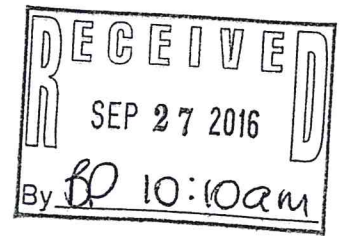


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September 26, 2016

Via Electronic Mail and Overnight Delivery

Mr. Richard "Dick" Marrow, Mayor
CITY OF GRIFFIN
One Griffin Center
100 South Hill Street
Griffin, Georgia 30224

Mr. Kenny Smith, Office of City Manager
CITY OF GRIFFIN
One Griffin Center
100 South Hill Street
Griffin, Georgia 30224

GRIFFIN POLICE DEPARTMENT
ATTN: CHIEF OF POLICE OR DESIGNATED OFFICER
868 W. Poplar Street
Griffin, Georgia 30223

K. Smith
C. G. O'Connor
D. Whalen
G. Poole
M. Yates
D. Martin
D. Day

Client : Tammy Jordan obo Kevin Jordan
(Deceased 05/31/2014)
Date of Discovery : 09/16/2016, 09/19/2016 and 09/20/2016
Location of Incident : Waffle House Restaurant – Griffin Georgia

Dear Mayor Marrow, City Manager Smith and Chief Yates:

Ante Litem Notice: This correspondence shall constitute Ante Litem Notice pursuant to the provisions of O.C.G.A. § 36-33-5 to the **CITY OF GRIFFIN** and the **GRIFFIN POLICE DEPARTMENT** as to the claims of the Jordan Family, specifically Tammy Jordan, Hezekiah Jordan, Isaiah Jordan, Deborah Jordan, Issac Jordan and Tammy Jordan o/b/o Ketorah Jordan and Jaleah Jordan as to the Jordan Family's claims of negligence, loss of consortium, tort, wrongful death, attorney's fees and costs of litigation as a result of the **CITY OF GRIFFIN** and the **GRIFFIN POLICE DEPARTMENT's** failure to maintain records and evidence as to the equipment that was specifically fitted for and issued to Officer Jordan during the course of his employment with the **GRIFFIN POLICE DEPARTMENT**. This correspondence shall also provide formal and official notice of the Jordan Family's claims against the **CITY OF GRIFFIN**

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and the **GRIFFIN POLICE DEPARTMENT** for negligence due to negligent supervision, training and retention, wrongful death, loss of consortium, emotional distress, attorney's fees and costs of litigation for failing to issue and implement training and policies to ensure that **OFFICER KEVIN JORDAN** received equipment that was properly fitted and was properly maintained during the course of his employment with the **GRIFFIN POLICE DEPARTMENT**. It is further noted that the failure of the **CITY OF GRIFFIN** and the **GRIFFIN POLICE DEPARTMENT** to maintain records that specifically confirm what equipment was issued to and accepted by **OFFICER KEVIN JORDAN** during the course of his employment with the **GRIFFIN POLICE DEPARTMENT** has prevented the Jordan Family from affirmatively identifying and authenticating the ballistic vest that was worn by **OFFICER KEVIN JORDAN** at the moment of his death and confirming that said vest is the actual ballistic vest that was provided to **OFFICER KEVIN JORDAN** by the **GRIFFIN POLICE DEPARTMENT**.

Specifically, on September 16, 2016, the undersigned counsel received correspondence from the **CITY OF GRIFFIN** in which the undersigned counsel was provided with a notarized statement from Lieutenant Dix in which it was affirmatively stated that the **GRIFFIN POLICE DEPARTMENT** did not maintain any documentation that confirms that **OFFICER KEVIN JORDAN** signed for equipment that the **CITY OF GRIFFIN** and the **GRIFFIN POLICE DEPARTMENT** assert was issued to **OFFICER KEVIN JORDAN** during the course of his employment with the **GRIFFIN POLICE DEPARTMENT**.

