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October 14, 2020

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***Re: Notice of Claims on Behalf of Charmaine Turner, Secoriey Williamson, and Omar Ivery Against the City of Atlanta, Mayor Keisha Lance Bottoms, Interim City of Atlanta Police Chief Rodney Bryant, and City Council Member Joyce Sheperd.***

Dear Mayor Bottoms, Interim Chief Bryant, Attorney Hickson, Councilwoman Sheperd, and City Council Members:

The Cochran Firm Atlanta and the Davis Bozeman Law Firm have been retained to represent **Charmaine Turner** (Ms. Turner”), **Secoriey Williamson** (“Mr. Williamson”) and **Omar Ivery** (“Mr. Ivery”), regarding all claims they have relating to and arising from a shooting incident that resulted in the death of Secoriea Turner (“Secoriea”) and injuries sustained by Mr.

Ivery and Ms. Turner. This incident occurred on July 4, 2020, at or near the roadway at 125 University Ave., SW, Atlanta 30315.

Pursuant to O.C.G.A. § 36-33-5, this letter provides notice of the following claims: (1) wrongful death and estate claims on behalf of Ms. Turner and Mr. Williamson, as the natural parents and administrators of the estate of Secoriea Turner, their deceased eight-year-old daughter; personal injury and property damages claims on behalf of Ms. Turner, in her individual capacity; and a personal injury claim on behalf of Mr. Ivery, in his individual capacity.

## **I. SUMMARY OF CLAIMS**

Secoriea's tragic and untimely death, along with the other injuries and property damages described herein, were the direct and proximate result of the negligence, recklessness, and gross misconduct of the **City of Atlanta** ("the City"), specifically the actions and omissions of the **Atlanta Police Department** ("APD"), **Mayor Keisha Lance Bottoms** ("Mayor Bottoms"), **Interim City of Atlanta Police Chief Rodney Bryant** ("Chief Bryant"), and **Atlanta City Councilmember Joyce Sheperd** ("Councilmember Sheperd").

As summarized below, the City and its officials, both individually and in their official capacities, failed to perform various ministerial duties and responsibilities to protect the public health and safety of its citizens within the University Avenue area. During the aftermath of the **Rayshard Brooks** ("Brooks") shooting, the City and officials failed to intervene or respond to violence and lawlessness within the public streets and surrounding neighborhood of the Wendy's restaurant at 125 University Ave. in Southwest Atlanta where the Brooks shooting occurred.

## **II. STATEMENT OF FACTS**

### **1. Shooting Death of Rayshard Brooks**

On the late evening of June 12, 2020, Brooks was shot and killed in the parking lot of the Wendy's by an APD officer.<sup>1</sup> Within hours after Brooks's death, demonstrations immediately erupted in and around the Wendy's, including on University Ave. While some of the demonstrations on University Ave. were lawful and peaceful, there were other individuals who were armed and became violent and lawless.

### **2. Wendy's Burned and Protests Ensued**

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<sup>1</sup> Justin Carissimo (June 16, 2020). "Who is Rayshard Brooks, 27-year-old black man killed by Atlanta police?" *CBS News*.

On June 13<sup>th</sup> as the demonstrations continued at or near 125 University Ave., numerous individuals gathered at the Wendy's site where the shooting took place, while numerous other individuals also overtook the nearby interstate. The gathering near the Wendy's site came to include peaceful, law-abiding protesters, as well as violent demonstrators. Amidst the violent demonstrations, some type of incendiary device was thrown inside the Wendy's, setting the restaurant ablaze.<sup>2</sup> As the demonstrations grew larger and the violent demonstrators became more engaged many cars were set on fire right outside of the Wendy's and many buildings were vandalized in the immediate area.<sup>3</sup>

