, 2010

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

Mr. James R. Hodges, Esquire  
GREASON AND ASSOCIATES, PC  
5300 Memorial Drive  
Suite 140  
Stone Mountain Georgia 30083

**10-R-0356**

**RE: Terrance Johnson**

Dear Mr. Hodges

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 February 15, 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. 09L0485

Date: January 30, 2010

Claimant /Victim TERRANCE J. JOHNSON  
BY: (Atty) (Ins. Co) JAMES R. HODES, ESQ., GREASON & ASSOCIATES, P.C.  
Address: 5300 Memorial Drive, Suite 140, Stone Mountain, Georgia 30083  
Subrogation:          Claim for Property damage \$          Bodily Injury \$ unspecified  
Date of Notice: 6/30/09 Method: Written, Proper X Improper           
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 1/1/09 Place: 2424 Piedmont Road, NE  
Department POLICE Bureau:          Office:           
Employee(s) involved M. W. Brand, D. Ressler Disciplinary Action:         

NATURE OF CLAIM: Claimant alleges that he sustained damages when he was wrongfully arrested at the above location. However, an investigation has determined that the claimant was lawfully arrested for operating a limousine without a permit.

Statements: City employee          Claimant          Others          Written          Oral           
Pictures          Diagrams          Reports: Police X Dept Report          Other X  
Traffic citations issued: City Driver          Claimant Driver           
Citation disposition: City Driver          Claimant Driver         

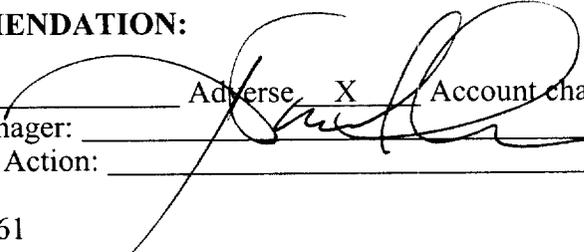
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial           
Improper Notice          More than Six Months          Other X Damages reasonable           
City not involved          Offer rejected          Compromise settlement           
Repair/replacement by Ins. Co.          Repair/replacement by City Forces           
Claimant Negligent X 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 02/10/10  
Committee Action:          Council Action

**RECEIVED**

JUL 01 2009

CITY OF ATLANTA LAW DEPT.

**RECEIVED**  
JUN 30 2009

June 26, 2009

ENTERED - 7-10-09 - SB  
09L0485 - G. BURNS

**VIA CERTIFIED MAIL**

Honorable Mayor Shirley Franklin  
Executive Offices  
55 Trinity SW, Suite 2900  
Atlanta, GA 30335

**VIA CERTIFIED MAIL**

Richard J. Pennington  
Chief of Police  
Atlanta Police Department  
675 Ponce de Leon Avenue  
Atlanta, GA 30328

**VIA CERTIFIED MAIL**

Mike Renshaw  
Bureau of Code Compliance  
55 Trinity Avenue  
Suite 3450  
Atlanta, GA 30303

**VIA CERTIFIED MAIL**

Lisa Borders  
President City Council  
55 Trinity SW, Suite 2900  
Atlanta, GA 30335

**VIA CERTIFIED MAIL**

Elizabeth B. Chandler, Esq.  
City Attorney  
City of Atlanta  
68 Mitchell Street SW, Suite 4100  
Atlanta, GA 30335

BURNS  
07/07/09  
K

**NOTICE OF CLAIM**

***Claimant:***

***Known Officers Involved:***

***Conduct Giving Rise to Claim:***

Terrance J. Johnson  
Code Enforcement Officer David Ressler; City of Atlanta  
Officers Brand and Goodall  
False Imprisonment; Battery; Improper Hiring, Training,  
Supervision and Retention of Personnel; Violation of Civil  
Rights pursuant to U.S. Code 42 Section 1983..

Dear Sirs or Madams:

Pursuant to O.C.G.A. § 36-33-5(b) and 36-11-1, this notice is to advise you that we have been retained by Terrance J. Johnson regarding the damages he suffered at the hands of a City of Atlanta Code Enforcement Officer and City of Atlanta Police Officers.

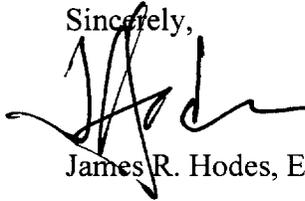
On January 1, 2009, at approximately 2AM, City of Atlanta Police Officer Brand , in his official capacity, advised Mr. Johnson that he was parked illegally. Officer Brand then contacted Code Enforcement Officer Ressler who advised Mr. Johnson that he was not in compliance with City

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of Atlanta Code Sections 162-45 and 162-76 and placed him under arrest. Mr. Johnson had to leave his client in the early hours of New Years Day, his limousine was towed and he was transported to the City of Atlanta Jail by Officer Goodall. Upon being booked for code violations Mr. Johnson was given "No Bond" status and remained in custody for several hours until an emergency Judge could be reached on New Years Day.

As a result of the above actions of these City of Atlanta Officers, Terrance J. Johnson hereby makes a claim against the City of Atlanta Police Department, City of Atlanta Code Enforcement Bureau and the City of Atlanta for personal injuries, pain and suffering, and violations of his civil rights.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hodes", written over the word "Sincerely,".

James R. Hodes, Esq.

~~Enclosures~~

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		