IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILEZ, LLC and PABLO GILL,	:	
Plaintiffs	:	CASE NO. 2015-CV-267425
vs	:	
THE CITY OF ATLANTA	:	
Defendant	:	

AMENDED COMPLAINT

COMES NOW, the Plaintiffs in the above-styled action, by and through counsel, and amends the original Complaint (see Exhibit A, attached hereto), to wit:

PARTIES AND JURISDICTION

1.

Defendant City of Atlanta (hereinafter "Defendant") is a Georgia municipality that is located in Fulton County in the State of Georgia and regularly conducts business in the State of Georgia. Service may be made upon the City of Atlanta by serving a copy of the Complaint and Summons upon Mayor Kasim Reed at 55 Trinity Avenue SW, Atlanta, Georgia 30303.

2.

Plaintiff Pablo Gill (hereinafter "Plaintiff Gill") at all times pertinent to this Complaint has been the owner of the property located at 2188 Alvin Drive, Atlanta, Georgia 30014.

3.

Plaintiff Filez, LLC (hereinafter "Plaintiff Filez") is a Mississippi limited liability corporation owning many investment properties within the State of Georgia. At all times pertinent to this Complaint, Plaintiff Filez has been, and remains with two exceptions, the owner of several properties within the City of Atlanta. Plaintiff Filez submits itself to the jurisdiction of this Court.

4.

Jurisdiction and venue are proper in this Court because Defendant is a municipal corporation within Fulton County, and all acts or omissions bringing rise to Plaintiffs' claims occurred within said county.

FACTUAL BACKGROUND

5.

Between 2006 and 2009, Plaintiff Filez acquired and became the owner of several properties and homes within the City of Atlanta including: Parcel 17 024700010584 on Alvin Drive, Parcel 17 024700010493 on Mack Drive; Parcel 17 024700030152 on Sizemore Road; Parcel 17 024800130217 at 1157 Gun Club Drive; Parcel 17 24800130266 at 1167 Gun Club Drive; Parcel 17 024700031036 at 1350 Sizemore Road; Parcel 17 024700010501 at 2181 Mack Drive; Parcel 17 024700010410 at 2182 Mack Drive; Parcel 17 024600050557 at 2262 Ajax Drive; and Parcel 17 0247000203 10 at 2285 Alvin Drive. Plaintiff Filez is currently the owner of all but two of these properties.

6.

The two properties that were sold by Plaintiff Filez were purchased by their new owner below market value.

7.

Pablo Gill acquired in 2012 and is the current owner of property and the home located in the same neighborhood, at 2188 Alvin Drive, Atlanta, GA, Parcel 17 024700010188.

8.

At all times relevant hereto, Defendant operated, controlled, inspected, maintained and/or managed the streets and sidewalks on or near the Plaintiffs' residential neighborhood in Northwest Atlanta, including, but not limited to Gun Club Drive, Sizemore Road, Mack Drive, Ajax Drive, and Alvin Drive.

9.

Plaintiffs caused an ante litem notice and demand for compensation to be served upon Defendant on or about May 19, 2015 in accordance with O.C.G.A. § 36-33-5 (Exhibit A). The first ante litem notice primarily addresses the blight in the roadways and adjoining properties.

10.

Defendant has a nondiscretionary duty to maintain Gun Club Drive, Sizemore Road, Mack Drive, Ajax Drive and Alvin Drive, roadways within the limits of the City, in a condition that was safe for the traveling public, which includes Plaintiffs.

11.

Plaintiffs' and surrounding properties have been subject to continuous illegal dumping for several years: large amounts of trash, furniture, tires and other obstructions, including a drum of hazardous waste have remained in the streets and sidewalks for months at a time. Defendant has failed to protect the neighborhood and the environment from these health and safety dangers. Vehicles, including those of Plaintiffs, have had to avoid head-on collisions due to waste blocking the roads.

12.

In addition to this failure to address illegal dumping, the general maintenance of the curbs, roads, and street signs in the neighborhood of Plaintiffs' properties has been continuously and systematically neglected.

13.

Defendant polluted, blighted and/or obstructed Plaintiffs' properties, and thus diminishing the values thereof, during its street maintenance activities: Defendant trespassed and created a continuous nuisance to Plaintiffs. On multiple occasions, Defendant shredded and blew waste onto the properties of Plaintiffs and others, or pushed and buried waste on said properties with heavy equipment. These acts occurred as recently as summer of 2016.

14.

On Sizemore Road, Defendant's employees downed a powerline, blocking two of Plaintiff Filez's properties for a year and a half, while using the aforementioned heavy equipment to trespass on private property and bury trash that had been dumped in the streets. This is a nuisance and created yet another roadway and safety hazard that was never fully and properly addressed.

15.

Defendant not only has a nondiscretionary to keep the public roadways safe but also has a mandatory duty not to unlawfully trespass or maintain a nuisance that damages the property of others, violating the right of Plaintiffs and others to the quiet enjoyment of their properties and effectively taking said properties without constitutionally required just compensation for the purpose of operating street-side illegal dumpsites as if they were permitted landfills.

16.

Plaintiff Filez's owner and principal agent Jerry Brow, having lived in fear, has continuously notified Defendant about the illegal dumping on the neighborhood's streets and sidewalks, missing street signs and traffic signs, abandoned buildings, and vegetation overgrowth on public roads. In addition to verbal complaints, Mr. Brow continuously forwarded photographs of the conditions to various representatives of Defendant. These complaints and photos provided Defendant with notice of thousands of tires; large furniture; and mounds of trash, debris and over hazards in neighborhood streets. Defendant also had notice as its employees had sanitation and maintenance operations at a regular schedule. Both Plaintiffs have held in-person meetings with Defendant's personnel and officers of various departments. Departments on notice include the Department of Public Works, Atlanta Police Department Code Enforcement Division, Waste Services Management, the Mayor's Office of Constituent Services and City Council.

17.

Plaintiffs have experienced emotional distress from having their concerns being habitually ignored, and have suffered arbitrary harassment by Code Enforcement after making complaints in the form of retaliatory citations that were later withdrawn.

18.

Defendant has even declared Gun Club Park, the public space adjacent to Plaintiffs' properties, just abandoned by the public. It was Defendant's failure to address illegal dumping of thousands of tires and buried waste that allowed this park to remain blighted and to be sold to private developers. Conditions of said park have been documented, and the DNR and EPD have been notified on multiple occasions.

19.

Plaintiffs have made several efforts to rent and sell neighborhood properties for profit. However, due to the aforementioned blighted conditions and continuous trespass by Defendant, the marketability of the properties has diminished. Plaintiff Filez was forced to sell two properties after years of low rental income. Tenants are moving because of dangerous conditions maintained by Defendant.

20.

For several years, Defendant City of Atlanta's Department of Public Works has continued to trespass and cause damage to Plaintiffs by continuing to sweep litter and debris onto their respective properties during street maintenance outings, as well as pushing large illegally dumped objects onto private and surrounding properties. In effect, by City of Atlanta's negligent performance of its duty to maintain reasonable safe conditions, it has caused further nuisance. As recently as September 4, 2015, Plaintiff Filez has been issued a Notice of Violation from the Georgia Department of Natural Resources, citing the conditions caused by Defendant as Violations of the Georgia Comprehensive Solid Waste Management Act.

21.

A second ante litem notice was sent on or about November 21, 2016 (see Exhibit B, attached hereto), and Defendant has responded with a letter noting that those claims are related to this current case in litigation (see Exhibit C, attached hereto). The second ante litem addresses Gun Club Landfill and the related illegal dump site owned and operated by Defendant, known as Baby Gun Club Landfill.

22.

Plaintiff Filez owns a property, Parcel 17 024700010493 on Mack Drive ("Parcel 9") that is located directly over part of this illegal dump site that has been named Baby Gun Club Landfill. Plaintiff Filez was planning to install a cell phone tower on Parcel 9, and is still willing to develop said lot for that purpose.

23.

Illegal dump site Baby Gun Club Landfill is in fact the predecessor of the large, official site, Gun Club Landfill. Defendant commenced the illegal dumping from behind Mack Drive and continued westerly until the permitted landfill was completed.

24.

No conspicuous notice was provided to the public as to the existence of Baby Gun Club Landfill, and no notation was provided in the deed to Parcel 9. Plaintiff Filez was unaware of the solid and hazardous waste buried on the property when purchased. 2006 Survey data indicates Defendant knew the owners of those parcels were affected by the illegal dumping and failed to place notice on those deeds. But for this fraudulent concealment, Plaintiff Filez would have never purchased lots on Mack Drive.

25.

During 2008, Defendant attempted to gain Plaintiff Filez's approval for aforementioned access to Parcel 9 under the false pretense of performing work upon the sewerage system when the true purpose was to monitor methane emissions.

26.

Defendant has defrauded the public and covered the existence of the original illegal dump site, misnamed Baby Gun Club Landfill. Defendant has attempted to incorporate Baby Gun Club Landfill into the newer, permitted Gun Club Landfill. The State of Georgia's Environmental Protection Division and the Department of Natural Resources were not informed that Baby Gun Club Landfill is an illegal trespass and a nuisance. Even the City Council has been provided with false information. Defendant intended to incorporate Baby Gun Club Landfill into the legal Gun Club Landfill for concealment but that would have triggered noncompliance of the Clean Air Act.

27.

Baby Gun Club Landfill has no fence around its perimeter, has no warning signs except for those prohibiting smoking by monitoring wells, has no covering over a deep sinkhole, suffers a lack of water monitoring wells, and provides no protections against the perils of erosion or leachate as it makes its way from fissure to ditch into Federal waterway Proctor Creek, located immediately beside Baby Gun Club Landfill. Disturbingly, it and the official Gun Club Landfill are all zoned as residential.

28.

Neither Gun Club Landfill or illegal dump site Baby Gun Club Landfill have groundwater protections due to the dates of Defendant's illegal dumping and legal waste burials.

29.

Pesticides that have been banned for decades have been found recently in Proctor Creek, as documented by news sources. Low income members of the public consume redbreasted sunfish, green sunfish and crayfish caught from Proctor Creek. This may include tenants and potential tenants of Plaintiffs, their neighbors and children.

30.

Vinyl chloride is a dangerous, potentially flammable chemical that can be inhaled, absorbed through the skin or otherwise ingested. It is produced when making #3 plastics, such as PVC pipes. Vinyl chloride can cause nerve damage, impair fertility, cause liver cancer and more. There are no signs or other posted warnings of vinyl chloride or other deadly, hazardous chemical gases and liquids that are emitted or leach from Gun Club Landfill or Baby Gun Club Landfill. Only methane is warned against. It is unknown what other hazardous chemicals could be continuously emitted or leached.

31.

Because of the presence of methane, vinyl chloride and potentially other flammable, hazardous gases, and because of the massive amount of waste that must be addressed, the exact dimensions of which are unknown, Defendant has estopped Plaintiff Filez from building a cell phone tower. **This has trespass has disturbed Plaintiff Filez's quiet enjoyment, caused a massive loss of profits, and unlawfully allowed a colossal would-be Superfund site to be placed in the hands of a party not in contract with those responsible for the waste.**

32.

Plaintiffs, tenants and/or potential tenants of Plaintiffs, agents of Plaintiffs, friends and family of Plaintiffs, neighbors, and other members of the public, including children and even City employees are exposed to the hazards of Baby Gun Club Landfill, Gun Club Landfill and the waste and debris scattered throughout the Northwestern Atlanta neighborhood. **There could be multiple classes of potential plaintiffs based on degrees of exposure to hazardous waste, trespass, nuisance, negligence, possible fraud and other claims.**

33.

New housing developments are being built on the easterly side of Gun Club Landfill and illegal dump site Baby Gun Club Landfill within what should be a buffer zone. While it was made known to the new Homeowner's Association that a municipal landfill and vinyl chloride were present, as evidenced by materials posted on the Homeowner's Association public website, it is unknown to what extent Defendant has disclosed other dangers to public health, safety and the environment.

34.

It is unlikely that this new high income neighborhood does or will suffer from the blight, trespass and gross negligence from the historic low income neighborhood. This largely African American community has suffered from a serious lack of care despite Federal funds for tire reclamation, development and more being received by Defendant. The residents whose properties are not condemned or sold under a diminished market value will inevitably be pushed out by a rise in property taxes surrounding the redevelopment. Plaintiffs have been impacted by this racially-based and income-based discrimination that has been prevalent in Northwestern Atlanta for years.

