

December 12, 2014

Via Email

Ms. Cathy Hampton
City Attorney
City of Atlanta Law Department
68 Mitchell Street SW, Suite 4100
Atlanta, GA 30303

Re: Calhoun v. Pennington (1:09-cv-3286-TCB)
Anderson v. Atlanta (1:11-CV-3398-SCJ)
Walker v. Reed (1:11-CV-3334-CAP)

Dear Ms. Hampton:

We thank you for the information provided in Karen Thomas's email of December 10, 2014.

Having reviewed the information provided in that email it is clear that the City is in violation of at least one, and likely more, of the federal court orders in the cases referenced above.

Your email also requests an extension until January 15, 2015 to provide additional information. Since the court orders require these items to be "a public record, routinely available for public inspection by electronic or other mean," if it would take the City a month to produce these records for inspection that is itself an additional violation of the orders.

In addition, no records the City could produce would cure the violations we have already identified, so there is no need to delay submitting these matters to Judges Batten, Jones, and Pannell with a request that they each hold the City in contempt and impose appropriate sanctions and require remedial compliance.

However, our clients and their counsel are not primarily interested in having fines or other contempt sanctions imposed against the City; rather, we seek prompt, full, and continuing compliance with these orders in the interest of the residents and taxpayers of Atlanta. So rather than filing an immediate motion for contempt, or agreeing to the lengthy extension requested by the City, we have another suggestion: Instead of spending the next month gathering documents, the City should spend the next month belatedly remedying the non-compliance with these court orders in a verifiable way that could preclude the need to submit these matters to a court.

We suggest, therefore, that we meet and work with you early next week to draft a plan for remedial compliance, and that the City agree to have compliance verified by monitors who would attend and video training sessions and have necessary access to APD personnel and facilities to confirm compliance. These monitors would be individuals appointed by the Southern Center for Human Rights, Lambda Legal Defense and Education Fund, Bullman Law Group, the Law Office of Dan Grossman, and Albert Wan Attorney at Law, and compensated by the City through agreement or by a consent submission to the appropriate courts. The monitoring system would remain in place for five years (in other words, for two training cycles) after which the undersigned and the City would review the process and discuss if oversight should be continued or allowed to lapse.

We feel it is much better for all concerned – and certainly better for the taxpayers of Atlanta – to have people involved in the compliance process who can expeditiously identify any deficiencies and suggest any needed corrections. It is simply more productive, sensible, and efficient for us to work together to effect full compliance rather than to risk the possibility of unnecessary and expensive litigation around contempt sanctions

Thank you for your consideration.

Sincerely,

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