

Entered - 2-2-10 sb
CL 10L0077 - GWENDOLYN BURNS

CLAIM OF: **NAJLA RASHAD-EINSTEIN**
Attorneylrashadeinstein@yahoo.com

10-*R*-0449

For damages alleged to have been sustained from a maltreatment incident from 2002 to present at an unidentified location.

THIS ADVERSED REPORT IS APPROVED

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: *[Signature]*

[Signature]

MAR 15 2010

RECEIVED
MAR 15 2010

ADVERSED BY
CITY COUNCIL
MAR 15 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

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

March 19, 2010

Najl Rashad-Einstein
attorney1rashadeinstein

10-R-0449

Dear Ms. Rashada-Einstein

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 March 1, 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.**

Sincerely,


Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

Hickey-Gales, Vanessa

To: attorney1rashadeinstein@yahoo.co
Subject: Notice of Adverse Claim
Attachments: claim3.PDF

Please find attached notice of the Adverse Report on your claim No. 10-R-0449, which was adopted by the Atlanta City Council on March 15, 2010,

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0428

Date: February 15, 2010

Claimant /Victim NAJLA RASHAD-EINSTEIN
BY: (Atty) (Ins. Co.)
Address: attorneylrashadeinstein@yahoo.com
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 6/1/09 : Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 2002 - present Place: unspecified
Department POLICE Bureau: Office
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages from false imprisonment and excessive use of force by Police during the time period mentioned above. However, the claimant has failed to pursue her claim. Secondly, the claim as presented fails to comply with the requirements of notice, pursuant to O.C.G.A. §36-33-5. Moreover, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the duties imposed on them by law, pursuant to O.C.G.A. §36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police 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 X Other 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 X

Respectfully submitted,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 02/22/10
Committee Action: Council Action

Rhonda Dauphin Johnson

From: Najla Rashad-einstein [attorney1rashadeinstein@yahoo.com]
Sent: Friday, May 29, 2009 12:38 PM
To: Mayor Franklin; Chandler, Elizabeth; Stanionis, Robert; david.nahmias@usdoj.gov; awl@sblaw.net; wkwillard@wendellwillard.com; dan.weber@senate.ga.gov; david.shafer@senate.ga.gov; essie; Borders, Lisa; Norwood, Mary; Rhonda Dauphin Johnson; Barger, Rob
Cc: attorney1rashadeinstein@yahoo.com
Subject: ANTE LITEM NOTICE CLAIM AGAINST CITY OF ATLANTA A-Z DEPARTMENTS

ENTERED - 6-16-09 - SB
09L0428 - G. BURNS

BURNS
06/15/09
R

BE IT KNOWN to the above that I, Najla Rashad-Einstein do hereby assert Notice of Claim against CITY OF ATLANTA A-Z DEPARTMENTS for HARASSMENT, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, FALSE IMPRISONMENT, USE OF EXCESSIVE FORCE, ABUSE OF POWER, DEPRIVATION OF FOURTEENTH AMENDMENT RIGHTS, DEFAMATION OF CHARACTER, FAILURE ON PART OF SUPERVISORS TO TAKE CORRECTIVE ACTION TO REMEDY UNCONSTITUTIONAL ACTIONS AND GROSS NEGLIGENCE IN SUPERVISING AND MANAGING SUBORDINATES.

CC: 07L0234

FLAGRANT ABUSE OF POWER took place from 2002 - present occuring within CITY OF ATLANTA jurisdiction. Identifying characteristics to include name, date and/or vehicle tag number have been NOTED for the record.

I HAVE BEEN HARMED AND SEEK COSTS, COMPENSATORY AND PUNITIVE DAMAGES IN THE SUM OF ONE MILLION DOLLARS (\$1,000,000.00).

CLAIMANT'S NAME: Najla Rashad-Einstein
DATE: May 29, 2009
CONTACT; Email: attorney1rashadeinstein@yahoo.com

CONFIRMATION of receipt of NOTICE is appreciated, HOWEVER documentation is NOTED per successful email transmission.

cc: file

10- R -0449

2009 JUN 1 - 1 AM 10: 29

RECEIVED
OFFICE OF
MUNICIPAL CLERK
1

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