35.

Any allegations made in the original Complaint and not present here in this Amended Complaint are incorporated hereto.

36.

The following Federal statutes and related regulations impose duties upon Defendant that have been or may have been breached by Defendant and its agents:

(a) Civil Rights Act Title VI ("Title VI"), 42 U.S.C. §§ 2000d, in regard to environmental equity and concerning nondiscriminatory spending of Federal funds;

(b) Clean Water Act ("CWA"), 33 U.S.C. §§ 1251, governing preventing the contamination of interstate waterways and their tributaries, which includes the requirement of National Pollutant and Discharge Elimination System ("NPDES") permits for point sources;

(c) Safe Drinking Water Act ("SDWA"), 42 U.S.C. §§ 300f, concerning water quality for the purpose of human consumption;

(d) Clean Air Act ("CAA"), 42 U.S.C. §§ 7401, governing the emissions of gases, including hazardous pollutants;

(e) Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2601, concerning hazardous chemicals such as PCBs (banned pesticides) and PVCs (vinyl chloride). And covering requirements for their disposal;

(f) Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901, governing the disposal of solid and hazardous waste;

(g) Comprehensive Environmental Response, Compensation and Liability Act and the later Superfund Amendments and Reauthorization Act ("CERCLA" and "SARA" respectively, collectively "Superfund"), 42 U.S.C. §§ 9601, impose financial liability on parties responsible for costly hazardous waste clean-ups: potential responsible parties (PRPs) can include municipalities, and this law is retroactive;

(h) Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. §§ 11001, part of the aforementioned SARA, requires local governments to prepare plans for hazardous chemical emergencies and maintain reports called Toxic Release Inventories (TRIs); and

(i) Endangered Species Act ("ESA"), 16 U.S.C. §§ 1531, protecting threatened and endangered species, which dwell along the Chattahoochee River, to which Proctor Creek is a tributary;

(j) Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961, as well as other statutes prohibiting fraud;

(k) The enumeration of this list does not exclude other statutes and promulgated regulations under Federal law for which Defendant has a legal duty to abide thereto, nor are the descriptions of named statutes exclusive examples of their application.

37.

The following State statutes and related regulations impose duties upon Defendant that have been or may have been breached by Defendant and its agents, many of which overlap with the Federal duties:

(a) Georgia Water Quality Control Act, O.C.G.A. §§ 12-5-20, controlling water pollution and surface water usage;

(b) Safe Drinking Water Act of 1977, O.C.G.A. §§ 12-5-170, concerning safe drinking water;

(c) Georgia Water Supply Act, O.C.G.A. §§ 12-5-470, also concerned with safe drinking water;

(d) Erosion and Sedimentation Act of 1975, O.C.G.A. §§ 12-7-1, which seeks to protect waters of the State from filled land;

(e) Georgia Air Quality Act, O.C.G.A. §§ 12-9-1, safeguarding public health, safety and welfare against emissions by maintaining ambient air quality standards;

(f) Georgia Comprehensive Solid Waste Management Act of 1990, O.C.G.A. §§ 12-8-20, which requires city and county notification upon contaminant release and places restrictions upon the disposal of tires;

(g) Georgia Hazardous Waste Management Act, O.C.G.A. §§ 12-8-60, dictating the storage and disposal of hazardous waste;

(h) Georgia Hazardous Site Response Act, O.C.G.A. §§ 12-8-90, containing liability provisions similar to Superfund;

(i) Oil or Hazardous Spills or Releases, O.C.G.A. §§ 12-14-1, which requires the reporting of hazardous spills, even by municipal corporations;

(j) Endangered Wildlife Act of 1973, O.C.G.A. §§ 27-3-130, protecting the listed species such as the Chattahoochee crayfish, which has been found in a stream near Proctor Creek;

(k) Georgia Planning Act of 1989, O.C.G.A. §§ 12-2-8, which requires buffer zones and protection plans for rivers, as well as groundwater protections;

(l) Uniform Environmental Covenants Act, O.C.G.A. §§ 44-16-1, requiring notice of prohibited uses for named sites with hazardous contamination;

(m) Georgia Litter Control Law, O.C.G.A. §§ 16-7-40, prohibiting littering on public or private property as criminal trespass;

(n) Georgia Waste Control Law, O.C.G.A. §§ 16-7-50, prohibiting illegal dumping on public or private property, or in any water of the state, as criminal trespass;

(o) The enumeration of this list does not exclude other statutes and promulgated regulations under State law for which Defendant has a legal duty to abide thereto, nor are the descriptions of named statutes exclusive examples of their application.

37.

The following Chapters contained within the City of Atlanta's municipal code impose duties upon Defendant that have been or may have been breached by Defendant and its agents:

(a) Environment (Chapter 74), which includes ordinances pertaining, but not limited, to: nuisances, flood area regulations, riparian buffers, post-development stormwater management and illicit discharges into stormwater;

(b) Sustainable Development and Design Standards (Chapter 75), which imposes a duty to make the City of Atlanta a hub for sustainability;

(c) Solid Waste Management (Chapter 130), which covers both solid and hazardous waste, as well as littering in the streets and right-of-ways;

(d) Streets, Sidewalks and Other Public Places (Chapter 138), which covers dumping and digging in streets and right-of-ways, as well as signage for roadways;

(e) The enumeration of this list does not exclude other City ordinances under for which Defendant and its agents have a legal duty to abide thereto, nor does it exclude any County ordinances related to the environment and nuisance that may be applicable under Fulton County's Chapter 34 or any Consent Orders.

COUNT ONE – MULTIPLE TRESPASSES

38.

Plaintiff's re-allege and incorporate by herein the allegations contained in paragraphs 1 through 37 above, as if fully restated.

39.

Defendant unlawfully sent agents onto the private properties of Plaintiffs while using said street-side properties for illegally dumping waste that had been previously discarded in an illegal manner by others in the roadways and right-of-ways.

40.

This interferes with Plaintiffs' quiet enjoyment of their real properties: constituting instances of trespass by Defendant by and through its agents, and creating continual trespass by illegally dumped waste. Further, interference with the right-of-way constitutes trespass. O.C.G.A. §§ 51-9-1.

41.

Defendant unlawfully sent agents onto the private property of Plaintiff Filez, Parcel 9, to install a monitoring well. This was to address the consequences of Defendant's past trespasses and fraud prior to Plaintiff Filez's purchase of said parcel. Baby Gun Club Landfill is a continuous trespass of solid and hazardous waste buried thereto.

42.

This interferes with Plaintiff Filez' quiet enjoyment of his real property and interferes with his below-surface property rights. *Id.*

43.

Plaintiffs have no adequate remedy at law, and will continue to suffer irreparable injury if the maintenance of the trespass is not restrained, and will be subjected to great expense by the necessary prosecution of a multiplicity of suits.

COUNT TWO – MULTIPLE PRIVATE NUISANCES

44.

Plaintiff's re-allege and incorporate by herein the allegations contained in paragraphs 1 through 43 above, as if fully restated, and re-allege and incorporate herein the contents of Count One of the original Complaint (Exhibit A) concerning Nuisance. It is additionally alleged that:

45.

Defendant has taken the public nuisance of illegally dumped waste in the streets and right-of-ways, pushing it onto properties using various methods, creating a private nuisance.

46.

Defendant has created both a private nuisance, and arguably a public nuisance, in Baby Gun Club Landfill, which damages private property and releases contaminants into the air, water and earth.

47.

"A nuisance is anything that causes hurt, inconvenience, or damage to another and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary, reasonable man." O.C.G.A. § 41-1-1.

48.

"A private nuisance may injure either a person or property, or both, and for that injury a right of action accrues to the person who is injured or whose property is damaged." O.C.G.A. § 41-1-4.

49.

Plaintiffs have had their property values in the neighborhood in question diminished, have trash scattered about and buried upon their properties that must now be removed, and have been frustrated by the lack of action by Defendant.

50.

Plaintiff Filez further has damages resulting from the nuisance of Baby Gun Club Landfill: the massive amount of waste could require a multi-million dollar removal action, hazardous waste is in close proximity to tenants, and erecting a profitable cell phone tower upon flammable substances is going to be prohibited.

51.

Plaintiffs have no adequate remedy at law, and will continue to suffer irreparable injury if the maintenance of the nuisance is not restrained, and will be subjected to great expense by the necessary prosecution of a multiplicity of suits.

COUNT THREE – NEGLIGENCE

52.

Plaintiff's re-allege and incorporate by herein the allegations contained in paragraphs 1 through 51 above, as if fully restated, and re-allege and incorporate herein the contents of Count Two of the original Complaint (Exhibit A) detailing Negligence in the maintenance of the streets and traffic signs and the damages caused thereby.

COUNT FOUR – NEGLIGENCE PER SE

53.

Plaintiffs re-allege and incorporate herein the allegations contained in paragraphs 1 through 52 above, as if fully restated.

54.

Defendant, as a government entity, has a multitude of aforementioned federal and state statutory duties, as well as those imposed by local ordinances, regarding the protection of the environment, health, safety and public welfare. These duties include those related to water quality, air quality, solid waste management, the disposal of hazardous wastes, liability for clean-up costs, maintenance of roadways, environmental equity (nondiscrimination) and more.

55.

Plaintiffs, tenants of Plaintiffs and prospective tenants thereof are of a class protected by the slew of environmental and civil laws applicable to Defendant, the Northwestern Atlanta neighborhood, Gun Club Landfill and illegal dump site Baby Gun Club Landfill. Plaintiffs and their tenants suffered the precise damages these laws were meant to prevent.

56.

Defendant has breached the standards of care and ordinary diligence by refusing to clean the streets; failing to protect the waters of the State and the United States; not addressing the emissions of hazardous gases; failing to dispose of tires, solid waste and hazardous waste properly; providing insufficient notice to the public of dangers; and other breaches of duty.

57.

These breaches of multiple statutory duties are the proximate cause of Plaintiffs' injuries.

58.

Said injuries include and are not limited to:

(a) Exposure to hazardous chemicals;
(b) Diminished property values based on environmental law violations and blight;
(c) Lost past and current profits,
(d) Lost future profits;
(d) Emotional distress; and
(e) Future clean-up costs.

COUNT FIVE – GROSS NEGLIGENCE

59.

Plaintiffs re-allege and incorporate herein the allegations contained in paragraphs 1 through 58 above, as if fully restated.

60.

Defendant maliciously failed to exercise even the slight diligence in its duties to maintain the roads, provide environmental protections and respect the property rights of others. Defendant committed acts or omissions that were grossly negligent. O.C.G.A. § 51-1-4. Defendant arguably disregarded a substantial and unjustifiable risk of harm to others. O.C.G.A. § 16-5-60. This bad faith is evidenced by Defendant's knowledge of Baby Gun Club Landfill in the Southern Cross Financial, LLC v. City of Atlanta lawsuit from 2012, and by the refusal of Defendant's agents to take written reports for fear of retaliation.

61.

These failures to exercise slight diligence are the proximate cause of Plaintiffs' injuries.

62.

As with negligence per se, said injuries include and are not limited to:

(a) Exposure to hazardous chemicals;

(b) Diminished property values;
(c) Lost past and current profits,
(d) Lost future profits;
(d) Emotional distress; and
(e) Future clean-up costs.

COUNT SIX – PUNITIVE DAMAGES

63.

Plaintiffs re-allege and incorporate herein the allegations contained in paragraphs 1 through 62 above, as if fully restated.

64.

"Punitive damages may be awarded only in such tort actions in which it is proven by clear and convincing evidence that the defendant's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences." O.C.G.A. § 51-12-5.1

65.

Defendant has systematically and willfully ignored required duties and standards of care, made false statements and committed acts of fraud by and through its agents, harassed Plaintiffs for making complaints and seeking remedies, and committed other acts and omissions in bad faith. This raises the presumption of conscious indifference to the consequences and warrants punitive damages, specially prayed hereto by Plaintiffs in this Amended Complaint.

COUNT SEVEN – EJECTMENT

66.

Plaintiffs re-allege and incorporate herein the allegations contained in paragraphs 1 through 65 above, as if fully restated.

67.

Plaintiffs request that the jury be asked to order the Defendant's waste to be ejected from Plaintiffs' properties. This can be quite costly, and the presence of said waste poses clear health and safety dangers.

68.

This request includes the underground mountain of solid and hazardous waste that is part Baby Gun Club Landfill, located by continuous nuisance and trespass on Parcel 9, owned by Plaintiff Filez.

69.

