

43

00-K-0777

Entered - 1-13-00 - sb  
CL00L0015- GWENDOLYN BURNS

CLAIM OF: THERESA McCLAIN  
2741 Rex Road  
Ellenwood, Georgia 30294

For damages alleged to have been sustained  
as a result of vehicular incident on  
November 22, 1999 at 1110 Hill Street.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DANIELA V. ATORRENY

REPORT

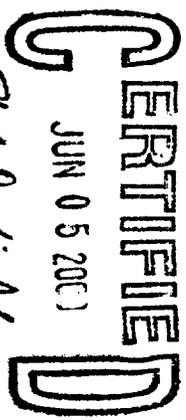
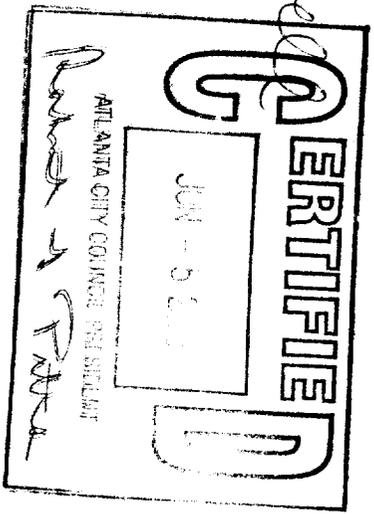
COM. *Public Safety*

DATE *5/30/2000*

CHM. *S. T. M. Anderson*

*[Signature]*

*[Signature]*



*Rosalind Newell*  
MUNICIPAL CLERK

ADVERSED BY  
CITY COUNCIL JUN 05 2000



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

June 15, 2000

Theresa McClain  
2741 Rex Road  
Ellenwood, GA 30294

00-R-0777

Dear Ms. McClain:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0015

Date: May 18, 2000

Claimant /Victim TERESA MCCLAIN
BY: (Atty) (Ins. Co.)
Address: 2741 Rex Road, Ellenwood, Georgia 30294
Subrogation: Claim for Property damage \$ 500.00 Bodily Injury \$
Date of Notice: 1/12/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/22/99 Place: 1110 Hill Street
Department GENERAL SERVICES Division
Employee involved Tony Turman Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained property damage when a City employee accidentally splashed paint on it. However, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 05-19-00
Committee Action: Council Action

01/04/2000 15:35 40465870

**BURNS**  
01/12/00  
*[Signature]*

**COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK**  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 12/2/99

ENTERED - 1-13-00 - SB  
00L0015 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 500.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 11/22/99 (month/day/year) 2. Time of Incident: Unknown 3. Police called: X Yes No

4. Location of incident (including street address): 1110 Hill St.

5. Name of your insurance company: GEICO Policy No. 203-08-37

6. State what and how incident occurred: After work I was going to my car to leave for the day, when I noticed white paint all over my car. I Reported it to Mr. Allen, the last Officer Chief & took pictures.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Delta 88 olds 92 958SZZ Teresa McClain  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_ (Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_ (Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]  
Signature of Claimant

TERESA MCCLAIN  
(Print Claimant's Name)

2741 Rev Rd  
(Address)

Ellenwood, Ga. 30294  
(City, State and Zip Code)

(4)658-7113 (7)960-3133  
(Work Number) (Home Number)

00-R-0777

RCS# 1981  
6/05/00  
2:45 PM

Atlanta City Council

Regular Session

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CONSENT AGENDA PAGES (1 - 10)

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0662

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<b>06/05/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
1. 00-O-0590	39. 00-R-0775
2. 00-O-0677	40. 00-R-0776
3. 00-O-0712	41. 00-R-0777
4. 00-O-0752	42. 00-R-0778
5. 00-O-0592	43. 00-R-0779
6. 00-O-0593	44. 00-R-0780
7. 00-O-0594	45. 00-R-0781
8. 00-O-0625	46. 00-R-0782
9. 00-O-0666	47. 00-R-0786
10. 00-O-0673	48. 00-R-0787
11. 00-O-0722	49. 00-R-0788
12. 00-O-0724	50. 00-R-0789
13. 00-O-0725	51. 00-R-0790
14. 00-O-0730	52. 00-R-0791
15. 00-O-0589	53. 00-R-0792
16. 00-O-0713	54. 00-R-0793
17. 00-O-0714	
18. 00-O-0715	
19. 00-O-0716	
20. 00-R-0753	
21. 00-R-0794	
22. 00-R-0761	
23. 00-R-0719	
24. 00-R-0763	
25. 00-R-0764	
26. 00-R-0762	
27. 00-R-0765	
28. 00-R-0766	
29. 00-R-0768	
30. 00-R-0769	
31. 00-R-0770	
32. 00-R-0771	
33. 00-R-0772	
34. 00-R-0773	
35. 00-R-0774	
36. 00-R-0783	
37. 00-R-0784	
38. 00-R-0785	