### **3. Termination of APD Officers and Resignation of Police Chief**

On the evening of June 13<sup>th</sup> Mayor Bottoms called for the immediate terminations of the two APD officers involved in the death of Rayshard Brooks.<sup>4</sup> One of the officers, Garrett Rolfe, discharged two bullets into the back of Brooks and then allegedly kicked him as he laid on the ground bleeding. Meanwhile, the other officer, Devin Brosnan, stood on Brooks's shoulder. Both officers were fired shortly after Mayor Bottoms's announcement. In that same announcement, Mayor Bottoms stated that the City of Atlanta Police Department, Chief, Erika Shields, was stepping down and being reassigned to a new position.<sup>5</sup> On June 14<sup>th</sup> the Fulton County Medical Examiner issued a report ruling Brooks's manner of death a "homicide" resulting from two gun shots to the back.<sup>6</sup>

### **4. Charges Against APD Officers Cause Police Protests**

On June 17<sup>th</sup> Fulton County District Attorney Paul Howard announced the filing of charges against the officers involved in the death of Brooks, including felony murder and multiple counts of assault with a deadly weapon against Rolfe and three charges against Brosnan. Following this announcement, APD officers went on a protest of their own, in what is known and referred to as

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<sup>2</sup> CNN (June 13, 2020). "Atlanta protesters set fire to Wendy's where police killed black man." *WVLT* 8.

<sup>3</sup> CNN (June 13, 2020) "Atlanta protesters block interstate, set fire to cars at fast-food restaurant where police killed black man." *WSPD Local* 6.

<sup>4</sup> Christopher Buchanan (June 13, 2020) "Atlanta police chief stepping down, mayor calls for officer in Atlanta shooting to be fired." *11Alive*.

<sup>5</sup> *Id.*

<sup>6</sup> Brynn Anderson (June 15, 2020). "Medical Examiner calls Rayshard Brooks' manner of death a homicide. *CBS News*.

“the blue flu” where police officers would call in sick and not show up to work because of their disappointment or discontent with the charges brought against their fellow officers.<sup>7</sup> The records show that between Wednesday June 17, 2020 and Saturday June 20, 2020, 171 APD police officers called out “sick.”<sup>8</sup>

Although Mayor Bottoms and Interim Chief Bryant informed the public that no 911 calls would go unanswered,<sup>9</sup> a very different message was being disseminated to officers by others within APD’s command. Following the news of the DA’s charges, Major Kelley Collier sent a memo to APD officers on June 17, 2020 telling officers to refrain from “proactive” policing. The memo stated as follows: “If not, effective immediately, we will operate as police officers and will respond when violence occurs in an officer’s presence and will respond to victims of violence. We will not be overly proactive in any shape, form or fashion. We are concerned about keeping our officers safe and healthy.”<sup>10</sup>

## 5. Chaos and Violence on University Avenue

In the days and weeks following, University Avenue became an epicenter for protests and violence with little to no policing to keep the area under control. On June 19<sup>th</sup> a 24-year-old woman was peacefully protesting along University Avenue, when she was shot in the leg outside the Wendy’s.<sup>11</sup> It appeared that she was caught in the crossfire after 20 shots rang out. Not even 24-hours later, on June 20<sup>th</sup> a 35-year-old man was also shot in the leg after a drive-by shooting in the same area outside of the Wendy’s.<sup>12</sup>

Witnesses in the area stated that police were driving by but did not intervene, and for that reason many people in the community resorted to going home and getting their own

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<sup>7</sup> Associated Press (June 19, 2020) “Atlanta police stage ‘blue flu’ –style sick-out in protest of murder charge against officer who shot Rayshard Brooks.” *Market Watch*.

<sup>8</sup> Nicole Carr (June 25, 2020) “170 officers called-out in ‘Blue Flu’ protests over officers charged in Brooks killing, records show.” *WSB-TV 2 Atlanta*.

<sup>9</sup> *Id.*

<sup>10</sup> George Chidi (June 24, 2020) “As Black Vigilance Becomes Armed Vigilantism, Accountability is Lost in Atlanta’s Streets.” *The Intercept*.

<sup>11</sup> Zachary Hansen. (June 20, 2020) “Woman shot in leg near Wendy’s where Rayshard Brooks was killed.” *AJC*.