Plaintiffs have no adequate remedy at law, and will continue to suffer irreparable injury if the maintenance of the nuisance and trespass is not restrained, and will be subjected to great expense by the necessary prosecution of a multiplicity of suits.

COUNT EIGHT - ATTORNEY'S FEES AND LITIGATION EXPENSES

70.

Plaintiff's re-allege and incorporate by herein the allegations contained in paragraphs 1 through 69 above, as if fully restated, and re-allege and incorporate herein the contents of Count Three of the original Complaint (Exhibit A) requesting Attorney's Fees and Litigation Expenses.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as follows:

(a) That an injunction issue herein restraining Defendant from using or maintaining its property above in the manner of a dumping ground or for any other purpose which will constitute a nuisance and trespass to Plaintiffs' and from causing or permitting its premises to be so used, and requiring Defendant to eject the tires and waste it deposited on Plaintiffs' properties;

(b) That an injunction issue herein as to Parcel 9 on Mack Drive requiring Defendant to eject and properly dispose of the solid and hazardous waste illegally buried on said parcel as part of Baby Gun Club Landfill;

(c) That Plaintiffs be compensated for diminished property values as a result of nuisance, trespass and systematic negligence;

(d) That Plaintiffs be awarded for lost past, current and future profits from being unable to rent the properties;

(e) Specifically, that Plaintiff Filez be awarded for lost past, current and future profits from being unable to rent or develop Parcel 9, the amount of which is approximately $100,000 per year for the operation of a cell phone tower to be placed thereon;

(f) That this Honorable Court award Plaintiffs any and all actual, direct, consequential, special and emotional distress damages suffered as a result of years of acts and omissions of Defendant in an amount to be determined at trial by the enlightened conscious of an impartial jury;

(g) That this Honorable Court award Plaintiffs nominal damages in an amount to be determined at trial for trespass in an amount to be determined at trial by the enlightened conscious of an impartial jury;

(h) That this Honorable Court award Plaintiffs punitive damages for the willful misconduct of Defendant and its agents in an amount to be determined at trial by the enlightened conscious of an impartial jury;

(i) Specifically, that this Honorable Court award Plaintiffs just and adequate compensation for the damages to their properties caused by the placement of waste in an amount to be determined at trial in an amount to be determined at trial by the enlightened conscious of an impartial jury;

(j) That this Honorable Court award Plaintiffs all costs of this litigation, including reasonable attorney fees pursuant to O.C.G.A. 13-6-11; and

(k) That this Honorable Court award Plaintiffs all further relief as is just and proper.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted this 23rd day of May, 2017.

Kathryn Leigh Thompson
Attorney for Plaintiffs

Georgia Bar # 848463
Attorney Kathryn Leigh Thompson, LLC
P.O. Box 322
Lizella, GA 31052
Cell: (478)-258-1564
Fax: (478)-352-0062
kathrynleighthompson@gmail.com

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILEZ, LLC and PABLO GILL,	:	
	:	CASE NO
Plaintiffs	:	
		2015-CV-267425
vs	:	
	:	
THE CITY OF ATLANTA	:	
	:	
Defendant	:	

VERFICIATION

Personally appeared before me, the undersigned, who on oath states the facts set forth in this *Amended Complaint* and attached documents are true and correct to the best of his knowledge and belief

Jerry Brow, owner and agent for Filez, LLC, Plaintiff

License #. M-0774622-08

Sworn and subscribed before me this day of

This 23 day of May, 2017.

Notary Public, State of Georgia Mississippi

6-1-2020

My Commission Expires

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 46228 JANICE LORENE NELSON Commission Expires June 1, 2020 JACKSON COUNTY

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILEZ, LLC and PABLO GILL,	:	
	:	CASE NO.
Plaintiffs	:	
	:	2015-CV-267425
vs	:	
	:	
THE CITY OF ATLANTA	:	
	:	
Defendant	:	

VERFICIATION

Personally appeared before me, the undersigned, who on oath states the facts set forth in this *Amended Complaint* and attached documents are true and correct to the best of his knowledge and belief

Pablo Gill, Plaintiff

License #: 049403554

Sworn and subscribed before me this day of

This 23 day of May, 2017.

Notary Public, State of Georgia

06.16.2018

My Commission Expires

VONNIE M. O'NEAL
NOTARY PUBLIC
COBB COUNTY, GEORGIA

NOTARY PUBLIC

YONNIE M. O'NEAL

COBB COUNTY, GEORGIA

Exhibit A
pg. 1

Fulton County Superior Court
EFILEDWW
Date: 10/27/2015 9:36:57 AM
Cathelene Robinson, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

FILEZ, LLC and PABLO GILL,	]	**CIVIL ACTION FILE**
PLAINTIFFS,	]	**NO.** 2015CV267425
v.	]	
CITY OF ATLANTA	]	
DEFENDANT.	]	

COMPLAINT

NOW COME FILEZ, LLC and PABLO GILL, Plaintiffs herein, and file this, their Complaint against CITY OF ATLANTA, Defendant herein, and respectfully show the Court as follows:

PARTIES AND JURISDICTION

1.

Defendant City of Atlanta is a Georgia municipality that is located in Fulton County in the State of Georgia and regularly conducts business in the State of Georgia. Service may be made upon the City of Atlanta by serving a copy of the Complaint and Summons upon Mayor Kasim Reed at 55 Trinity Avenue SW, Atlanta, Georgia 30303.

2.

Plaintiff Pablo Gill (hereinafter"Plaintiff Gill") at all times pertinent to this Complaint has been, and remains, the owner of the property located at 2188 Alvin Drive, Atlanta, Fulton County, Georgia 30014.

Exhibit A
pg. 2

3.

Plaintiff Filez, LLC (hereinafter "Plaintiff Filez") is a Mississippi limited liability corporation lawfully conducting business within the state of Georgia. At all times pertinent to this Complaint, Plaintiff Filez has been, and remains, the owner of several properties within the City of Atlanta. Plaintiff Filez submits to the jurisdiction of this Court.

4.

Jurisdiction and venue are proper in this Court.

FACTUAL BACKGROUND

5.

Between 2006 and 2009, Plaintiff Filez LLC acquired and became the owner of several properties and homes within the City of Atlanta including: parcel 17 024700010584 on Alvin Drive, parcel 17 024700010493 on Mack Drive; parcel 17 024700030152 on Sizemore Road; parcel 17 024800130217 at 1157 Gun Club Drive; parcel 17 24800130266 at 1167 Gun Club Drive; parcel 17 024700031036 at 1350 Sizemore Road; parcel 17 024700010501 at 2181 Mack Drive; parcel 17 024700010410 at 2182 Mack Drive; parcel 17 024600050557 at 2262 Ajax Drive; and parcel 17 024700020310 at 2285 Alvin Drive. Plaintiff Filez is currently the owner of these properties.

6.

Pablo Gill acquired in 2012 and is the current owner of property and the home located in the same neighborhood, at 2188 Alvin Drive, Atlanta, GA, parcel 17 024700010188.

7.

At all times relevant hereto, the City of Atlanta operated, controlled, inspected, maintained and/or managed the streets and sidewalks on or near the Plaintiffs' residential

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neighborhood in Northwest Atlanta, including, but not limited to Gun Club Drive, Sizemore Road, Mack Drive, Ajax Drive, and Alvin Drive.

8.

At all times pertinent hereto, the City of Atlanta had a nondelegable duty to maintain Gun Club Drive, Sizemore Road, Mack Drive, Ajax Drive and Alvin Drive within the limits of the City of Atlanta in a condition that was safe for the traveling public, including Plaintiffs.

9.

As part and parcel of the City of Atlanta's duty to maintain it's streets and sidewalks in safe condition, the City of Atlanta has a duty not to create or maintain a nuisance that damages the property of others.

10.

The neighborhood of Plaintiffs' properties has been subject to continuous illegal dumping for several years, leaving large amounts of trash, furniture, tires and other obstructions in the streets and sidewalks. In addition, the maintenance of the curbs, roads, and street signs in the neighborhood of Plaintiffs' properties has been and is continuously neglected.

11.

During the time of his ownership of properties in the neighborhood Plaintiff Filez' owner Jerry Brow has continuously notified the City of Atlanta about the illegal dumping on the neighborhood's streets and sidewalks, missing street signs and traffic signs, abandoned buildings, and vegetation overgrowth on public roads. In addition to verbal complaints, Mr. Brow continuously forwarded photographs of the conditions to various representatives of the City of Atlanta in requests for service. These complaints and photos provided the City of Atlanta notice of thousands of tires, large furniture and piles of trash and debris and overgrowth in the neighborhood streets. The City of Atlanta also had notice as it's employees had sanitation and

Exhibit A
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maintenance operations at a regular schedule. Mr. Brow and Mr. Gill (upon his purchase of property in 2012) have also held in-person meetings with City of Atlanta personnel and officers of various departments. Departments on notice include the Department of Public Works, Atlanta Police Department Code Enforcement Division, the Special Services Manager, and the Mayor's Office of Constituent Services.

12.

The City of Atlanta continuously allowed the conditions to remain for an unreasonable time despite Plaintiffs' notices. In past years, and as recently as on or about February 8, 2015 and March 8, 2015, City of Atlanta Public Works and other employees frequently drive past the obstructions and overgrowth; fail to replace missing or knocked over signs, push trash and other dumped objects off to the side of the road and cover them with fill dirt as if the neighborhood was a solid waste dump. The City of Atlanta's failure to maintain the curbs and roads also results in narrow, nearly one-lane roads which is also a hazard. Aside from the hazardous road obstructions and defects, this has cause blight to the Plaintiffs' neighborhood and loss of use and enjoyment of their respective properties as well as annoyance.

13.

Plaintiffs have made several efforts to use and enjoy their respective properties including attempting to rent and sell the properties for profit. However, due to the aforementioned blighted conditions maintained by the City of Atlanta, the marketability of the properties has diminished as potential renters and investors often encountered large amounts of trash on the streets, overgrowth on all of the streets from not being maintained, lack of adequate stop signs and street signs, numerous burned out homes, abandoned homes with doors and windows broken out.

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14.

In addition to frequent failures to remedy the street obstructions in a timely manner after notification of the conditions, the City of Atlanta causes further damage to Plaintiffs' properties during its street maintenance activities.

15.

For several years, the City of Atlanta's Department of Public Works has continued to trespass and cause damage to Plaintiffs by continuing to sweep litter and debris onto their respective properties during street maintenance outings, as well as pushing large illegally dumped objects onto private and surrounding properties. In effect, by City of Atlanta's negligent performance of its duty to maintain reasonable safe conditions, it has caused further nuisance. As recently as September 4, 2015, Plaintiff Filez has been issued Notice of Violations from the Georgia Department of Natural Resources, citing the conditions caused by Defendant as violations of the Georgia Comprehensive Solid Waste Management Act.

16.

Plaintiffs caused an ante litem notice and demand for compensation to be served on City of Atlanta on or about May 19, 2015 in accordance with O.C.G.A. § 36-33-5. To date, City of Atlanta has not responded to Plaintiffs' ante litem notice and statutory demand. See Exhibit 1, attached hereto.

COUNT ONE - NUISANCE

17.

Plaintiffs re-allege and incorporate by herein the allegations contained in paragraphs 1 through 16 above, as if fully restated.

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18.

The City of Atlanta has a duty not to create or maintain a nuisance that damages the property of others.

19.

Plaintiffs have suffered and they continue to suffer from the damage to their property resulting from the City of Atlanta's road and curb maintenance operations which have created and continues to be a nuisance to plaintiff. Papers, weeds and great quantities of other loose material in the form of dirt, dust, and filth have been and continue frequently to be swept and pushed and carried by machinery from public streets that have been dumped upon and into the property of Plaintiffs, thereby causing them great and serious annoyance, inconvenience and labor in unsuccessfully attempting to keep their premises free and clear of such waste material, refuse and other offensive matter.

20.

The creation and continuation of the City of Atlanta's street maintenance in the manner in which the refuse, debris and waste materials are partially disposed of and are blown upon the Plaintiffs' properties has compelled plaintiffs to expend for labor and materials in their unsuccessful attempts to clean their premises and keep same clean; and depreciated the value of their property.

21.

The creation and continuation of the City of Atlanta's street maintenance in the manner in which the refuse, debris and waste materials are partially disposed of and are blown upon the Plaintiffs' properties has caused and continues to cause to Plaintiffs annoyance, discomfort and

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inconvenience, and has deprived Plaintiffs of the comfortable enjoyment of their property, and has made their premises objectionable to their senses of sight and smell and a menace to their health.

