

CLAIM OF: METROPOLITAN ATLANTA TASK
FORCE FOR THE HOMELESS, INC
THROUGH ITS ATTORNEY,
STEVEN G. HALL, ESQ.
BAKER DONELSON BEARMAN,
CALDWELL & BERKOWITZ, PC
Monarch Plaza, Suite 1600
3414 Peachtree Road, NE
Atlanta, Georgia 30326

For damages alleged to have been sustained from a
violation of City ordinances with respect to City program
certifications on July 2, 2009 at 477 Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/5/10

CHAIR: [Signature]

[Signature]
James M. Shepard

MAR 15 2010

RECEIVED
MAY 13 2010
CITY OF ATLANTA

MAR 15 2010

ADVERSE REPORT
CITY COUNCIL



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

Steven G. Hall, Esq.
Baker Donelson Bearman Caldwell
& Berkowitz, PC Monarch Plaza Suite 1600
3414 Peachtree Road, NE
Atlanta, Georgia 30326

10-R-0450

**RE: Metropolitan Atlanta Task Force for the
Homeless, INC**

Dear Mr. Hall

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

SDEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0601

Date: February 9, 2009

Claimant /Victim METROPOLITAN ATLANTA TASK FORCE FOR THE HOMELESS, INC.
BY: (Atty) (Ins. Co) Steven G. Hall, Esq., Baker Donelson, Bearman Caldwell & Berkowitz, P.C.
Address: Monarch Plaza, Suite 1600, 3414 Peachtree Road, NE, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 8/6/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/2/09 Place: 477 Peachtree Street
Department WATERSHED MANAGEMENT Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that it sustained damages when the City violated its own ordinances by refusing to provide Certifications of Compliance with City programs that are necessary for the claimant to obtain federal grants. However, the issues of this claim are being resolved through litigation.

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

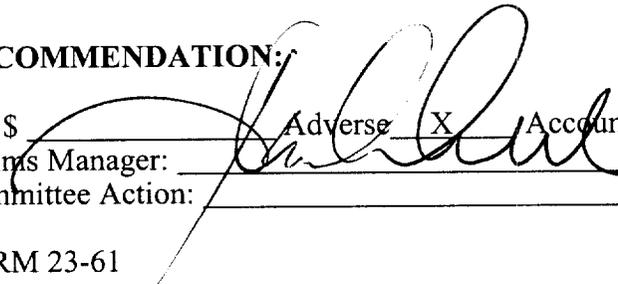
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months 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

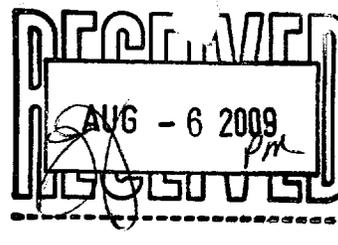
Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

**BAKER
DONELSON**
BEARMAN, CALDWELL
& BERKOWITZ, PC



MONARCH PLAZA
SUITE 1600
3414 PEACHTREE ROAD N.E.
ATLANTA, GEORGIA 30326
PHONE: 404.577.6000
FAX: 404.221.6501

STEVEN G. HALL
Direct Dial: 404.221.6515
Direct Fax: 404.238.9615
E-Mail Address: shall@bakerdonelson.com

ENTERED - 8-21-09 - SB
09L0601 - G. BURNS

www.bakerdonelson.com

August 4, 2009

BURNS
08/20/09
AUG 05 2009
mc

Via Hand Delivery

Shirley Franklin, Mayor
c/o City Attorney
City of Atlanta
68 Mitchell Street, S.W.
Suite 4100
Atlanta, GA 30303

Re: Claims By the Metropolitan Atlanta Task Force For The Homeless, Inc.

Dear Mayor Franklin:

As I am sure you are aware, this firm represents the Metropolitan Atlanta Task Force For The Homeless, Inc. (The "Task Force") with respect to claims against the City of Atlanta arising out of the City's efforts to drive the Task Force out of downtown Atlanta and, barring its capitulation, out of business. Although the City has previously received ante litem notices by way of correspondence read to the City Council and by my provision of an un-filed Complaint to Counsel for the City (with Counsel's consent and agreement), out of an abundance of caution, this Notice is provided again pursuant to O.C.G.A. § 36-33-5.

Although the Task Force is a private not-for-profit entity performing much needed services for Atlanta's homeless and not homeless population, it has become increasingly clear that the City seeks to drive the Task Force from its property in downtown Atlanta under the mistaken belief that the Task Force attracts homeless people to downtown and fosters panhandling. While the City is mistaken in its belief, it has also become clear that the City, in its fervor to drive the task Force out, has violated its internal ordinances, violated the agreements contained in funding grants between the City and federal and state authorities and breached the rights of the Task Force.

Specifically, the Task Force has observed the City attempt to choke off its funding by: (1) refusal to provide Certifications of Compliance with City programs that are necessary for the Task Force to obtain grants when said certifications are warranted and required to be issued; (2) communicating unauthorized letters to government authorities defaming the Task Force in order to prevent funding; (3) slandering the Task Force to the media and

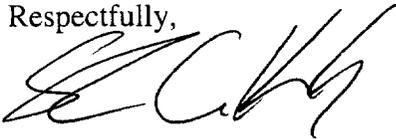
private citizens who would make donations; and (4) similar conduct. The City has then used the choking off of funds as a basis to withhold City services such as the provision of water. The most recent acts which we have observed were the City's refusal to issue Certifications of Compliance with its Consolidated Plan in response to the Task Force's request until July 2, 2009, after expiration of the period in which grants would be accepted by the DCA, and the City's effort to terminate water service in June.

These actions violate the Task Force's rights and give rise to claims for Breach of Contract, Intentional Interference with Business and Contractual Relations, Violations of Constitutional Rights including due process and equal protection, Mandatory Injunction, Declaratory Judgment and Bad Faith. For your review, I attach a copy of a proposed complaint addressing these and other actions that will be filed by the Task Force in the near future.

The City is hereby notified that the Task Force shall seek recovery for all claims set forth in the proposed Complaint, along with all damages, attorney's fees and costs associated with protecting its rights. So you will understand the magnitude of this claim, we believe that the City has cost the Task Force well over 2 million dollars in damages. If the City continues its course of conduct, it is expected that the Task Force could be forced from business, resulting in exponentially larger damages.

The City is also hereby notified that nothing contained in this letter shall serve or be construed as a waiver of, or otherwise limit or restrict, any right that the Task Force has or may have against the City or any other party, as allowed at law or in equity, or otherwise.

Respectfully,



Steven G. Hall, Esq.

for BAKER DONELSON, BEARMAN CALDWELL & BERKOWITZ, PC

Counsel for the Task Force

Enclosure

cc: Jeffrey Haymore
Renee Shepherd
Roger Bahndari
Theresa Stewart
Lemuel Ward

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