<sup>12</sup> Christopher Buchanan (June 20, 2020) “Second shooting in less than 24 hours as protests continue at Atlanta Wendy’s.” *11Alive*.

weapons to police the area.<sup>13</sup> A witness to the June 20<sup>th</sup> shooting stated, “The police were here when the guy got shot. They saw the guy get shot. They saw the car that was shooting at us, and they didn’t pursue him. This is in the midst of a felony. Someone got shot, you know what I’m saying, and they come and say ‘Is everybody OK?’ and *no, m\*\*\*\*\*r, that guy shot at us.* So, I went home and got my rifle.”<sup>14</sup>

There were community members who began arming themselves to protect their neighborhood. However, there were other individuals who formed an armed militia that blocked roads, created a physical barricade, and became violent toward people who tried to pass. A number of community members pleaded with armed individuals to clear the area and go home, but their pleas fell on deaf ears.<sup>15</sup> The armed militia became increasingly violent and began terrorizing the streets, not allowing people to pass their barricade. When people would attempt to pass, the armed militia would target them by shooting at them, throwing rocks at them, or breaking their windows.

According to the manager of a BP gas station located next to the Wendy’s, protests and unrest in the area began immediately on the night following the shooting of Brooks. The BP manager explained the fear of his staff as follows: “My cashier called me and said they’re starting with gunshots, fighting outside. They called and said someone got hit, someone got killed. After [the death of eight-year-old Secoriea Turner], we got security. Two of my employees have left. I used to have five. It’s been hard to find people to fill the positions. After they hear the name of the street, they don’t show up.”<sup>16</sup>

## **6. Actions and Omissions of Mayor Bottoms, Councilmember Sheperd, Interim Chief Bryant, and City officials**

Starting on June 13<sup>th</sup>, Mayor Bottoms, Councilmember Sheperd, Interim Chief Bryant, and City officials allowed armed and violent individuals to encamp on and take control of a major city street by erecting barriers in the middle of University Avenue, and deciding who would be allowed

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<sup>13</sup> George Chidi (June 24, 2020) “As Black Vigilance Becomes Armed Vigilantism, Accountability is Lost in Atlanta’s Streets.” *The Intercept*.

<sup>14</sup> *Id.*

<sup>15</sup> George Chidi (June 24, 2020) “As Black Vigilance Becomes Armed Vigilantism, Accountability is Lost in Atlanta’s Streets.” *The Intercept*.

<sup>16</sup> Thomas Wheatley (August 7, 2020) “23 Days: Stories from the occupation of the Wendy’s where Rayshard Brooks was killed.” *Atlanta Magazine*.

to pass.<sup>17</sup> Mayor Bottoms and City officials turned a blind eye and failed to protect the safety of the public. Mayor Bottoms “said she had been informed of the blockade at least 45 minutes before learning of Secoriae’s death,” and when asked why the barricade of men was not cleared by police, Interim Chief Bryant blamed it on a “busy night.”<sup>18</sup> Following the death of Secoriae, both Mayor Bottoms and Councilmember Sheperd admitted that “the city intended to barricade the parking lot [of the Wendy’s] but logistics problems necessitated a delay.”<sup>19</sup>

Mayor Bottoms, Councilmember Sheperd, and City officials were well aware that there had been multiple shootings and assaults in the University Avenue area and that armed persons staffing the makeshift barricade were responsible for most of those acts of violence. The AJC reported on July 8<sup>th</sup> that “Mayor Keisha Lance Bottoms said police had planned on cleaning the area weeks earlier but were encouraged to wait after City Councilmember Joyce Sheperd requested more time to negotiate with activists.”<sup>20</sup> According to Mayor Bottoms, Councilmember Sheperd wanted “to hold more discussions with the protesters on how best to move forward” and is quoted by the AJC as stating that “I’m using the word ‘mediate’ for lack of a better term” in describing the efforts of Councilmember Sheperd toward the armed demonstrators.<sup>21</sup>

Councilmember Sheperd reportedly explained to the AJC in the same July 8<sup>th</sup> article that “she still considers herself an activist and sees merit in listening to citizens with grievances,” believing that her actions were justified because “[h]ad police immediately tried to run off the large group, some of whom were armed, the situation could easily have spiraled out of control.”<sup>22</sup> Councilmember Sheperd claims that “when armed people started blocking the road as if they were operating a checkpoint” that “she, along with area residents, told them to stop.”<sup>23</sup> In an interview with Atlanta Magazine, Councilmember Sheperd, whose district includes the area of

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<sup>17</sup> Christian Boone (July 13, 2020) “Parents plead for help in search of Secoriae Turner’s killers.” *AJC*.

