

Entered - 9/19/12 - sb
CL- 12L0640 -APD/11 - Angelena Kelly

Claim of: **The Estate of Maurice Hampton**
Through attorney Max Richardson, jr.
2024 Beaver Ruin Road
Norcross, GA 30071

For damages alleged to have been sustained as a result of an arrest on June 30, 2011 at 3011 Campbellton Raod.

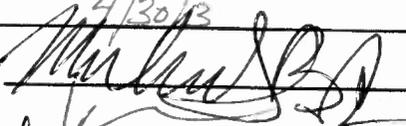
THIS ADVERSED REPORT IS APPROVED

BY: 
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

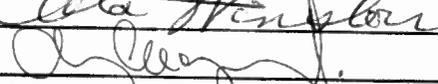
DATE: 4/30/13

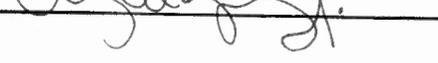
CHAIR: 

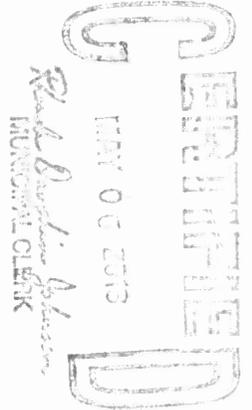














CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SUITE 2700
ATLANTA, GEORGIA 30303
Main (404) 330-6033
Fax (404) 658-6103
Email municipalclerk@atlantaga.gov

May 13, 2013

The Estate of Maurice Hampton
c/o Attorney Max Richardson, Jr.
2024 Beaver Ruin Road
Norcross, Georgia 30071

13-R-3079

Dear Estate of Maurice Hampton:

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 May 3, 2013.

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

Entered – 9/19/12

CL-12L0640-APD/11-Angelena Kelly

CLAIM OF: The Estate of Maurice Hampton
through attorney Max Richardson, Jr.
2024 Beaver Ruin Road
Norcross, GA 30071

For Damage(S) Alleged to Have Been Sustained as a Result of an Arrest on June 30, 2011 at 3011
Campbellton Road.

THIS ADVERSED REPORT IS APPROVED

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0640

Date: March 18, 2013

Claimant /Victim: The Estate of Maurice Hampton
BY:(Atty)(Ins. Co.) Max Richardson, Jr.
Address: 2024 Beaver Ruin Road, Norcross, GA 30071
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 9/7/12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 6/30/11 Place: 3011 Campbellton Road
Department: Police Bureau: Office:
Employee involved: Officer T. Atzert Disciplinary Action: Pending

NATURE OF CLAIM: The claimant's estate alleges a fatal injury sustained when the decedent was arrested. The claimant has filed a lawsuit to settle the allegations of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report 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 of A. Kelly]

INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 3/27/13
Deputy City Attorney: Concur/date
Committee Action: Council Action

OFFICE OF THE MAYOR

AUG 31 2012

Referred to

Law Dept

Kelly

9/11/12

BB

Max Richardson, Jr.

Attorney at Law

2024 Beaver Ruin Road, Norcross, GA 30071

770.209.7999(o)

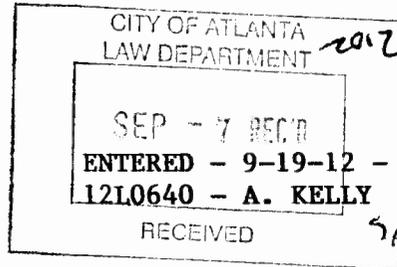
770.209.0033(f)

August 29, 2012

Attn: Kasim Reed
Mayor, City of Atlanta
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

7011 1150 0000 2136 7997



RECEIVED

SEP - 6 2012

CITY OF ATLANTA
DEPT OF LAW

RE: ANTE LITEM NOTICE PURSUANT TO O.C.G.A. § 36-33-5

RE: My Client : Estate of Maurice Hampton
Date of Incident : June 30, 2011

Dear Mayor Reed,

Be advised that the Estate of Maurice Hampton is hereby providing formal notice to the City of Atlanta, the Atlanta Police Department, and Officer Thomas Atzert, ID # 4917, of our intent to take legal action pursuant to the Official Code of Georgia section 36-33-5. You are hereby formally notified that the Estate of Maurice Hampton intends to file claims for violations of federal constitutional rights as well as state rights against the above parties for the wrongful death of Maurice Hampton. The Estate contends that the City of Atlanta and the Atlanta Police Department have supported and encouraged law enforcement officers to act in a pattern, practice and custom for the disregard of the rights and safety of people of color. in this cause, African Americans.

