

Entered 12/30/08 sb  
CL 08L1073 - LISA CARTER

**CLAIM OF: RODNEY GRAHAM**  
through his attorney,  
**Robert A. Elsner**  
3490 Piedmont Road, NE  
Suite 1000  
Atlanta, Georgia 30305

For damages alleged to have been sustained during  
an arrest on September 1, 2008 at 30 Alabama  
Street.

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: \_\_\_\_\_  
*[Signature]*

\_\_\_\_\_

*[Signature]*

*[Signature]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAR 15 2010

**CERTIFIED**  
MAR 15 2010  
*[Signature]*  
CITY CLERK

MAR 15 2010

ADVERSED BY  
OFF



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

March 19, 2010

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

Robert A. Elsner  
3490 Piedmont Road, NE  
Suite 1000  
Atlanta, Georgia 30305

**10-R-0440**

**RE: Rodney Graham**

Dear Mr. Elsner

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 March 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**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L1073

Date: February 8, 2010

Claimant /Victim RODNEY GRAHAM

BY:(Atty)(Ins.Co.) Robert A. Elsner

Address: 3490 Piedmont Road, NE Suite 1000 Atlanta, Georgia

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Specified

Date of Notice: 12/18/2008 Method: Written, proper X Improper

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

Date of Occurrence 09/01/08 Place: 30 Alabama Street

Department Police Bureau: Office:

Employee involved Elbert Beasley Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The claimant alleges that he sustained injuries during an arrest at 30 Alabama Street. However, pursuant to O.C.G.A. § § 36-33-1 and 36-33-3 the city is immune from liability.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X 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,

[Handwritten signature]

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 02/17/10

Committee Action: Council Action

Law Offices

**THE ELSNER LAW FIRM**

Robert A. Elsner

One Securities Center, Suite 1000  
3490 Piedmont Road, N.E.  
ATLANTA, GEORGIA 30305

Telephone (404) 207-1818  
Facsimile (404) 842-9726

Internet Address:  
[BobElsner@gmail.com](mailto:BobElsner@gmail.com)

December 17, 2008

*Rec'd  
12/18/08*

Areas of Practice:  
Civil Litigation • Trials  
Personal injury • Wrongful  
Death • Negligence  
Family Law • DUI  
Malpractice • Mediation  
Dispute Resolution

**NOTICE OF DEMAND BEFORE BRINGING SUIT (ANTE LITEM NOTICE)**

Mrs. Rhonda Dauphin Johnson  
Atlanta Municipal Clerk  
Atlanta City Hall, Suite 2700  
55 Trinity Avenue, SW  
Atlanta, GA 30335

ENTERED - 12-30-08 - SB  
08L1073 - L. CARTER

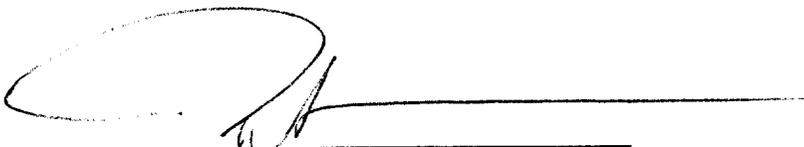
*CARTER  
12/30/08  
R*

**YOU ARE HEREBY NOTIFIED**, pursuant to O.C.G.A. §36-33-5 (written demand prerequisite to action for injury to person or property against a municipal corporation), that on September 1, 2008, Mr. Rodney Graham was seriously injured in the City of Atlanta, in the vicinity of 30 Alabama Street, Atlanta, GA 30324, due to an assault by an unidentified (at this time) City of Atlanta policeman, which was preceded by an assault by MARTA employees. After being assaulted by an agent of MARTA, Mr. Graham attempted to report this to the unidentified policeman who was driving by a Atlanta City Police vehicle. This unidentified police officer exited his vehicle and struck Mr. Graham by a blow to his face, knocking him to the ground. Mr. Graham has incurred serious injury, including an injury to his cervical spine, his lumbar spine and his low back, as well as injury to his head resulting in frequent and continuing headaches.

Pursuant to O.C.G.A. §36-33-5, Mr. Graham demands compensation for his claim in the minimum amount of \$500,000.00.

This Wednesday, December 17, 2008.

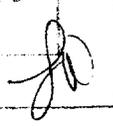
Robert A. Elsner  
Attorney for Rodney Graham



Georgia Bar No. 246900

The Elsner Law Firm  
One Securities Center, Suite 1000  
3490 Piedmont Road  
Atlanta, GA 30305-4808  
Telephone: (404) 207-1818  
Fax: (404) 842-9726

DEC 18 REC'D



cc: Mr. Rodney Graham  
Elizabeth B. Chandler, City Attorney (Certified Receipt  
70030500000006667178)

**10- R -0440**

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

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

CONSENT I