<sup>18</sup> *Id.*

<sup>19</sup> Chrisitan Boone (July 8, 2020) “Mayor says councilmember interceded on armed protesters behalf.” *AJC*.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

University Ave. where the Wendy's is located, explained what she observed and was told by residents during her visits to the area.<sup>24</sup>

I began to organize the residents of the neighborhoods that actually touched that Wendy's. The first meeting was at a church down the street. The biggest factor that the neighborhood was concerned about were the streets being barricaded. There was this group of people who literally were stopping traffic. They were attacking cars, doing crazy stuff. It was ridiculous.

At night, it shifted. I wouldn't go out there at night. There was a whole different element of people. A lot of people in the community thought that some of the people out there were actually infiltrators. And it got to a point where you could feel the energy between the two.

Wendy's said one of the things they wanted to do was take care of the site. It had become a public safety problem. It was a liability. We came back [to the protesters] as a committee and let them know: At some point, [access to the Wendy's] is gonna have to be cut off. They were adamant. They were saying, "*We're not leaving.*" There were a couple of them out there with guns. Communication with Brooks and our group broke down on June 25.

The mayor's office and the police were trying to be sensitive; they didn't want to get like Rambo and just move stuff out, because that would escalate things. I said, *I can't guarantee what's going to happen at this point.* Coming up to the Fourth of July weekend someone barricaded the street. Then, the Fourth of July night, Secoria Turner got killed.<sup>25</sup>

Mayor Bottoms, Councilmember Sheperd, Interim Chief Bryant, and City officials were notified of lawlessness by members of the community who penned letters and spoke to them directly expressing ongoing fears of driving in the area, yet they did nothing to end the lawlessness. In fact, in an interview with 11Alive Councilmember Sheperd admitted that this barricade had "become a major concern" that was called to her attention by residents.<sup>26</sup> However, despite her expressed fearful refusal to go to the area at night, and even with knowledge of the dangers and the threat to the community that this heavily armed barricade posed to the area, Councilmember Sheperd requested that Mayor Bottoms have police stand down until she could

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<sup>24</sup> Thomas Wheatley (August 7, 2020) "23 Days: Stories from the occupation of the Wendy's where Rayshard Brooks was killed." *Atlanta Magazine*.

<sup>25</sup> *Id.*

<sup>26</sup> 11Alive Reporter (July 5, 2020) "Atlanta City Councilmember Joyce Sheperd on the city's violent Saturday night." *Youtube*.

“negotiate” with the demonstrators and find a solution that would not involve a large police presence.<sup>27</sup> As a result, Mayor Bottoms ordered the police to stand down and to not respond to violent attacks in the area surrounding University Avenue.

Mayor Bottoms, as the Chief Executive Officer for the City of Atlanta, has a legal duty and responsibility to protect the safety of the public, and all executive and administrative powers of the City are vested in her position. Mayor Bottoms is also the chief administrator and the official representative of the City, which makes her responsible for the general management of the City, and responsible for ensuring that all laws and ordinances are enforced.<sup>28</sup> Mayor Bottoms is responsible for the supervision of all department heads including the police chief. By agreeing to allow Councilmember Shepard more time to negotiate with armed civilians who had commandeered the University Avenue area, by allowing police to stand down and ordering them to refrain from proactive policing, and by standing by and letting vigilantism disrupt the streets, Mayor Bottoms failed to carry out her duties in protecting the health and safety of the community.