22.

Plaintiffs have no adequate remedy at law, and will continue to suffer irreparable injury if the maintenance of the nuisance is not restrained, and will be subjected to great expense by the necessary prosecution of a multiplicity of suits.

COUNT TWO - NEGLIGENCE

23.

Plaintiffs re-allege and incorporate herein the allegations contained in paragraphs 1 through 22 above, as if fully restated.

24.

The City of Atlanta was engaged in ministerial functions in maintaining the streets and sidewalks to keep them safe for travel.

25.

The City of Atlanta was negligent by failing to remove trash, debris, and overgrowth on the roadways surrounding Plaintiffs' properties in a timely manner, in failing to replace street and traffic signs, and in failing to take adequate measures to protect individuals from these defective roadways.

26.

The City of Atlanta's negligence in failing to maintain reasonably safe roadways is the proximate cause of Plaintiffs' injuries.

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27.

As a direct and proximate result of the combined acts of negligence and nuisances committed by the City of Atlanta as set forth above, Plaintiffs were injured and damaged as hereinafter set forth:

They were caused to suffer loss of use and enjoyment of it's property;

They were caused to suffer discomfort, loss of peace of mind, unhappiness, and annoyance;

They were caused to suffer clean up costs and efforts;

They were caused to suffer lost rental profits; and

They were caused to suffer diminished market value of their respective properties.

COUNT THREE - ATTORNEY'S FEES

28.

Plaintiffs re-allege and incorporate herein the allegations contained in paragraphs 1 through 27 above, as if fully restated.

29.

The Plaintiffs' reports of the unreasonably hazardous conditions, the city officials' investigations and statements of witnesses and the parties reflect that the City of Atlanta negligently maintained the streets and sidewalks by failing to respond in a timely and appropriate manner after illegally dumping, as well as other negligent maintenance. Thereafter, the City of Atlanta has caused a continuing nuisance by moving debris and solid waste onto Plaintiffs' properties.

30.

Plaintiffs have made several attempts to mitigate and resolve this claim without initiating a lawsuit and incurring unnecessary litigation expenses. However, the City of Atlanta has

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refused to resolve this matter amicably. The City of Atlanta's conduct in forcing Plaintiffs to litigate this matter constitutes bad faith and stubborn litigiousness, which supports a claim for ongoing litigation expenses and attorneys' fees pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

(a) That an injunction issue herein restraining the City of Atlanta from using or maintaining its property above in the manner of a dumping ground or for any other purpose which will constitute a nuisance to plaintiff and from causing or permitting its premises to be so used.

(b) That this court award Plaintiffs just and adequate compensation for the damages to their properties in an amount to be determined at trial;

(c) That this court award Plaintiffs all actual, direct, consequential, special and emotional damages suffered as a result of the acts and omission of the City of Atlanta in an amount to be determined at trial;

(d) That this court award Plaintiffs nominal damages in an amount to be determined at trial;

(e) That this court award Plaintiffs all costs of this litigation, including reasonable attorney fees pursuant to O.C.G.A. 13-6-11; and

(f) That this court award Plaintiffs other and further relief as is just and proper.

This 26th day of October, 2015.

DEFENDER LEGAL

/s/ Diana Wilson

DIANA WILSON
Georgia Bar No: 613180
Attorney for Plaintiffs

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P.O. Box 235
Scottdale, GA 30079
Tel: (404) 913-4729
dwilson@defenderlegal.com

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IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

FILEZ, LLC and PABLO GILL,	]	CIVIL ACTION FILE
PLAINTIFFS,	]	NO. _____
v.	]	
CITY OF ATLANTA	]	
DEFENDANT.	]	

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by a jury as to all issues triable by a jury.

Respectfully submitted, this 26th day of October, 2015.

DEFENDER LEGAL

/s/ DIANA WILSON
Georgia Bar No: 613180
Attorney for the Plaintiffs

P.O. Box 235
Scottdale, GA 30079
Tel: (404) 913-4729
dwilson@defenderlegal.com

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DEFENDER LEGAL

ATTORNEYS AT LAW

P.O. Box 102
ATLANTA, GA 30301

TELEPHONE: (404) 913-4729
EMAIL: DWILSON@DEFENDERLEGAL.COM

May 1, 2015

SENT VIA CERTIFIED MAIL 7014 2120 0004 2782 7937
RETURN RECEIPT REQUESTED

Atlanta City Council
Attn: Ceasar C. Mitchell, President
55 Trinity Avenue, SW
Atlanta, Georgia 30303

ANTE LITEM NOTICE ON BEHALF OF FILEZ LLC AND PABLO GILL

Dear Council President Mitchell:

This letter will serve as our letter of representation as well as ante litem notice pursuant to O.C.G.A. §36-33-5 to the City of Atlanta, the City of Atlanta Department of Public Works, City of Atlanta Code Enforcement and any and all other City of Atlanta employees, officers and agencies responsible (hereinafter referred to as City of Atlanta) for causing damage to properties owned by our clients Filez LLC and Pablo Gill.

STATEMENT OF CLAIM

Filez LLC is the owner of 10 residential lots located within Northwest Atlanta to wit:

1. parcel 17 024700010584 on Alvin Drive
2. parcel 17 024700010493 on Mack Drive;
3. parcel 17 024700030152 on Sizemore Road;
4. parcel 17 024800130217 at 1157 Gun Club Drive;
5. parcel 17 24800130266 at 1167 Gun Club Drive;
6. parcel 17 024700031036 at 1350 Sizemore Road;
7. parcel 17 024700010501 at 2181 Mack Drive;
8. parcel 17 024700010410 at 2182 Mack Drive;
9. parcel 17 024600050557 at 2262 Ajax Drive; and
10. parcel 17 024700020310 at 2285 Alvin Drive.

Pablo Gill is the owner of property and home located in the same neighborhood, at 2188 Alvin Drive, parcel 17 024700010188.

EXHIBIT 1

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May 1, 2015
Atlanta City Council (C. Mitchell)
Ante Litem: Filez LLC and Pablo Gill

Filez LLC and Pablo Gill present this claim for negligence and nuisance against the City of Atlanta as described below. The neglect and the acts causing nuisance recur during the City of Atlanta's sanitation and road maintenance duties in the Carver Hills neighborhood of Northwest Atlanta. Our clients have photographed the City of Atlanta committing these acts as on Sizemore Road NW and Gun Club Road NW recently as February 8, 2015 (EXHIBIT A) and March 8, 2015 (EXHIBIT B). We detail the acts below.

NEGLIGENCE:
FAILURE TO MAINTAIN REASONABLY SAFE STREETS AND SIDEWALKS

The neighborhood of our clients' properties has been subject to continuous illegal dumping for several years, leaving large amounts of trash, furniture, tires and other obstructions in the streets and sidewalks as shown in the enclosed photographs. Subsequent neglect on the City's behalf in response to the dumping has rendered our client's properties unsafe and unmarketable.

Filez LLC owner Jerry Brow has constantly notified the City about illegal dumping on the neighborhood's streets and sidewalks. The enclosed emails are merely a few examples of the our clients requests and complaints to the City of Atlanta. Mr. Brow has also forwarded photographs similar to those enclosed to various representatives of the City of Atlanta in requests for service. These photos provided the City of Atlanta notice (although regularly scheduled sanitation and road maintenance operations would have discovered the conditions) of hundreds of tires, large furniture and piles of trash and debris in the neighborhood streets. As shown in the enclosed emails some of these representatives include Public Works Program Management Officer Gayla Dodson, Public Works Commissioner Richard Mendoza, Atlanta Police Department Code Enforcement Lieutenant Cummings, Former Special Services Manager Estee Andrews, and Mayor's Office of Constituent Services Representative Desmond Brown among others. Mr. Brow and Mr. Gill have also held in person meetings with officers from the Office of Constituent Services and Code Enforcement Division of the Atlanta Police Department.

Statutorily, cities have a duty to maintain "reasonably safe" conditions on public streets and sidewalks. O.C.G.A. § 32-4-93. Cases such as ***Atlanta v. Atl. Realty Co.*** held that maintaining city streets and sidewalks in a safe condition is a ministerial duty, so that a

Exhibit A

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municipality will be liable as a consequence of their neglect to perform or improper unskillful performance of thereof. 205 Ga. App. 1 (1992).

Filez LLC recently hired Berkshire Hathaway Home Services broker Dianne Bryant to sell his properties. According to the attached letter (EXHIBIT C), Ms. Bryant's effort to sell the Filez' properties has been unsuccessful, and she has noted "When any purchaser would drive through this NW Atlanta area they would encounter large amounts of trash on the streets, overgrowth on all of the streets from not being maintained, numerous burned out homes, abandoned homes with doors and windows broken out." Mr. Gill has also suffered lost rental profits due to the same conditions in the neighborhood, as potential renters have declined his home citing fear for their safety due to the neighborhood conditions.

Despite notice of the deplorable conditions, the City of Atlanta has breached its duty to keep the streets and sidewalks in reasonably safe condition, as it has allowed these obstructions to remain. As shown in the enclosed photos, solid waste employees frequently drive past the obstructions or merely push them to the side of the road where they remain today. Surely, this practices cannot be in accordance with any Comprehensive Solid Waste Management Plan that all cities and counties are required to file per O.C.G.A. § 12-8-31.1(a)(1), considering the unhealthy aspects of the items dumped (particularly tires for which there are specific statutes regarding their disposal).

Under penalty of lien and levy, our clients incur yearly Solid Waste fees per parcel which purport to cover street cleaning, illegal dumping, dead animal removal, and other street related maintenance costs. Nevertheless, in addition to the City of Atlanta's frequent failure to maintain reasonably safe streets and sidewalks in a timely manner of after notice of these hazards, the City of Atlanta causes further damage to our clients' properties during street maintenance activities.

CONTINUING NUISANCE:
SWEEPING DEBRIS AND LITER FROM STREETS ONTO PRIVATE PROPERTY

For several years, The City of Atlanta's Department of Public Works has swept litter and debris onto our clients' properties during street sweeping outings, and they have maintained the blighted the neighborhood by pushing large objects onto private properties with other

Exhibit A
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equipment as shown in the attached photos. Mr. Brow notified the City of this recurring practice on several occasions, in the same fashion as mentioned above. The City's response was to inform Mr. Brow that the property owners would be cited for code violations.

Especially when, O.C.G.A. § 16-7-43(a) specifies that: "It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this state." In the same vein, O.C.G.A. § 16-7-52 states that: "It shall be unlawful for any person to intentionally dump egregious litter unless authorized to do so by law or by a duly issued permit (3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any other state law, rule, or regulation.

While violations of these anti-dumping laws carry criminal penalties, Georgia law also allows civil penalties for the kind of dumping activities that are condemned by these statutes, but which are routinely performed by City of Atlanta employees and agents on our clients' properties. Thus, O.C.G.A. § 51-1-6 provides: "When the law requires a person to perform an act for the benefit of another or to refrain from doing an act which may injure another, although no cause of action is given in express terms, the injured party may recover for the breach of such legal duty if he suffers damage thereby." As a result, our clients would be entitled to bring an action against the City of Atlanta for the damage to their property caused by the City's own dumping activities, made all the more egregious by the City's threat to cite (and fine) them for the illegal items dumped on their property by the City's own employees and/or agents.

On the other hand, the actions of City' employees in sweeping street trash and debris onto private property constitutes a nuisance from which our clients are entitled to relief. A nuisance is "anything that worketh hurt, inconvenience, or damage to another; and the fact that the act done may otherwise be lawful does not keep it from being a nuisance." **See *Thrasher v. Atlanta*, 178 Ga. 514 (1934)** (reversing City's demurrers where Plaintiff's nuisance petition averred that airplane traffic at the City's airport kicked up and spread dust onto his property).

DEMAND

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May 1, 2015
Atlanta City Council (C. Mitchell)
Ante Litem: Filez LLC and Pablo Gill

As a direct and proximate result of the aforementioned continuing events, Filez LLC and Pablo Gill have incurred damage to their property for which they are entitled to be compensated. On behalf of our clients we hereby demand that the City of Atlanta pay Filez LLC and Pablo Gill for the loss of the profits, use and enjoyment of their respective properties and they are entitled to damages for discomfort, loss of peace of mind, unhappiness and annoyance as well. Alternatively, our clients reserve the right to seek the diminution in the fair market value of their respective properties.

