

28

00-R-0801
Dated - 5-19-00 - sb
CL00L0321 - GWENDOLYN BURNS

CLAIM OF: **WILLIE J. ESTES & SONYA SHELTON**
3091 Govenors Lake Drive, Bldg. 100
Suite 350
Norcross, Georgia 30071

For damages alleged to have been sustained
as a result of a vehicular accident on March
26, 1998 at North Avenue, NE & Oakdale
Road.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL JUN 19 2000

ADVISORY REPORT
P.S. - LA
6/13/00

CHI C-T Martin
Delta Thompson
Wendolyn Burns
Wendolyn Burns
Wendolyn Burns

CERTIFIED
JUN 19 2000
ATLANTA CITY COUNCIL PRESIDENT
Rosa A. Parks

CERTIFIED
JUN 19 2000
Rosalind Rubens Newell
MUNICIPAL CLERK



**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 27, 2000

Willie J. Estes and Sonya Shelton
3091 Governors Lake Dr.
Building 100
Suite 350
Norcross, GA 30071

00-R-0801

Dear Mr. Estes & Ms. Shelton:

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 19, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0321

Date: June 1, 2000

Claimant /Victim WILLIE J. ESTES & SONYA SHELTON
BY: (Atty) (Ins. Co.)
Address: 3091 Governors Lake Drive, Building 100, Suite 350, Norcross, Georgia 30071
Subrogation: Claim for damages \$ 1,865.95 Bodily Injury \$
Date of Notice: 5/19/00 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 3/26/98 Place: North Avenue, NE & Oakdale Road
Department PR&CA Division Parks
Employee involved Shirley Calhoun Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when it was backed into by a City vehicle. However, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

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

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06-01-00
Committee Action: Council Action

BURNS PAGE 02/02
05/19/00

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: 5/17/00

ENTERED - 5-19-00 - SB
00L0321 - GWEN BURNS

Dear Municipal Clerk.

This is to notify the City of Atlanta that I have suffered an amount sum of \$ 1865.95 property and/or \$ 0 bodily injury for which the City is liable.

1. Date of incident: March 26, 1998 (month/day/year)
2. Time of incident: 9:50 3. Police called: yes
Yes No

4. Location of incident (including street address): NE & Oakdale Rd

5. Name of your insurance company: State Farm Policy No. 3352760

6. State what and how incident occurred: Mr. [unclear] was at the intersection, & a city of Atlanta vehicle was attempting to make turn, & Mr. Calhoun backed into car. My vehicle to moved out of the path of the turning vehicle.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO THE DISCRETION OF THE CITY OF ATLANTA. THE MAKING OF FALSE CLAIMS WILL RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim form and proof of ownership of your vehicle (copy of the title) to complete the following and attach two (2) estimates of repair and your title.

Your vehicle: Hummer 8716TC Sonya Shelton
(Make) (Model) (Driver's Name)

City vehicle: Ford Calhoun City of Atlanta
(Make) (Department/Bureau)

9. Witness: NA (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 Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the undersigned.

I HEREBY SWEAR OR AFFIRM THAT THE INFORMATION IS TRUE AND CORRECT.
Willie J. Estis, Jr. A/S/O Sonya Shelton
(Print Claimant's Name)

Willie J. Estis Jr. A/S/O Sonya Shelton
Signature of Claimant
2091 BOWERS LAKE DR. Bldg 100 Sp 33
(Address)

Decatur, GA 30071
(City, State and Zip Code)

70-449-1520 ext. 520
(Work Number) (Home Number)

00-R-0801

RCS# 2016
6/19/00
2:32 PM

Atlanta City Council

Regular Session

Consent Agenda Pages (1 - 8)

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0795
00-R-0831

PRESIDENT PITTS RECUSED ON 00-
O-0756.

06/19/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0756* 2. 00-O-0626 3. 00-O-0749 4. 00-O-0760 5. 00-O-0829 6. 00-O-0836 7. 00-O-0709 8. 00-O-0710 9. 00-R-0750 10. 00-R-0817 11. 00-R-0839 12. 00-R-0529 13. 00-R-0813 14. 00-R-0717 15. 00-R-0823 16. 00-R-0841 17. 00-R-0819 18. 00-R-0822 19. 00-R-0828 20. 00-R-0810 21. 00-R-0856 	<ol style="list-style-type: none"> 22. 00-R-0796 23. 00-R-0797 24. 00-R-0798 25. 00-R-0799 26. 00-R-0800 27. 00-R-0801 28. 00-R-0802 29. 00-R-0803 30. 00-R-0804 31. 00-R-0805 32. 00-R-0806 33. 00-R-0807 34. 00-R-0808 35. 00-R-0809 <p style="text-align: center; margin-top: 20px;">*PRESIDENT PITTS RECUSED ON 00-O-0756.</p>