On September 19, 2016, the undersigned counsel received electronic mail correspondence from Chief Yates of the **GRIFFIN POLICE DEPARTMENT** in which it was expressly stated that there are no records kept by the **GRIFFIN POLICE DEPARTMENT** to prove that **OFFICER KEVIN JORDAN** was fitted or measured for any of the equipment that he was issued during the course of his employment as a Peace Officer with the **GRIFFIN POLICE DEPARTMENT**. Accordingly, there is no proof that **OFFICER KEVIN JORDAN** was ever measured for a ballistic vest or that he received a ballistic vest that was specifically fitted to protect the body of **OFFICER KEVIN JORDAN**.

On September 20, 2016, the undersigned counsel received written correspondence from Mr. Kenny L. Smith, City Manager for the **CITY OF GRIFFIN**, in which City Manager Smith states the following:

The City of Griffin, in response to your Open Records Act Request and Subpoena for Production of Documents, has already produced all the information that we have in regard to the issuance of equipment to [Officer] Jordan. As [the] Official Custodian of Records, I can attest to the fact that all germane has been provided.

Smith, Letter to Anitra R. Price, Esq., at ¶ 2 (Sept. 20, 2016).

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The **CITY OF GRIFFIN** and the **GRIFFIN POLICE DEPARTMENT** have affirmed and stated within multiple documents and correspondence that no documents that would or could confirm the size of the ballistic vest that was issued to **OFFICER KEVIN JORDAN** exists or were maintained by the **CITY OF GRIFFIN** or the **GRIFFIN POLICE DEPARTMENT**. Additionally, the **CITY OF GRIFFIN** and the **GRIFFIN POLICE DEPARTMENT** has also affirmed and/or stated that no records as to the fitting and maintenance of the equipment that was issued to **OFFICER KEVIN JORDAN** was maintained to the extent that **OFFICER KEVIN JORDAN** would have worn a ballistic vest that was properly fitted to his body and would have protected him from being murdered as a result of **MICHAEL DEWAYNE BOWMAN** shooting **OFFICER KEVIN JORDAN** five (5) times in his back with a .40 caliber handgun.

Therefore, it is the position of the Jordan Family, that **OFFICER KEVIN JORDAN** was issued a ballistic vest by the **GRIFFIN POLICE DEPARTMENT** for which he was never fitted for. Nor did the **CITY OF GRIFFIN** or the **GRIFFIN POLICE DEPARTMENT** ensure that **OFFICER KEVIN JORDAN** received a ballistic vest that maintained a valid shelf-life condition on the date **OFFICER KEVIN JORDAN** was issued said ballistic vest. Furthermore, it is the position of the Jordan Family that the evidence that is critical so as to establish that the ballistic vest that is purported to have been worn by **OFFICER KEVIN JORDAN** at the moment of his death is the ballistic vest that was actually issued to and signed for and accepted by **OFFICER KEVIN JORDAN** during the course of his employment as a Peace Officer with the **GRIFFIN POLICE DEPARTMENT**. Thus, the Jordan Family is submitting the within Offer of Compromise in the amount of Seven Million (\$7,000,000 USD) as damages due to the claims that are being asserted herein.

Liability Insurance: Pursuant to Official Code of Georgia *O.C.G.A.* § 33-3-28, I respectfully demand, within thirty (30) days of receipt of this notice, under oath, each known policy of insurance stating the name of the insurer, name of the insured and limits of coverage, including any umbrella or excess limits that may provide coverage for this claim.