Considering our clients' property damage, lost profits, annoyance, and inconvenience during their respective periods of ownership of the affected properties resulting from the City of Atlanta's negligence, it is likely that a Fulton County jury will be appalled and a verdict will be very favorable if this case is litigated. **Our clients have authorized us to discount the potential jury verdict and settle their claim for the following amounts: $500,000.00 (Five-Hundred Thousand Dollars) for Filez, LLC; and $50,000.00 (Fifty Thousand Dollars) for Pablo Gill.**

Per O.C.G.A. §36-33-5(c), the City of Atlanta has thirty days from the presentation of these claims to decide whether these claims can be settled without litigation. In the event that these claims cannot be settled without litigation, we are hereby providing notice to the City of Atlanta that we will proceed to litigate the claims and seek any and all damages, including, but not limited to, attorney's fees and expenses of litigation that they are entitled to under Georgia law. We look forward to your response to our settlement demand.

Respectfully,

Diana N. Wilson

Diana N. Wilson
Attorney At Law

Enclosures

Exhibit A
Pg. 17

7014 2120 0004 2762 7937

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.
ATLANTA GA 30303-3520

OFFICIAL USE

Postage	$ $3.50	0327
Certified Fee	$3.30	08
Return Receipt Fee (Endorsement Required)	$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$ $9.50	05/01/2015

MEMORIAL FINANCE STATION STONE MTN. GA 30083
MAY 1 2015

Sent To: Atlanta City Council
Street & Apt. No., or PO Box No.: 55 Trinity Avenue, SW
City, State, ZIP+4: Atlanta GA 30303

PS Form 3800, July 2014 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Atlanta City Council
Attn: Pres. Ceasar Mitchell
55 Trinity Avenue SW
Atlanta, GA 30303

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Iyda Negasi
☑ Agent ☐ Addressee

B. Received by (Printed Name): Iyda Negasi
C. Date of Delivery: 5/19/15

D. Is delivery address different from item 1? ☐ Yes ☑ No
If YES, enter delivery address below:

3. Service Type
☑ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label): 7014 2120 0004 2762 7937

PS Form 3811, July 2013 — Domestic Return Receipt

Exhibit B
pg. 1

November 21, 2016

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Atlanta City Council
Attn: Ceasar C. Mitchell, President
55 Trinity Avenue, SW
Atlanta, Georgia 30303

Attn: Mayor Kasim Reed
Attn: City Attorney Cathy Hampton

ANTE LITEM NOTICE

Dear Mayor, City Attorney and City Council:

This letter will serve as your ante litem notice pursuant to O.C.G.A. §36-33-5 to the City of Atlanta, Mayor Kasim Reed, in his professional capacity, personally and individually (Mayor), City Attorney Cathy Hampton in her professional capacity, personally and individually (City Atty), the City of Atlanta City Council: Ceasar Mitchell, Carla Smith, Kwanza Hall, Ivory Lee Young, Cleta Winslow, Natalyn Archibong, Alex Wan, Howard Shook, Yolanda Adrean, Felicia Moore, C.T. Martin, Keisha Bottoms, Joyce Shepard, Michael Julian Bond, Mary Norwood and Andre Dickens as to fraud, retaliation to induce fear, personal safety violations, violations under the Georgia Statutes, Georgia Constitution Article 1. As to damages to residential properties owned by Jerry Brow (BROW) and Brow personally.

Brow is the Owner of properties in the City of Atlanta and these lots are located within Northwest Atlanta to wit:

1.	parcel 17 024700010584 on Alvin Drive	Purchase $16,528.00
2.	parcel 17 024700010493 on Mack Drive;	Purchase $51,239.00
3.	parcel 17 024700030152 on Sizemore Road;	Purchase $20,000.00
4.	parcel 17 024800130217 at 1157 Gun Club Drive;	Purchase $130,185.00
5.	parcel 17 24800130266 at 1167 Gun Club Drive;	Purchase $96,823.00
6.	parcel 17 024700031036 at 1350 Sizemore Road;	Purchase $91,879.00
7.	parcel 17 024700010501 at 2181 Mack Drive;	Purchase $92,335.00
8.	parcel 17 024700010410 at 2182 Mack Drive;	Purchase $80,228.00
9.	parcel 17 024600050557 at 2262 Ajax Drive; and	Purchase $78,807.00
10.	parcel 17 024700020310 at 2285 Alvin Drive.	Purchase $77,807.00

Brow presents claims for damages as a result of fraud, breach of professional duty, retaliation by harassment, trespass by littering, trespass by waste control, injuries to real estate, loss wages, Special Damages, Punitive damages, Pain and suffering, Future Pain and Suffering, Diminished capacities to work, trespass and intentional Gross negligence, against the City of Atlanta and

Exhibit B
pg. 2

fears for his life while driving down city streets, in Atlanta as to retaliation from the City and its officers as described below.

The Atlanta City Council. the Legislative Branch of City Government, enacts laws to protect the public health, safety and welfare of the citizens of Atlanta.

- City Council must rely on information presented to them from the Mayor, City Attorney and the Mayors Staff.
- The City of Atlanta, Mayor and City Attorney and others unknown, have a Ministerial duty to provide services, imposed by law and in no manner are left to discretion.

FRAUD:

MAYOR AND CITY ATTY FAILED TO PROVIDE ACCURATE INFORMATION AND DETAILS OF NUMEROUS VIOLATIONS OF LAW, CODE AND GEORGIA STATUTE CONCERNING PUBLIC SAFETY TO THE CITY COUNCIL THE RESULT, VIOLATIONS OF LAW AND STATUTE CAUSED DANGERSOUS CONDITIONS, DIMINISHED PROPERTY VALUE TO EXIST AND REMAIN WHICH DIRECTLY AFFECTS BROW.

It is understood that we the people must rely upon our government for protection when it comes to mandated laws in place to protect us from harm. We as citizens do not have the right to take measures into our own hands, therefore we must rely on our government to assure Public safety and Health measures are in place.

That influencing legislative action by any fraudulent means, knowingly and willfully conceal issues relating to the public safety, willfully and intentionally violating the terms of public oath, knowingly making and delivering official writings and verbal communications and statements which are known to be false eliminates the ability for the government to protect its citizens including but not limited to BROW. These continual fraud issues and actions is the case by which this notice is brought.

Mayor and City Attorney did willfully deceive the City Council concerning the illegal landfill called " Baby Gun Club Landfill" (BGCLF) and Gun Club Landfill, an illegal landfill site the City owns and created parcel # 17 0247LL1105 located in the City of Atlanta, Georgia 30318 Zip Code, operated and maintained more then twenty (20) years by the City of Atlanta and continues to maintain both land fills today. The City began operation of BGCLF illegal landfill and trespassed and illegal dumped onto numerous private properties, one specifically was a parcel of land BROW owns, this was observed and witnessed by adjacent private property owners living next to the illegal City operated Landfill BGCLF and GCLF and their families observed the City of Atlanta operation during the creation and the City's operations of said illegal landfill(s) even after the closing of the Gun Club Landfill on or about 1972. Today, the City of Atlanta continues to mow (maintain) a portion of this illegal landfill BGCLF which has never been officially permitted by the City, it was never officially closed, the GCLF illegally

Exhibit B
pg. 3

closed and remains in compliance violations so the Gun Club Landfill is also an illegal landfill. These neighboring witnesses (9) thought that since it was the City of Atlanta's Employees, Trucks, Dump Trucks, Bull Dozers, Tractors and city Vehicles entering and exiting from the main gate on Gun Club Rd NW passing the Scales Monday through Friday that everything the City was doing was legal. IT WAS NOT! The Mayor and City Attorney concealed information, provided false and misleading documents and information to the City Council and State of Georgia as to avoid the permitted Gun Club Landfill having to abide by the Clean Air Act. A "Million Dollar" motive. These fraudulent actions continued to deceive the public from such illegal actions of the City of Atlanta. Including but not limited to the City Council. At no time did the Mayor of Atlanta place protective measures to STOP contamination to adjoining private properties or to STOP the contamination from entering into State and Federal Waterways. At no point did the Mayor act to STOP contamination from entering into the ground drinking water table. At no time did the Mayor place notice of waste on deeds to all properties the City trespassed upon required by State Law directly affecting BROW, The Mayor and City Atty knowing the waste has been there since it was the City of Atlanta who placed it there. Surveys' located dating back to 2000 indicates waste buried in excess of approximately 120 feet in depth.

On June 5, 2012 Southern Cross Financial LLC sued the City of Atlanta due to trespass on their private property adjacent BROWS track of Land, within the complaint outlined the illegal actions of the City, trespass and illegal dumping, the City Attorney Cathy Hampton along with Mayor Kasim Reed knowingly committed fraud and continued to deceive the City Council by not informing the City council or the public or Brow about the Public Safety issues, ongoing trespass(es), violations of numerous State and Federal laws, Georgia codes and statutes as well as the severe safety and health risks from the illegal BGCLF site, all the City Atty and Mayor was concerned about was not about public safety and or the violations of the civil rights of citizens or Brow, the public's health or safety the proper liabilities as to Public Safety but only the City's Financial Liabilities of the operations and maintenance of the city's landfill but rather only focused on the financial liability to the City.

The Paramount Duty of the Mayor and City Attorney was to inform the City Council and Public (BROW) under the Communities right to Know Act of such health and safety hazards concerning the City Operated BGCLF and own up to the responsibilities of the operations of the City's Solid Waste Department and put into action measures to protect the Public (BROW) from past, current and future harm. That never happened and still the City has NOT acted to protect the Public (BROW) and our entire Environment. The Mayor & City Atty has put additional harm and disgrace to the City of Atlanta and has caused Brow's future plans of his properties to disappear.

It was the City's Atty and Mayor's intention to allow time to pass to avoid financial liability to the City, to allow contamination levels to diminished as time passed, to cover up the numerous illegal actions of the City. This is documented by supporting fraudulent communications to the City Council and to the State of Georgia which has resulted in non-action taken to protect the public and BROW from harm. It is also supported by the FACT that there are no safety measures taken to protect the public or BROW or his tenants from harm at the BGCLF site approximately 24 acres of toxic waste.

Exhibit B
pg. 4

This was absolutely clear when the City Attorney and Mayor Settled with Southern Cross Financial LLC on 08-08-2014:

A Draft Settlement was written by the City Atty and presented to the Mayor for his consideration(s), not outlining the public safety concerns, environmental concerns but rather the financial exposure of the City. This breach of Duty on both parts of the city Attorney and the Mayor is documented when the final fraudulent information presented to the City's Public Safety & Legal Administration Committee to vote upon to allow a settlement from the City to Southern Cross Financial LLC as to the trespass by the city onto Private Property owned by Southern Cross Financial LLC. This action by the City did in fact not satisfy the compliance requirements for the GCLF nor did the Mayor or City Atty seek to inform the City council to commence measures to protect the public and environment as to the BGCLF. Nor did the Mayor or City Atty inform BROW as to the trespass and dangerous waste the City trespassed and deposited on BROW'S property. This exact fraud caused Brow additional emotional, physical harm and violated his rights to enjoyment of his properties.

Previous Resolutions by the City Council rendered actions based upon similar fraudulent information from the Mayor and City Atty to the Council, but there was nothing eluding to the cover up by the City of this massive illegal landfill BGCLF created, operated, filled up and then cover up by the City until the Civil suit was filed by Southern Cross in 2012. Transparency was crucial. Yet, intentional deception was put in place by the Mayor and City Atty to avoid additional liability while subjecting dangerous conditions to BROW and the Public.

Under City Council Resolution 14-R-3974:
"***The City Attorney had done an extensive review of the facts and the law" and determined it was the City's financial exposure*** that governed the Settlement Not Public Safety.

An additional fraud committed by the City Attorney was to allege that the $275,000.00 was for a full settlement with Southern Cross Financial LLC, yet there were additional favors not mentioned in the settlement information presented to the City Council that benefited Southern Cross Financial and its Owner.

That on 03-03-2014 City Council rendered Ordinance by City Utilities:
The City Council relied upon fraudulent information that was provided by the City Attorney and Mayor to the City Council indicating the City would be in compliance with the post closure "care" requirements of GCLF of 3 properties along Mack Dr NW were obtained. When in FACT this was fraudulent and deceptive that the City Attorney and Mayor knew of additional properties were needed to be obtained to be in compliance with the Georgia Environmental Department (EPD) based upon the Law Suit by Southern Cross financial and review of the Georgia EPD requirements, State and Federal laws for the closure of the permitted GCLF. This is clearly noted on the City Survey dated 06-29-2006 six (6) years prior to the civil case brought by Southern Cross Financial LLC.