The City of Atlanta, by and through Mayor Bottoms and the City Council, have the power and legal responsibility to protect public safety. It is the duty of Mayor Bottoms and the City to promote safety, health, peace, and general welfare of the City and its inhabitants. The City is responsible for the regulation and control of the streets and the City is responsible for carrying out all laws deemed necessary to deal with emergencies for the protection of the citizens of the City. In a time where citizens in that community were in dire need of the City to act on its duties and responsibilities, Mayor Bottoms and the City officials turned a blind eye and allowed lawlessness, vigilantism, and violence to erode and disrupt the area surrounding the Wendy’s at 125 University Ave. Instead, City officials failed to protect their community, and it was their blatant disregard for the safety and well-being of the City’s inhabitants that led to the shooting death of Secoria, which was foreseeable and avoidable.

## **7. Events Leading to Death of Secoria**

On July 4<sup>th</sup> Mr. Ivery, Ms. Turner and Secoria were returning home from a family gathering. At approximately 9:30 p.m., as Mr. Ivery was driving Ms. Turner’s green Jeep Cherokee down University Avenue, the jeep approached a “makeshift roadblock that was manned by numerous armed individuals,” as described by Lt. Pete Malecki from APD.<sup>29</sup> These armed

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<sup>27</sup> Chrisitan Boone (July 8, 2020) “Mayor says councilmember interceded on armed protesters behalf.” *AJC*.

<sup>28</sup> “Office of the Mayor” City of Atlanta, GA.

<sup>29</sup> Christian Boone (July 13, 2020) “Parents plead for help in search of Secoria Turner’s killers.” *AJC*.

individuals began walking toward them brandishing their guns and signaling toward the car that they could not pass the barricade. As Mr. Ivery attempted to maneuver around the road block, one or more of the armed individuals immediately opened fire into the vehicle, with eight of those bullets piercing the car, and multiple gun shots striking and killing Secoriaea, who was sitting in the back seat. After being rushed to Atlanta Medical Center, Secoriaea was later pronounced dead.

## **8. Wendy's Demolished after Secoriaea's Death**

On the morning of July 14, 2020, the Wendy's was demolished by work crews and heavy equipment.<sup>30</sup> News reports state that a spokesperson for Wendy's told the AJC that the demolition was "being done in a thoughtful way, with safety as the priority and in cooperation with city officials. There are no additional details to share at this time regarding this site."<sup>31</sup>

A reporter from Atlanta Magazine provided the following first-hand account of the scene at the Wendy's on the night after Secoriaea was killed: "I parked on the other side of the Connector and made my way to the Wendy's on foot. As soon as I reached the property, I was stopped by two occupiers, one armed with a rifle, and was told to leave. Protesters were forced out by police soon after, and within days, demolition crews razed the Wendy's, leaving behind only a concrete slab."<sup>32</sup>

## **III. VIOLATION OF LEGAL DUTIES**

### **9. Violation of Ministerial Duties by Mayor Bottoms, Councilmember Sheperd, Interim Chief Bryant, and City officials**

Mayor Bottoms, Councilmember Sheperd, Chief Bryant, and City officials negligently performed their ministerial duties relating to the protection of the public's health and safety, by omitting to act and clear the area of the barricade and the violent armed civilians that surrounded it. Under O.C.G.A. § 36-33-1(b), municipal corporations shall be liable "for neglect to perform or improper or unskillful performance of their ministerial duties."<sup>33</sup> This provision has for more than a century been interpreted to mean that municipal corporations are immune from liability for acts taken in performance of a governmental function but may be liable for the negligent performance of their ministerial duties.<sup>34</sup>

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<sup>30</sup> Collin Kelley (July 2020) "Wendy's demolished as person of interest in Secoriaea Turner murder claims his innocence." *Atlanta Intown*.

<sup>31</sup> *Id.*

<sup>32</sup> Thomas Wheatley (August 7, 2020) "23 Days: Stories from the occupation of the Wendy's where Rayshard Brooks was killed." *Atlanta Magazine*.

<sup>33</sup> O.C.G.A. § 36-33-1(b).

<sup>34</sup> *City of Atlanta v. Mitcham*, 296 Ga. 576, 769 S.E.2d 320 (2015).