Notice to preserve/subject to spoliation: I trust that all documents and materials surrounding this incident shall be preserved including but not limited to:

- (a) All applications for, correspondence regarding and supporting documents regarding any and all state and federal grant funding that the **CITY OF GRIFFIN** and/or the **GRIFFIN POLICE DEPARTMENT** has submitted regarding the receipt of grant funding so as to receive funding and equipment for the **GRIFFIN POLICE DEPARTMENT** from January 2010 through the present;
- (b) The names, addresses and telephone numbers of all individuals who were involved in the application for state and federal grant funding for the **CITY OF GRIFFIN**

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- and/or the **GRIFFIN POLICE DEPARTMENT** regarding equipment for the **GRIFFIN POLICE DEPARTMENT** from January 2010 through the present;
- (c) The names, addresses and telephone numbers of all individuals who were involved in the agreements and contracts, whether written or unwritten, as to the entities, companies and organizations that provided equipment for the **GRIFFIN POLICE DEPARTMENT** from January 2010 through the present;
 - (d) All contracts, whether written or unwritten, pertaining to the issuing, measuring and/or tailoring of equipment for the **GRIFFIN POLICE DEPARTMENT** from January 2010 through the present;
 - (e) All Standard Operating Procedures (SOPs) of the **GRIFFIN POLICE DEPARTMENT** that were effective from January 2010 through the present;
 - (f) All documents that have been maintained so as to establish the **CITY OF GRIFFIN** and **GRIFFIN POLICE DEPARTMENT's** compliance with the Department of Justice's Bullet Proof Vest Program for the years 2012 through the present; and
 - (g) All documentation as to the issuance of and receipt of equipment by Peace Officers of the **GRIFFIN POLICE DEPARTMENT** from January 2010 through the present.

If you fail to preserve these items, you are contributing to the additional failure to preserve and/or destruction of evidence critical to the case and there are serious legal consequences. *See Gardner v. Blackston*, 185 Ga. App. 753 (1988); *J.B. Hunt Transport, Inc. v. Bentley*, 207 Ga. App. 250 (1992); *Chapman v. Auto Owners Ins. Co.*, 220 Ga. App. 539 (1996).

Furthermore, if you fail to properly secure and preserve those important pieces of evidence, it will give rise to a legal presumption that the evidence would have been harmful to your side of the case. The destruction, alteration, or loss of any of the relevant evidence, may constitute spoliation under applicable law. If you fail to preserve and maintain this evidence, we will seek sanctions available under law.

In order to assure that your obligation to preserve documents and things is met, please immediately forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter. For your reference and review, I have included the Notice of Claim and Request for Preservation of Evidence that was issued in this matter.

Thank you in advance for your cooperation and assistance. Please have your legal counsel contact me in order to discuss this matter further.

Sincerely,
ANITRA R. PRICE P.C.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a smaller 'P' and 'R'.

ANITRA R. PRICE, ESQ.

Enclosures

cc: Ms. Tammy Jordan (via hand delivery)
Julie Y. John, Esq. – Worker's Compensation for City of Griffin (via electronic mail)
Special Agent Lisa Harris, Georgia Bureau of Investigation
(via electronic correspondence)
Spalding County District Attorney's Office (via regular mail)
File



MICHAEL F. YATES, CHIEF OF POLICE
POLICE DEPARTMENT
868 WEST POPLAR STREET | Griffin, GA 30224
P 770-229-6450 F 678-692-0412 E-mail: myates@cityofgriffin.com

CERTIFICATION

I, Lt. Darrell Dix, do hereby certify that I am the Quarter Master in charge of equipment issue for officers of the Griffin Police Department and in that capacity serve as custodian of public records that pertain to that duty.

Regarding the correspondence received on September 15, 2016 via email: requesting the signed equipment sheet for Officer Kevin Jordan.

The Griffin Police Department had no such log/sheet that was signed by the officer when issued equipment.

This 15th day of September 2016



Diane H. Martin
Notary


Lt. Darrell Dix

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Anitra Price

From: Mike Yates <myates@cityofgriffin.com>
Sent: Monday, September 19, 2016 9:50 PM
To: Anitra Price
Cc: Billie Preston; Kenny L. Smith; Teresa A. Watson; Diane Martin
Subject: Re: ORA Req A Price Re - Tammy Jordan et al

All,

It is my understanding that the police department/city did not maintain any such sizing or measure records for Officer Jordan thus such cannot be produced.