On the aforementioned date, at approximately 7:45 p.m., Officer Thomas Atzert was conducting a routine traffic stop of the deceased Maurice Hampton in the area of 3011 Campbellton Rd., SW, Atlanta, Georgia. For reasons unknown at this time, Mr. Hampton fled on foot after the stop and Officer Atzert gave pursuit. Officer Atzert was eventually able to run down Mr. Hampton, throw him onto the ground, and beat Mr. Hampton with his police department issued baton. Officer Atzert was able to get control of Mr. Hampton and began escorting Mr. Hampton back to his squad car. Mr. Hampton took off running again and Officer Atzert shot him in the back.



It is undisputed that Maurice Hampton was shot in the back thoracic region and the gun shot was in fact the cause of his death. Our investigation reveals that the deadly force applied by Officer Atzert was unjustified, without cause and contrary to departmental policy.

The Estate of Maurice Hampton will be filing a claim against said governmental agency and said officers for negligent hiring, negligent supervision, negligent retention, failing to exercise proper police procedure, malicious and/or conscious indifference of the actions of its officers and the wrongful death of Maurice Hampton if this case cannot be resolved.

We request this matter be turned over to your insurance carrier or risk assessment manager for settlement consideration. We look forward to your response. If we do not hear from you within thirty (30) days we will assume you have no intentions of settling this claim and we will begin preparing a formal complaint. Thank you.

Sincerely,



Max Richardson Jr.
MRJ/dmr

cc: Rosa Hampton

+

		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0599	40. 13-R-3103	77. 13-R-3043
2. 13-O-0629	41. 13-R-3104	78. 13-R-3044
3. 13-O-0643	42. 13-R-3085	79. 13-R-3045
4. 13-O-0119	43. 13-R-3086	80. 13-R-3046
5. 13-O-0632	44. 13-R-3087	81. 13-R-3047
6. 13-O-0639	45. 13-R-3088	82. 13-R-3048
7. 13-O-0638	46. 13-R-3089	83. 13-R-3049
8. 13-O-0640	47. 13-R-3090	84. 13-R-3050
9. 13-O-0648	48. 13-R-3014	85. 13-R-3051
10. 13-O-0592	49. 13-R-3015	86. 13-R-3052
11. 13-O-0628	50. 13-R-3016	87. 13-R-3053
12. 13-O-0630	51. 13-R-3017	88. 13-R-3054
13. 13-R-3091	52. 13-R-3018	89. 13-R-3055
14. 13-R-3092	53. 13-R-3019	90. 13-R-3056
15. 13-R-3094	54. 13-R-3020	91. 13-R-3057
16. 13-R-3095	55. 13-R-3021	92. 13-R-3058
17. 13-R-3096	56. 13-R-3022	93. 13-R-3059
18. 13-R-3097	57. 13-R-3023	94. 13-R-3060
19. 13-R-3093	58. 13-R-3024	95. 13-R-3061
20. 13-R-3098	59. 13-R-3025	96. 13-R-3062
21. 13-R-3100	60. 13-R-3026	97. 13-R-3063
22. 13-R-3101	61. 13-R-3027	98. 13-R-3064
23. 13-R-3106	62. 13-R-3028	99. 13-R-3065
24. 13-R-3003	63. 13-R-3029	100. 13-R-3066
25. 13-R-3004	64. 13-R-3030	101. 13-R-3067
26. 13-R-3005	65. 13-R-3031	102. 13-R-3068
27. 13-R-3006	66. 13-R-3032	103. 13-R-3069
28. 13-R-3007	67. 13-R-3033	104. 13-R-3070
29. 13-R-3008	ITEMS ADVERSED ON CONSENT	105. 13-R-3071
30. 13-R-3009	68. 13-R-3034	106. 13-R-3072
31. 13-R-3010	69. 13-R-3035	107. 13-R-3073
32. 13-R-3011	70. 13-R-3036	108. 13-R-3074
33. 13-R-3013	71. 13-R-3037	109. 13-R-3075
34. 13-R-3000	72. 13-R-3038	110. 13-R-3076
35. 13-R-3001	73. 13-R-3039	111. 13-R-3077
36. 13-R-3002	74. 13-R-3040	112. 13-R-3078
37. 13-R-3083	75. 13-R-3041	113. 13-R-3079
38. 13-R-3084	76. 13-R-3042	114. 13-R-3080
39. 13-R-3102		115. 13-R-3081
		116. 13-R-3082