The City Atty and Mayor has known since the development of the GCLF (BGCLF) and its open operational functions of the illegal municipal waste dump since approximately 1968, the City knew about the risks associated with the trespass and Illegal dumping, the public health risks

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associated by not complying with the Ga EPD mandate, knowing that the health and Safety risks associated with leaving the BGCLF un monitored, un contained, blatant disregard to human life and health, blatant disregard to the destruction of the environment as directly affecting the Federal Water Way Proctor Creek directly affecting BROW. The City Atty and Mayor has gone to great lengths to continue to cover up the illegal landfill BGCLF owned and operated by the City of Atlanta, the City Atty and Mayor knowingly disregarded Federal, State and Local safety protocols to prevent the risk to human life and property, in that, even today 11-20-2016 there are absolutely NO safety measures taken by the City of Atlanta to prevent the public from entering the city owned and operated BGCLF, which has yet to be controlled as to methane release and exposure, has yet to be controlled as to run off of contamination (leaching) to surrounding private properties, has yet to be controlled the contamination of TOXIC substances (Leaching) onto and into Federal Waterways (Proctor Creek).

That the City Atty and Mayor knew that the GCLF was at its limits of Waste as to the Federal Clean Air Act, which the BGCLF part would demonstrate the limits of waste surpassed such maximum limits set forth by the Clean Air Act, the FINANCIAL EXPOSURE proved to be a worthy motive as to begin the Fraud and cover up by the City as to not to act accordingly to protect the public or BROW nor follow numerous laws in place to stop further damage to private properties and Brow, to adjacent property owners and their health.. This documented proof demonstrated in the Resolution 14-R-3974: by the City Atty outlines her full extensive knowledge of the Law and Facts of the landfill, that her professional duty was to communicate directly with her client the Mayor and inform the Mayor of such. The Mayor acting in his professional duty was to act upon such information and protect the public and BROW from additional harm, both parties were grossly Negligent and has caused additional harm, pain, suffering and past, current and future losses to Brow.

That on or about March 2016, private property owner Brow hired a Georgia lawyer Melissa Heath while still employed with the Law Firm Green Law, Lawyer Heath had over 20 years' experience working for the Environmental Protection Agency (EPA) in addition was now a witness to the illegal landfill BGCLF and trespass of the City as to the BGCLF herself. It is upon this written notice of damages sent to the City Attorney and Mayor that originated from Attorney Heath requiring addressing the additional damages and issues to the City which requires the City of Atlanta to obtain Brow's property Parcel # 17 024700010493 that the City is continually trespassing and illegally dumped upon BROW'S property and cannot be in compliance with the closure of the GCLF as to the EPD's post closure care and other laws and statutes.

Even after the City received notices twice within a FOUR (4) year time frame by private property owners as to the City's illegal trespass and illegal dumping of toxic waste upon private property as to the BGCLF. The City did not engage in any conduct that would protect BROW or the public's health and Safety. It is known, videotaped and photographed that there are Sink Holes on the illegal dump site BGCLF, that children are and have been playing on the toxic waste dump, contamination is spewing from the toxic waste site onto other private properties and into Proctor Creek, a Federal water way. The City also committed Fraud when communicating to the Director of the EPA approximately in March 2016 as to proctor Creek's contamination.

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This information must have been disclosed to proper authorities but the City chose to act above the law and continued to commence fraud.

That on 4-4-2016 commencement of calling 911 about deathly nuisance smelling items located on Alvin Dr NW was reported to the ATL PD, no officer was dispatched, no officer located the corpse.

That after Felisha Moore's office was contacted by Brow, Two Atlanta Police Department (APD) officers went to Alvin Drive NW to inspect a small deathly smelling bundled wrapped in a white sheet with a child's or baby blanket sticking out of one end, the APD officer took a stick on the side of the street and poked the bundle and said it was a dog and drove off, never opening to verify what actually was in the bundle. Brow and other tenants had to put up with the nauseous smells form months.

Until this day 11-21-2016 months later that bundle still remains un opened on the side of Alvin Dr NW Street. There is no way to now if what is contained within the bed sheet bundle alongside the corner of Alvin Dr NW at a Curve, thrown into a ditch is a human skeleton or an animal skeleton.

At no time was missing children contacted, at no time did any law enforcement officer return to the site to inspect the bundle, just a poke of a stick from five feet away was a determining factor to leave the bundle undisturbed. At no time did the City return to even remove the corpse as required by City Code if in fact it is a dead animal. The smell and dead corpse remains on the side of Alvin Dr NW. remaining and causing a nuisance for months.

That hazardous debris on the City's Right of Way which has almost cost the life of a City of Atlanta's Police Officer on Duty on 10-02-2016 at 17:50 as well as Brow's life on Alvin Dr. NW numerous occasions. That on 11-7-2016 and again on 11-8-2016 videotape obtained demonstrates hazardous waste on the City Street Alvin Dr NW curve, which the APD officer consciously and intentionally hits his brakes to avoid a head on collision with another white auto, only to continue to drive through and not report the hazardous condition. Numerous school busses continue to drive around the hazardous debris for weeks and months, these children and their parents unknowing the dangers that exist on the Atlanta City Streets especially on Alvin Dr NW, Sizemore Ave NW and Gun Club Rd NW. On 11-4-2016 obtained video at 8:22 am a school bus must also hit his brakes to avoid a head on collision with an oncoming car, numerous city trucks and employees just drive by without any regard to public safety or Brow's life or Brow's tenants lives.

From September 17, 2016 through November 21, 2016 49 APD cars, suvs, vans just drive pass the hazardous debris on Alvin Drive, Sizemore and Gun Club Rd NW, only ONE (1) APD officer slows down to almost a stop, then drives away without ever reporting the road Hazard. This Blatant Gross Negligence and Reckless conduct endangers all public and individually Brow since Brow has multiple properties in the area and must drive down these streets. BROW has himself almost been in head on collisions more then 40 times due to hazardous waste remaining in the streets. Photos and Videos taken over weeks, months and years of reckless endangerment. Especially school busses forced to drive into an oncoming lane to avoid coming into contact with

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the hazardous debris that remains in the street for months. Tenants of Brow and Brow himself are also forced to drive down Atlanta City Streets that are dangerous to their life and pose a threat to their safety daily.

That traffic control devices such as stop signs are not in place in accordance with the MUTA standards and therefore cause high accident risk to all who drive down Sizemore Ave NW and North Ave NW, Mack Dr NW, Alvin Dr NW and Gun Club Rd NW for years there has been no stop signs and has caused stress and duress to Brow and his Tenants and to the general public. That the Insurance departments providing insurance to all City vehicles should consider suspending coverage until the City cleans the streets.

Information collected by City employees who photograph the conditions of the streets on Sizemore Ave NW, Alvin Dr NW, Gun Club Rd NW, Ruth St NW, Jones St NW and other streets and then passes this information to the Mayor and City Attorney which then does not pass along the public safety violations to the City Council and the Mayor allows the Gross negligent City's operations to endanger the lives of all who drive down city streets affecting Brow personally and his tenants.

RECLESS ENDANGERMENT:
CITY MAYOR, CITY ATTORNEY AND CITY COUNCIL KNOWING THAT STREETS ARE DANGEROUS, KNOWING THAT CITY PARK LAND IS DANGEROUS, KNOWING THAT THEIR ILLEGAL LANDFILL SITES ALONG MACK DR NW, SIZEMORE AVE NW, RUTH STREET NW, NORTH STR NW IS DANGEROUS TO PUBLIC HEALTH AND SAFETY AND TO BROW

The City endangers the bodily safety of Brow and other persons, the City Mayor and City Atty consciously disregarding a substantial and unjustifiable risk that their act or omission causes harm and endangers the safety of Brow and Brow's tenants as well as other persons, the City's disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. Including to but not limited to O.C.G.A. 16-5-60(b).361. and The fact that City employees drive by hazardous conditions and the city does not remove such hazardous conditions causes fear to Brow.

Gross negligence, not an intentional act. Gross negligence necessarily implies, not only knowledge of probable consequences which may result from the use of a given instrumentality, but also willful or wanton disregard of the probable effects of such instrumentality upon others likely to be affected thereby. Gross negligence is something more than ordinary negligence. Gross negligence is the reckless disregard of consequences, or a heedless indifference to the rights and safety of others, and a reasonable foresight that injury would probably result. This has been continual in that Mayor, City Atty and City continue to allow road hazardous to exist, driving by such hazards daily, weekly and monthly with blatant disregard to the consequences and safety of allincluding BROWwho drive by such hazards. That City supervisors, City department heads choose to not abide by the rules, codes, statutes and proper procedures. The fact that numerous city employees, numerous Atlanta Police Department officers continue to drive by such hazards, even making a conscious action to hit their brakes to avoid a collission

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and or almost completely stop demonstrates the Gross Negligence thus endangering the bodily safety of Brow and others. Allowing road debris to remain on and in the streets for weeks, months and even years after the Mayor's office receives written communication, city's mayors office employees and Code enforcement officer personal inspecting these hazards since 2011 for years regarding this aforementioned area since 2011.

Gross Negligence and Reckless endangerment also occurred on Sizemore Ave NW for years when an industrial toxic waste container half filled was illegally dumped in the street and remained there for more than 47 days "in" the street. Blocking a large portion of Sizemore Ave NW. EPA was called, when the City did finally remove the toxic waste more then a month later, the waste was not removed in accordance with the State Law to remove toxic substances, but rather just dumped it with other household garbage violating additional State and Federal Laws.

That the City Attorney and Mayor knowingly jeopardize all Residents including BROW'S life who live, work or play in the area of the BGCLF and on the streets in NW Atlanta, The Mayor has not put any protective measures in place or into action from the abundance of Life threatening risks associated with the BGCLF and the GCLF or the streets.

That the City has knowingly endangered the Public and Jerry Brow by not providing safety measures that protects Citizens from Harm. That after first being notified in writing by Brow dating back to 2011 of dangerous public's roads, the City continued to violate the State Law and Local Laws and Codes in place to protect the Public as outlined in the Public Works, the Solid Waste Department, the Ga. Department of Transportation, and Atlanta's Office of Transportation operational policies, regulations and procedures and as to the Codes of the City of Atlanta.

City employees and commissioners, representatives knowingly would drive by hazardous debris on the streets Right of Way and not report such hazards, this will include but not limited to the Atlanta Police Department and their patrol while driving down city streets. Public Works and Solid Waste Departments personal were also driving by and around hazardous debris and items and not reporting such nor removing them from the roads. Videos and Photos demonstrating this for more than 7 consistent years.

That two separate downed live wires exist, one downed wire since September 2015 completely blocks Two (2) properties of Brow and caused nuisance BROW and to many others while the other wire blocks three (3) other private properties and is causing a nuisance and endangering to Brow, and his properties and his tenants. Numerous 911 and 311 calls were made yet wires remain "in" the road causing a threat to all who drive by from these hazards.

That on June 25, 2016 the City of Atlanta PW department by and through their employees did in fact come into contact with the live wire located on Sizemore Ave NW, that the City's Tractor Brush Hog did in fact hit the downed wire causing damage to the wire and to the city equipment mangling the wire which extends into the street five feet with a height of 22 inches, causing a serious road hazard that an oncoming vehicle BROW would be forced to come into contact with the wire it might divert a vehicle or BROW into on coming traffic which would cause a head on collision or the wire could throw the vehicle into a tree or pole. These avoidable risks could and

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should have been avoided if the City acted within their DUTY to protect and Serve and remove the road hazard.

That on 06-30-2016 the Atlanta PD blocked off traffic on Sizemore Ave NW to prevent injury to the public due to the one connected live wire that was down from pole to pole on Sizemore Ave NW preventing TWO (2) private properties of Brow from gaining access to his land and causing nuisance and dangerous hazardous condition to all adjacent properties, that the ATL PD blocked traffic for approximately Four (4) hours only to tape off from pole to pole One (1) downed live wires with tape (Contaminated area) then to drive off and never return. Video(s) and photos were taken throughout 6 months of this dangerous condition that still remains, still remains a trespass and littering. That additional harm has been done in the damage to Brow, that the downed wires still remain in the street five feet causing a road hazard causing Brow's life to be put in danger every time he rives down the road, and preventing Brow from then enjoyment to his properties as well as putting his life and others in danger while driving down City streets forcing Brow to drive into oncoming traffic to pass the road hazards. It was the City Brush Hog mower that caught the downed cable and mangled the cable and then the city left the cable laying in the street and blocking both properties of Brow since June 25, 2016.