The City and Mayor Bottoms were put on notice of the need for their presence in the area. Actual notice of a hazardous condition gives rise to a ministerial duty on the part of an individual charged with responsibility to respond to such a condition.<sup>35</sup> The City and Mayor Bottoms knew they should have cleared that area after the first two reported shootings, and they knew the barricade and armed civilians posed a significant threat to anyone who passed through that area whether on foot or by car. Overall, they knew it was their duty and obligation to intervene and protect the area from the lawlessness and acts of violence, but they neglected to uphold their responsibilities and they neglected to perform their ministerial duties. As a result of this, Secoriea, an innocent 8-year old child, was shot and killed. Ms. Turner and Mr. Ivery have suffered physical and emotional trauma after being involved in this shooting.

### **10. Nuisance Liability**

The City maintained a nuisance by failing to respond to and control a lawless area filled with violent individuals and armed civilians who obstructed the streets. The City was put on notice about this nuisance and had an ample opportunity to act and control it, but instead, neglected to do so, allowing this nuisance to persist, which resulted in the death of Secoriea.

A municipality, like any other individual or private corporation may be liable for damages it causes to a third party from the operation or maintenance of a nuisance, irrespective of whether it is exercising a governmental or ministerial function.<sup>36</sup> In *City of Savannah v. Jones*, the Supreme Court of Georgia held that “if the cause of the [nuisance related] injury had been permitted to continue for an unreasonable or unnecessary time, and if the ministerial duty was imposed by the municipality to keep the streets clear of obstructions, and to prevent damage occurring by reason of them, etc...then the City would not be protected.”<sup>37</sup> A municipality is liable for creating or maintaining a nuisance, which constitutes either a danger to life and health or a taking of property.<sup>38</sup>

The criminal activity that occurred near the Wendy’s location and the site of Secoriea’s death was a nuisance as it was not properly controlled and plagued the streets for weeks leading

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<sup>35</sup> *Jobling v. Shelton*, 334 Ga. App. 483, 779 S.E.2d 705 (2015).

<sup>36</sup> *Ingram v. City of Acworth*, 90 Ga.App. 719, 720, 84 S.E.2d 99 (1954).

<sup>37</sup> *City of Savannah v. Jones*, 149 Ga. 139, 99 S.E. 294 (1919).

<sup>38</sup> *City of Thomasville v. Shank*, 263 Ga. 624, 437 S.E.2d 306 (1993).

up to Secoria's death. Peaceful members of the community begged and pleaded for a larger police presence, and asked the City to clear the area so that law-abiding citizens could feel safe again. However, after Mayor Bottoms ordered the police to stand down, the City allowed the violence to continue overtaking the streets. But for the City and Mayor Bottoms's lack of intervening to control or dismantle the nuisance of an armed barricade that obstructed the roads and the violence that surrounded it, Secoria Turner would still have her life today.

## **11. Liability for Defect in Public Road**

The City officials were negligent in failing to keep the roads safe and clear of the armed barricade that created a defect on University Avenue. Instead of fixing the defect, the City negligently maintained it by allowing it to obstruct traffic after having ample notice of the presence and danger caused by this defect.

Under, O.C.G.A. § 32-4-93(a), a municipality is "relieved of any and all liability resulting from or occasioned by defects in the public roads of its municipal street system when it has not been negligent in constructing or maintaining the same or when it has no actual notice thereof or when such defect has not existed for a sufficient length of time for notice thereof to be inferred." Obstructions or defects in the streets include physical objects adjacent to and suspended over the street, that are brought about by the forces of nature and by persons, which render streets unsafe.<sup>39</sup>

The physical barricade that the armed civilians placed on University Avenue was used so that they could navigate and control who could and could not pass. The barricade itself created an obstruction causing drivers to have to use another route to get to their destinations. When drivers would get too close to this barricade, they were threatened verbally, assaulted with rocks, or shot at.

A municipality's function of maintaining its streets and sidewalks in a safe condition, without defects, has been held to be ministerial in nature.<sup>40</sup> For weeks, the City did the exact opposite by allowing lawlessness and violent behavior to exist within the roadway and surrounding area at 125 University Ave., putting the lives and safety of citizens and the general public at risk of harm. The City and Mayor's failure to respond to the lawlessness and violence on University Ave. was the direct and proximate cause of the death of Secoria and the injuries suffered by Ms. Turner and Mr. Ivery, which were foreseeable and could have been avoided.