Chief Yates

Sent from my iPhone

On Sep 19, 2016, at 9:44 PM, Anitra Price <aprice@anitrapricesqlaw.com> wrote:

Dear Ms. Preston,

Thank you so much for sending that Certification regarding the status of the signed Equipment Sheet. I am wondering as to the status of the sizing and fitting information that was sought by way of the subpoenas that were served upon Mr. Kenny's and Chief's offices. For your reference, I have attached a copy of the Subpoena to this email for your reference and review.

Kindly provide the sizing and/or fitting/measurement information for the equipment that was issued to Officer Jordan.

Thank you most kindly for your immediate attention to this matter. Please do not hesitate to contact me if you have any questions.

With warm regards,
Anitra R. Price, Esq.

PLEASE NOTE OUR NEW ADDRESS!!!

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Email: aprice@anitrapricesqlaw.com

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From: Billie Preston [<mailto:bpreston@cityofgriffin.com>]

Sent: Friday, September 16, 2016 8:12 AM

To: Anitra Price <aprice@anitrapricesqlaw.com>

Cc: Kenny L. Smith <KSmith@cityofgriffin.com>; Teresa A. Watson <twatson@cityofgriffin.com>; Diane Martin <DMartin@cityofgriffin.com>; Mike Yates <myates@cityofgriffin.com>

Subject: FW: ORA Req A Price Re - Tammy Jordan et al

Ms. Price,

Please find attached our response to your email of September 15, 2016 regarding the Signed Equipment Sheet for Kevin Jordan. I am placing the original document in today's mail. As always, please feel free to contact me should you have any questions. Thanks and have a great weekend!

Billie

Billie Preston

Office of the City Manager | Administrative Assistant



100 S Hill Street
Griffin, GA 30223

P: 770 229-6408 x202

E: bpreston@cityofgriffin.com

W: cityofgriffin.com

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<Subpoena Hearing 9.22.16 - Waffle House -JORDAN.pdf>

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Office of the City Manager, Kenny Smith
One Griffin Center | 100 S. Hill Street-P.O. Box T | Griffin, GA 30224
P 770.229.6408 F 678.692.6403 W cityofgriffin.com

September 20, 2016

Ms. Anitra R. Price, P.C.
101 Devant Street
Suite 405
Fayetteville, GA 30214

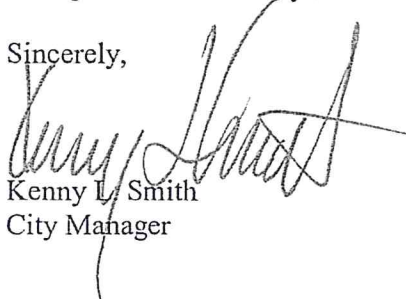
Re: Email of September 19, 2016 Regarding
Tammy Jordan, et. al. v. Safariland Group, LLC
and Armor Express, et. al.
CAFN: 2016-V-0691 (RMC)

Dear Ms. Price:

In response to your email of September 19, 2016, requesting "status of the sizing and fitting information that was sought by way of the subpoenas that were served upon Mr. Kenny's and Chief's offices," please be advised that neither the City of Griffin, nor the Griffin Police Department, maintains any such sizing or measurement records for equipment that was issued to Officer Kevin Jordan. Consequently, none can be produced as none exist.

The City of Griffin, in response to your Open Records Act Request and the Subpoena for Production of Documents, has already produced all the information that we have with regard to the issuance of equipment to Office Jordan. As Official Custodian of Records, I can attest to the fact that all germane material has been provided. Should you have further questions/comments, please feel free to contact our office.

Sincerely,



Kenny L. Smith
City Manager

/taw

c: City Manager Kenny L. Smith
Griffin Police Department
City Staff Attorney Jessica W. O'Connor
Billie Preston

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