That the other downed live wire on Gun Club Rd NW also blocks other residences for more then Six (6) Months even after calling 911, 311. This downed cable remains in the street and causes a nuisance, causing a dangerous hazard to Brow and his tenants, trespasses and litters.

Even this day of November 21, 2016 the hazardous cable(s) and wire(s) remains in the street.

That the City Attorney and Mayor denying basic civil rights of its citizens passed down a directive to the Atlanta Police Department as to 911 calls on illegal dumping. This Directive has put the lives of many in peril and danger especially Brow. The City Atty and Mayor preventing any arrests to illegal dumpers, preventing any documented reports on illegal dumping, no report, no arrest, no conviction, no illegal dumping is occurring so therefore no illegal dumping crimes are being committed. Yet the City streets are full of illegal dumped waste causing hazardous road conditions, blight, nuisance and diminished property values year after year even after Brow communicated directly with the Mayors office dating back to 2011.

That from 2011 until current, Brow called 911 numerous occasions while witnessing crimes in action of illegal dumping occurring, that the first second the 911 operator heard illegal dumping words, the 911 operator informed Brow he had to call an additional City number Illegal dumping hotline to report the crime, Brow called the second number only to receive another recorded message which informed him to call another number, Crime Stoppers who took information and passed it along to Code Enforcement which never acted, no arrests made, no investigations on any of the illegal dumping(s) reported.. Thus the 911 operator not sending an Atlanta police officer to the scene, thus putting Brow's life in danger while engaged into reporting a crime to the Police knowing after the 911 call that NO OFFICER would be dispatched, a vulnerability clearly existed and a citizen BROW emotional stress and false sense of Security became reality (fear). That Brow's 911 call(s) set into motion the City's 15-minute intentional delay and fraudulent reporting of the crimes by being forced to call three additional phone numbers. That No police report is ever created, that no officer is dispatched, that the additional three (3) other

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calls that are required for any 911 illegal dumping caller must go through to provide information only ends up on the desk of two (2) City of Atlanta's Code Enforcement emails, no crime investigated, no report ever created that demonstrates the abundance of illegal dumping occurring, no arrests, no convictions no crime ever committed for illegal dumping, only actual result, the 911 caller was put into harms way of reporting illegal dumping, ion this case Brow's numerous attempts to report illegal dumping to stop the illegal dumpers from continuing. The Reckless endangerment to Brow of not providing protection by the means of calling 911 to report a crime. In conclusion to the 911 illegal dumping calls, no illegal dumping ever occurred. The City does not report illegal dumping of toxic waste to the EPD, DNR or the EPA, which is required by law after receiving information from city 311, 911 calls.

That hazardous debris on the City's Right of Way which has almost cost the life of a City of Atlanta's Police Officer on Duty and BROW on numerous occasions. That on Alvin Dr NW videotape demonstrates hazardous waste on the City Street Alvin Dr NW, which the ATL PD officer intentionally has to hit his brakes to avoid a head on collision with another white auto, only to continue to drive through and not report the hazardous condition. Numerous school busses continue to drive around the hazardous debris for weeks, these children and their parents unknowing the dangers that exist on the City Streets especially on Alvin Dr NW. All caught on video and photos

On 10-24-2016 "10" Atlanta PD cars drive pass the hazardous debris on Alvin Drive NW, Sizemore and Gun Club Rd NW, only ONE (1) ATLANTA PD officer slows down to almost a stop, then drives away without ever reporting the road Hazard. This Blatant Gross Negligence and reckless conduct endangers all public and individually Brow since Brow has multiple properties in the area and must drive between his properties. Photos and Videos taken over weeks, months and years of reckless endangerment. Especially school busses with innocent drivers, children the public and BROW are forced to drive into an oncoming lane to avoid coming into contact with the hazardous debris daily, weekly and monthly.

The City Attorney and Mayor has knowingly presented false and fraudulent information, documents and communications to the City Council, the Public, the State Government and to the Federal Government as to the existence of the BGCLF and its public's Health and Safety Risks, Avoidance of the Clean Air Act, Clean Drinking Water Act, Communities Right to Know Act and a multitude of other Federal, State and Local laws, Ordinances and Codes, failure to report hazardous city road conditions that put every citizen in danger.

That the City Attorney, the Mayor and his Public Works Commissioner, Solid Waste Commissioner, Office of Transportation, Atlanta Police Department, Parks and Recreation Commissioner has fraudulently conveyed information that the public is safe, that the streets are safe, that the operations of the aforementioned departments are safe and operating in a safe manner that protects life, liberty and rights of the citizens in Georgia including but not limited to Brow and his tenants. As well as those potential tenants that never rented due to the dangerous conditions of the City streets, or the blatant disregard to public safety they encountered. The trash remaining in and along the roads for days, weeks months and years. Thus Brow has not been able to rent or sell his properties due to the City's Gross Negligence.

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That in fact that city's Gun Club Park is an illegal solid waste dump area and has been for more then 10 years, that the open entrance of the park off Jones Ave NW is being operated as an open landfill, that hundreds if not thousands of tires are being illegally stored there, that an abundance of solid waste is and has been stored on this City Property, that these illegal actions of the City and their departments have and are causing health and safety risks to the public and to Brow and his tenants. That the City's actions are and have caused a blighted neighborhood, a community where the City accepts nuisance. That there is nothing preventing any public member from entering the Gun Club Park climbing over the tires and solid waste being stored there. That the health Risks associated with just the tires alone endangers the children and families living in walking distance to the park's entrance as reported by the Center for Disease Control (CDC). Brow and Brow's tenants are subject to the dangerous conditions of this City open land parkland that leads directly to proctor creek.

That the City Attorney and Mayor and his departments have defrauded the State as to the Scrap Tire program, has defrauded the State by the open landfills being operated by the City using the Gun Club Park City owned property as well as the trespassing and illegally dumping on private property on Sizemore ave NW, Mack Dr NW, Gun Club Rd NW, Ruth St NW and many others. By deceiving the City Council in not providing the "TRUTH" behind the abundance of Public Safety risks, State of Georgia and Federal laws the City is well aware about.

That the Office of Sustainability has studied, investigated and knows about the conditions of the city owned properties about the neighborhoods and communities, at the disposal of the Mayor is countless investigative bodies in his employ that studies and passes along current public safety information that is then reviewed by the City Attorney and then Mayor then fraudulently passed along to the City Council. That the new Quarry Park off Johnson Rd NW dictates numerous investigations by the office of sustainability, which reports directly to the Mayor and is aware of all city owned properties associated with sustainability of the City.

The REAL threat, that everyone working under the Mayor and City Attorney as to an appointee and or employee that reports Public Safety/Health liabilities, Concerns and Risks are manipulated by the threat to lose their job if they present anything in writing (Especially in email form) that can be obtained via open records requests. This fear dictates the measures the Mayor and City Attorney must go through to present a misleading and fraudulent information to the City Council to arrive at a plan that the Mayor has that causes and continues nuisance, blight, crimes and out right dangerous public safety and health issues to the public and to BROW personally.

The extent of the fraud cannot be uncovered due to the Mayor's actions and City Attorney's actions to keep the true and correct information from the Public and to the eyes of the City Council. Transparency issues plague the public and current civil litigations from obtaining such liable documentation due the fact that the City Atty has went to great lengths to make sure city departments do not put anything in writing of liability that can lead to discovery under open records requests. This is documented well in whistleblowers civil suits against the City, Mayor and City Atty. Brow has requested on numerous occasions under the Freedom of Information Act (OPEN RECORDS REQUEST) and never receive even a response from the City.

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Transparency is a model of Trust, honest and law abiding government, the Mayor and City Attorney has deliberately gone out of their way to prevent transparency of their internal PUBLIC operations. This is also supported by requests from District representative Felisha Moore and backed by other City council members seeking to have a transparent government, yet City Atty has provided council to the Mayor in this regard which is now public the position of the Mayor.

That Brow and another property owner in the area of Alvin Dr NW did in fact observe, photo and videotape a City of Atlanta Public Works employee trespass and illegally dump onto private property including but not limited to Brow's properties, these photos and video were then taken to Zone 1 of the Atlanta Police Department, upon arrival APD officer Svay prevented Brow and Gill to report such illegal activities of the City, in fact Brow and Gill were turned away. It was a second, then a third attempt by Brow and Gill that involved a Major of Zone 1 to ask another APD officer Sanders to go and make the report, APD officer Sanders went to location of Alvin Dr NW, Sizemore Ave NW and witnessed the trespass and illegal dumping along with numerous other violations of the city and its employees.

Brow and Gill picked up Police reports which did not indicate any evidence, no information, no photos, no video from officer Sanders, no photos, no video, no record of any City Department even working in the area, in fact officer Sanders who went to location to create the report was not even mentioned on the report or even named on the document, thus no investigation, no follow up, no crime or illegal action ever was committed by the City.

Later a call was placed to APD officer Sanders Cell phone; Sanders informed Brow that what was going on was way above his pay grade and to take this matter to the City Council. To this date, neither action, nor investigation ever occurred as to illegal actions of the City and its employees.

Thus, a manipulated Police Report was created to deceive and cover up illegal actions of the City and its employees and officials as to criminal trespass and illegal dumping as well as other violations of City Codes, State Statutes and Federal laws.

The City has a DUTY under the Constitution of the State of Georgia Article 1. PROTECTION TO PERSON AND PROPERTY IS THE PARAMOUNT DUTY OF GOVERNMENT AND SHALL BE IMPARTIAL AND COMPLETE. NO PERSON SHALL BE DENIED THE EQUAL PROTECTION OF THE LAWS. As well as other Federal and State laws as to the City's DUTY.

Written Notice was provided to the Mayor's Office dating back to December 02, 2011 addressing Security, Trash, Road Maintenance, Taxes, Budget, Old System, PILOT PROJECT, throughout the next four (4) years constant written notices were sent directly to the Mayor's office concerning Illegal Dumping by the City, Public Safety and Health. Actual meetings on Sizemore Av NW from the Mayor's office occurred in 2013. Each and Every Department along with the Mayor and City Atty breached their duties in protecting citizens from harm, risk and contamination and has for year's violated Brow's rights and endangered Brow over and over again.

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The most severe fraud, breach of duty deals with the illegal landfill called BGCLF, the City knowingly and for years deceived the Council, Deceived the Public, Deceived the State of Georgia, deceived Brow all the while allowing toxic waste enter into Brow's private property, toxic and possibly hazardous waste entered and enters into Federal Water ways, the Mayor and City Atty allowed the public and especially children to enter into the illegal landfill dump site exposing them to sink holes, methane and other toxic gases, and finally, not preventing or putting into effect any measures to prevent the potential contamination of the public drinking water table or other risks associated with an illegal landfill to Brow and the Public..

The Gross Negligence is furthermore magnified due to the City (Mayor and City Atty) received civil case in 2015 by Filez LLC and Gill outlining a few of the exact same issues as to Nuisance, that the City continues to be grossly negligent by not maintaining hazards on the roadway, failing to remove the hazard from the roads, continually failing to take adequate measures to protect individuals from the defective roadways and has blatantly breached their professional duties to keep the roadways safe for individuals including Brow and his tenants. This leads to Gross Negligence compiled with breach of their professional duty and oath and a willful disregard to public health and safety.

HARASSMENT:
CODE ENFORCEMENT WILFULLY HARASSED BROW IN ATTEMPTS TO INTIMIDATE AND HARASS BROW FROM COMPLAINING.

The City by and through the City's Code enforcement knowingly and was willful continued to conduct and directed to Brow false, fraudulent code violations on three separate occasions which has caused Brow emotional distress, financial hardship and fear for Brow's safety and or his family or tenants. This intimidating behavior was willful and without merit.
That Brow and Gill met with the Mayor's office Desmond Brown and head of Atlanta's Code Enforcement Lt Cummings on Sizemore Ave NW, where Brow and Gill presented to the Mayors Office Photos and eye witness account of the City's Public Works heavy equipment pushing solid waste onto Private Property more than 40 feet off the street curb onto the private Property. With photos in hand Lt. Cummings informed Brow and Gill that he was "going to send code violations to the private property owners that this mess was now on." That shortly thereafter Brow received by certified mail BOGUS, Intimidating, Threatening, Harassing Code Violation from Cummings office, indicating the personal inspection of Brow's property, waste located on the premises, dwelling not to code, permits required to bring the house up to code, that no one was allowed to live there until brought up to City Code, that Brow was threatened with fines and jail incarceration. That in fact the property 1350 Sizemore Ave NW had burned down years ago, that filez llc had acquired all necessary permits from the City of ATLANTA to remove the structure in accordance with all city codes. It was not until the communication from Brow that Cummings dismissed the action knowing the Code Violation was fraudulent.

