



City of Grand Island

Tuesday, March 04, 2003

Council Session

Item G2

Receipt of Official Document - Tort Claimed Submitted by Rhonda Hawthorne

The City of Grand Island has received a Tort Claim from Rhonda Hawthorne alleging certain claims in connection with a February 22, 2002 incident with the Grand Island Police Department. A copy of this claim is attached to comply with the Nebraska Political Subdivision Tort Claims Act. This is not an item for council action other than to simply acknowledge that the claim has been received. It is recommended that Council take no action other than acknowledging receipt of the claim.

Staff Contact: RaNae Edwards

CLAIM

John B. McDermott, as attorney for Rhonda Hawthorne, individually, and in her representative capacity as natural guardian and next of kin of her daughters, Megan Jean Hawthorne and Amanda Jacqueline Hawthorne, pursuant to the Nebraska Political Subdivision Tort Claims Act, does hereby make claim with the City of Grand Island for physical and personal damages as well as mental pain and suffering sustained and suffered by Rhonda Hawthorne and her children, Megan Jean Hawthorne and Amanda Jacqueline Hawthorne, as a result of actions by City of Grand Island, officers, agents and employees.

The facts giving rise to this claim are that on or about Friday, February 22, 2002, at approximately 12:30 a.m., agents, officers and employees of the Grand Island Police Department entered claimant's residence at 1728 St. Paul Road, Grand Island, Hall County, Nebraska, by forcibly opening four doors thereto and by intentionally shooting devices known as flash bangs into claimant's residence with the specific intent of frightening and terrorizing claimant and her minor children. At no time prior to the forced entry of claimants home did the agents, officers and employees of the City of Grand Island ever ask claimant to open the door to the residence. At all times herein the police officers of the City of Grand Island were acting in the course and scope of their employment with the City of Grand Island, Hall County, Nebraska. Apparently the officers of the City of Grand Island had staked out the house for several hours prior to their forced entry and were looking for claimant's husband, one Charles Hawthorne. From the observations of their stake out, the officers knew or should have known that Charles Hawthorne was not at the home. Upon their entry into the home, the police officers of the City of Grand Island detained the claimant, Rhonda Hawthorne, and hand cuffed her and placed her on the floor in the kitchen. She advised them at that time that her children were also in the home and the police officers of the City of Grand Island proceeded to gather the children into the kitchen where they were hand cuffed and made to lay on the kitchen floor while the police continued their search of the home. Claimant and her children are law bidding citizens, had violated no laws, and were terrorized and extremely frightened by the actions of the City's agents, officers and employees.

As a result of the actions of the police officers who are agents, officers and employees of the City of Grand Island, the claimant and her minor children, also claimants' herein, suffered mental pain and anguish and have had to undergo counseling, which counseling is continuous and ongoing. The claimant alleges that the conduct and acts of the agents, officers and employees of the City of

Grand Island were outrageous and that they were done intentionally to create fear and apprehension and terror in claimant and her minor children when the police knew or should have known that the Defendant, Charles Hawthorne, was not in the home at the time.

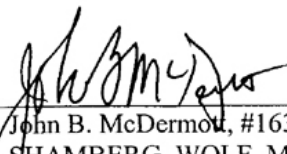
In addition to the intentional and outrageous conduct on the part of the officers, agents and employees of the City of Grand Island, the officers, agents and employees of the City of Grand Island were negligent in not taking lesser intrusive actions to determine whether Charles Hawthorne was even in the home before subjecting claimant and her minor children to the extremely frightening, terrifying and outrageous tactics of the Grand Island Police Department. Charles Hawthorne was not in the family home at the time of this outrageous intrusion upon the peace and quiet of claimant and her children. Additionally, claimant and her minor children were also falsely imprisoned by the agents, officers and employees of the City of Grand Island.

As a result of the actions of Defendant's officers, agents and employees, the claimant, for herself, and on behalf of her minor children, seeks compensatory damages for the damages done to the four doors of her home as well as for damages for the intentional infliction of emotional distress inflicted upon claimant and her minor children for the past, present and future mental pain and suffering in the sum of \$100,000.00. Claimant also seeks these damages based upon the negligence of the officers, agents and employees of the City of Grand Island in subjecting claimant and her children to the physical and mental pain and suffering inflicted upon them when the officers, agents and employees of the City of Grand Island knew or should have known that Charles Hawthorne was not in the home at the time of their entry and for the false imprisonment of claimant and her minor children.

DATED: February 19, 2003.

Respectfully submitted, Rhonda Hawthorne,
individually, and in her respective capacity as
Natural Guardian and Next of Kin of Megan
Jean Hawthorne and Amanda Jacqueline Hawthorne,
Claimants,

By



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