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<sup>39</sup> *Roquemore v. City of Forsyth*, 274 Ga. App. 420, 617 S.E.2d 644 (2005); *Town of Fort Oglethorpe v. Phillips*, 224 Ga. 834, 165 S.E.2d 141 (1968).

<sup>40</sup> *City Council of Augusta v. Hudson*, 94 Ga. 135, 21 S.E. 289 (1894).

## **IV. DAMAGES**

### **12. Wrongful Death of Secoriea**

As a direct and proximate result of the negligent and reckless actions and omissions of the City of Atlanta, Mayor Bottoms, Interim Chief Bryant, Councilmember Sheperd and City officials who allowed the vigilantism, lawlessness, and violence to plague the streets for weeks, Secoriea Turner, an innocent bystander at the time of this encounter, was killed. Secoriea attended Kipp Ways Primary and was excited about entering the third grade in the fall. She was an avid reader and star student. She also participated in “Soccer in the Streets” and cheered at the Pittman Recreation Center. Mr. Williamson and Ms. Turner are entitled to recover damages for the wrongful death of Secoriea, including the full value of the life of their daughter, funeral and medical expenses, and pain and suffering experienced by Secoriea up to the time of her death, and are entitled to damages and compensation in the demanded amount of \$12,000,000.00.

### **13. Personal Injury and Property Damage Claim for Ms. Turner**

As a direct and proximate result of the negligence and recklessness of the City of Atlanta, Mayor Bottoms, Interim Chief Bryant, Councilmember Sheperd, and City officials who allowed the vigilantism, lawlessness, and violence to plague the public street and vicinity at 125 University Ave. for weeks following the killing of Brooks, Ms. Turner sustained personal injuries and property damages. Ms. Turner’s Jeep Cherokee was shot at 8 times and incurred severe damage. As a result of the multiple gunshots fired into her vehicle, Ms. Turner is entitled to recover the costs and expenses associated with the loss of use and damage to her vehicle. As a result of being assaulted by armed gunmen who fired multiple times into her vehicle, Ms. Turner also suffered physical and emotional injuries from this incident. Based on the facts set forth herein, Ms. Turner suffered physical injuries that included abrasions to her legs and knees in the course of Mr. Ivery attempting to flee and avoid the gunshots being fired at their vehicle.

As a result of this incident, Ms. Turner has suffered and continues to suffer from emotional injuries from the violent assault by gunfire into her vehicle, which placed her in reasonable apprehension of immediate violent injury to include death and is entitled to damages and compensation in the demanded amount of \$2,000,000.00.

### **14. Personal Injury Claim for Mr. Ivery**

As a direct and proximate result of the negligence and recklessness of the City of Atlanta, Mayor Bottoms, Interim Chief Bryant, and Councilmember Sheperd, and City officials who allowed the vigilantism, lawlessness, and violence to plague the street and vicinity of 125 University Avenue, for weeks following the killing of Brooks, Mr. Ivery sustained personal

injuries. As a result of the stress and trauma from being shot at multiple times by armed gunmen, Mr. Ivery has suffered from anxiety, which drastically affected his blood pressure.

As a result of this incident, Mr. Ivery has suffered and continues to suffer from emotional injuries from the violent assault by gunfire into the vehicle he was driving, which placed him in reasonable apprehension of immediate violent injury to include death and other serious injuries after being attacked and shot at by the armed men. Mr. Ivery is entitled to recover damages and compensation for his pain and suffering, medical expenses and other special damages in the demanded amount of \$2,000,000.00.

## V. CONCLUSION

Pursuant to O.C.G.A. § 36-33-5, this letter serves as notice on behalf of our clients regarding the above-referenced claims and demands for compensation, including attorney fees and litigation expenses, and punitive damages where appropriate. Pursuant to O.C.G.A. § 36-33-5, this notice shall constitute an offer of compromise, which if not settled by the City of Atlanta within 30 days from its presentation, will not be binding on our clients, who have the right to seek additional and further damages at trial.

This 14<sup>th</sup> day of October, 2020.

Respectfully submitted,  
*/s/ Mawuli M. Davis*  
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