The City commenced on 10-10-2014 their harassment towards Brow after Brow complained about the City's abandonment to the NW Atlanta area directly to the Mayors office, especially Sizemore Ave NW, Alvin Dr NW, Gun Club Rd NW, Mack Dr NW Brow received another

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BOGUS code violation from the same APD officer working under Cummings as to continue to harass Brow, that this Bogus fraudulent Code Violation was sent certified mail to Brow's personal address along with sending another certified mail to Brow's business address. This deliberate sending of a fraudulent document demonstrates Cummings ability to harass and retaliate against Brow for complaining to the city about City's illegal activities and to hold the city and its officers accountable for their actions and NON ACTIONS. See Mayor's office and Cummings email(s) to BROW as to promises and priorities from the Mayors office and from Cummings.

Brow received another Certified mail BOGUS Code violation indicating that there was solid waste, trash and debris on one of Brow's properties, that Brow inspected the Property and learned that there were in fact no violations, Brow proceeded to make a personal visit to the ATLANTA POLICE DEPARTMENT CODE ENFORCEMENT OFFICE and spoke with city employee who showed Brow on her computer what the Code Violation was for and from whom the violation was created by, the same Cummins's individual hit man that wrote the previous BOGUS code violations against Brow, the fraudulent report indicated that Brow was being violated for having trash in bags next to the trash herby curbie can which was full on the side of the street ready for trash pick up, Photos of the BOGUS violation was on the computer of the CODE office, this Bogus and fraudulent violation threatened Brow of Fines, and incarceration. This computer was photographed to demonstrate exactly the fraud.

TRESPASS BY LITTERING:
CITY DID WILFULLY AND KNOWINGLY TRESPASS AND LITTER UPON PROPERTIES OF BROW.

The City did in fact on numerous occasions intentionally dump egregious litter onto Brow's properties on Sizemore Ave NW, Alvin Dr NW, Mack Dr NW, Gun Club Rd NW on June 25, 2016 witnessed and videotaped the City Public Works department depositing waste onto Brow's properties and this waste still remains continually trespassing onto Brow's properties today.

That the City willfully on June 25, 2016 deposited solid waste debris from the city's ROW by the use of a tractor brush hog, Street Sweeper then City Workers proceeded to use a hand push mower to shred more of the debris that was never picked up, followed by city workers using a weed eater to shred further the debris, only to be followed by City workers with motorized blowers that blew the shredded debris onto private properties including but not limited to Brow's properties. Video and Photographed on this day and other days of the ongoing violations illegal operations of the City.

This debris was left by the City and continues to trespass upon said BROW properties.

The City's Supervisors and Officials were on site watching said city employees during illegal activities of trespass and littering condoning the illegal activities of the City Workers.

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TRESPASS BY WASTE CONTROL:
CITY DID WILFULLY AND FRAUDULENTLY TRESPASS AND DISPOSE OF SOLID WASTE ONTO PROPERTY OWNED BY BROW.

That the City willfully dump, deposit solid waste onto Brows Property located on Mack Dr NW with a volume more than 500 pounds and more than 100 cubic feet in volume, this illegally dumped and buried waste is hazardous and continually remains and trespasses

The City did willfully push, caused to be moved Solid Waste Debris onto Brow's private property directly and indirectly affecting Brow's properties. Brow has not and continues to not enjoy his property and is now prevented from any future enjoyment of his property due to the City of Atlanta's willful Gross Negligence, trespass and illegal dumping.

Supervisors were onsite and observed such illegal activities and violations of operating procedures and protocols set forth in the City of Atlanta's Public works (PW) and Solid waste (SW) operating procedures, rules and state, county and city mandates.

The Toxic Solid Waste still remains on BROWS property.

These blatant city actions cause blight, nuisance, toxic release of fumes, leaching onto other Brow's properties, cause the loss of enjoyment of property, deny rights to Brow, and create environmental contamination and prohibits Brow from his Civil rights afforded him under the Federal Constitution and the Georgia State Constitution Article 1 and other laws unknown.

The City and Mayor are also in violation of not enforcing the law to stop additional and future littering and illegal dumping that continues to occur, that the operating procedures established by the City prohibits any records from being established in that citizens are prohibited from obtaining a police report due to illegal dumping and trespass by city employees, thus promoting additional illegal dumping and littering affecting all of Brow's properties as to diminished value and other damages.

That the City has continually littered in its operations of PW SW as to not picking up the Trash and Debris on the City's ROW, that not picking up all the debris, leaving and or pushing the remaining debris onto private property of Brow's and others, that City officials and Workers observing such horrendous conditions, violations of local, state and federal laws just turn a blind eye and only further magnify the littering problem. No actions from the City set forth a common practice to hold accountable any department while conducting these mandatory obligations of the City.

End result, the communities and areas where Brow's properties are located where this City illegal practice is consistent never truly gets cleaned, just additional litter is piled upon the litter that was previously there. Photo and Videotaped for 7 years.

INJURIES TO REAL ESTATE:

Exhibit B
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CITY WILLFULLY ALLOWED DANGEROUS CABLES THAT WERE ATTACHED TO POWER POLES REMAIN IN THE STREET AFTER ATLANTA POLICE DEPARTMENT DETERMINED THE AREA TO BE DANGEROUS TO HEALTH AND SAFETY OF BROWAND FAILURE TO SECURE THE BGCLF.

Brow's right of enjoyment of private property being his absolute right of being a citizen, acts of another, the City of Atlanta, which unlawfully interferes with such enjoyment, is a tort for which an action shall lie.

That the city has relentlessly and willfully interfered with the enjoyment of Brow and his tenants as to BROW'S properties.

The City has and allows illegally dumping on BROW"S properties.

The City has allowed downed live cables to remain blocking BROW'S properties for over a year and two months and continues to amount to reckless disregard to Brow's rights. Since these cables remain in the Street, it is the City that has the responsibility to make the roads safe. If the City tries to move the cables from the street onto Brows property that would cause trespass and illegal dumping.

The City has failed to follow laws to protect Brow and BROW"S properties from dangerous Hazardous materials entering his land, has conducted fraudulent actions to prevent exposure to these City actions.

The City has failed to perform the duties of cleaning the roads, which caused debris to enter upon Brow's properties either directly or indirectly from the City's ongoing operations.

The City has caused the loss of enjoyment from the numerous hazardous conditions that exist on the streets connecting the Brow properties.

The City street sweeper has redistributed solid waste from the streets onto BROW'S private properties as caught on video on numerous occasions over the past 7 years. No clean up by the city occurred prior to the street sweeper, thus only re-distributing the waste further onto BROW'S private property.

The City has for years prevented Brow from enjoying his properties, this is evident when the abundance of documents, emails dating back to 2011, photos, videos presented are evaluated as to the severity of the Fraud, Negligence and abuse of power from the City, dereliction of duty towards Brow in their positive continual willful and gross negligence...

Exhibit B
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TRESPASS:
CITY DID WILLFULLY TRESPASS ON PROPERTIES OWNED BY BROW AFTER BEING NOTIFIED IN WRITING THAT THEY CITY HAD NO PERMISSION TO TRESPASS AND THE CITY CONTINUES TO CAUSE HARM TO BROW.

DEMAND

As a direct and deliberate result of the aforementioned continuing events, Brow has incurred damages to his properties for which Brow is entitled to be compensated for his damages from previous, current and future damages. Brow hereby demands that the City of Atlanta pay Brow for the loss of the profits, interference with enjoyment of his properties, wrongful interference, continued trespass, loss of enjoyment of his properties, pay for the mental anguish for the past 7 years, and pay for loss of use and enjoyment including but not limited to his happiness, or BROW'S feelings throughout the years of Gross Negligent actions from the City, the Mayor and the City Atty as to BROW'S respective properties and Brow is entitled to damages for discomfort, loss of peace of mind, economic hardships, unhappiness, harassment, diversion to lesser value Brow's properties, interference with Brow's rights below and above the surface of his properties, interference of Brow's right of Way, slander and defamation and annoyance as well. Alternatively, Brow reserves the right to seek general damages, necessary expenses, mitigation of damages, his loss of revenue due to the City's blatant disregard to Brow's rights special damages, loss of property value, direct and consequential damages, additional damages aggravating circumstances as to his damages now and in the future, the diminution in the fair market value of Brow's respective properties due to the city's intentional abandonment, Gross Negligence, and blatant disregard to public Safety and Health towards Brow and his tenants.

That the Superior Court Order the City to immediately commence measures to protect the public and BROW from additional harm from the BGCLF including but not limited to fencing off the entire illegal landfill, to install or place protection measures to stop the ongoing contamination to private properties and to State and Federal Water ways, to put into action measures to prevent contamination of the Public's drinking water ground table at a MINIMUM.

That the Court issue an immediate Injunction to clean and maintain cleaning the streets and roads in NW ATLANTA to avoid additional reckless endangerment to all who drive down the roads. To Order all illegal dumping 911 calls be accepted, reported, investigated and prosecuted. To stop the City from allowing additional nuisance and blight in these areas. To clean up all city owned land from all Solid waste including but not limited to all tires and other illegal waste being stored on city land and Right of Ways.

Making an allowance for property damage, suffering, and inconvenience during the respective periods of ownership of the affected properties resulting from the City of Atlanta's gross negligence, willful malfeasance and fraud it is likely that a jury verdict will be very favorable if

Exhibit B
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this case were litigated. **Brow seeks a jury verdict and settles his claim for the following amount: $5,500,000.00 (Five-Million Five Hundred Thousand Dollars)**

Per O.C.G.A. §36-33-5, the City of Atlanta has thirty days from the presentation of these claims to decide whether these claims can be settled without litigation. In the event that these claims cannot be settled without litigation, BROW hereby providing notice to the City of Atlanta, et al. that he will proceed to litigate the claims and seek any and all damages, including, but not limited to, attorney's fees and expenses of litigation, that they are entitled to under Georgia law. Brow will also seek to commence a class action civil suit against the City. Brow looks forward to a response to a GLOBAL settlement offer.

Respectfully,

Jerry Brow
Email: atlantajer@myway.com *** All communications by the City be sent to this email***
228-218-0688
P.O Box 1626
Pascagoula, MS 39568

Exhibit C

CITY OF ATLANTA

DEPARTMENT OF LAW

KASIM REED
MAYOR

55 TRINITY AVE., S.W., ATLANTA, GEORGIA 30303-3520
SUITE 5000 (404) 546-4100

CATHY HAMPTON
CITY ATTORNEY

December 22, 2016

Mr. Jerry Brow
P.O. Box 1626
Pascagoula, MS 39568

Re: Ante Litem Notice: November 21, 2016

Dear Mr. Brow,

This office is in receipt of your ante litem notice letter of November 21, 2016. After reviewing the allegations presented in your ante litem notice, we have determined these allegations are currently involved in active litigation under *Filez, LLC and Pablo Gill v. City of Atlanta* civil action no.: 2015-CV-267425. Accordingly, since this matter is now in litigation, there is no need to set up a claim and no further action will be taken regarding your ante litem notice of November 21, 2016. All further questions regarding this issue should be directed through your Attorney.

Regards,

C.A. Cole
Claims Director

CC: Melissa Heath

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILEZ, LLC and PABLO GILL,	:	
	:	CASE NO.
Plaintiffs	:	
	:	2015-CV-267425
vs	:	
THE CITY OF ATLANTA	:	
Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of the foregoing document by certified and electronic mail, leaving said copy with an attorney for the City of Atlanta:

c/o Alishia Wyatt-Bullman
aiwyattbullman@atlantaga.gov

City of Atlanta
Department of Law
55 Trinity Avenue
Suite 5000
Atlanta, Georgia 30303

Respectfully submitted this 24th day April, 2017.

Kathryn Leigh Thompson
Attorney for Plaintiffs

Attorney Kathryn Leigh Thompson, LLC
Georgia Bar # 848463
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