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Entered - 05/19/00 - sb
CL0010289 - DIANNE C. MITCHELL

00-R-0808

CLAIM OF: HOWARD WILEY,
through his insurance carrier,
Travelers Property and Casualty
P. O. Box 2954
Milwaukee, WI 53201

For damages alleged to have been sustained as a
result of property damage on July 18, 1999 at
2866 Benjamin E. Mays Drive, SW.

THIS ADVERSED REPORT IS
APPROVED

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

ADVERSE REPORT

COM. 75-1A

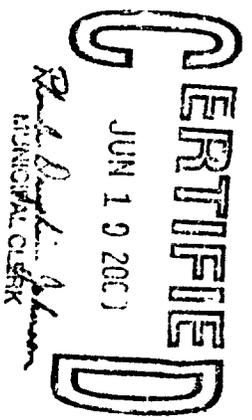
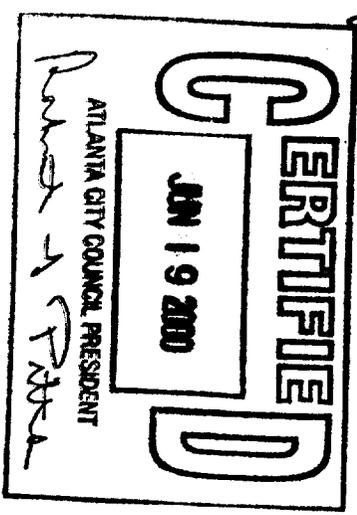
DATE 6/13/00

En T Martin

Robert Springer

Michael...

...



ADVERSED BY
CITY COUNCIL JUN 19 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**

July 3, 2000

Travelers Property & Casualty
Insurance Carrier
Attn: Larkin V. Campbell
P.O. Box 2954
Milwaukee, WI 53201

00-R-0808

RE: Howard Wiley

Dear Mr. Campbell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's 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.

Yours very truly,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0289

Date: May 31, 2000

Claimant /Victim HOWARD WILEY
BY: (Ins. Co.) Travelers Property Casualty
Address: P. O. Box 2954, Milwaukee, WI 53201
Subrogation: X Claim for Property damage \$ 2,498.06 Bodily Injury \$
Date of Notice: 05/01/00 Method: Written, proper Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 10/25/99 Place: Not Stated
Department Unknown Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant's insurance carrier that the City caused damage to its insured's vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental 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 Joint Claim Abandoned

Respectfully submitted,

[Handwritten Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Handwritten Signature] Concur/date 06-21-00
Committee Action: Council Action

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

MAY 12

RE: CLAIM FOR DAMAGES

Today's Date: 5-10-2000

ENTERED - 5-19-00 - SB
00L0285 - DIANNE MITCHELL

Mitchell
05/17/00
D

Dear Municipal Clerk:

05-12-00 08:29 IN

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1498.81 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 4-24-99 2. Time of Incident: 1630 3. Police called: X
(month/day/ year) Yes No

4. Location of incident (including street address): Cleveland Ave + Metropolitan Blvd SW

5. Name of your insurance company: Empire Fire & Marine Policy No. _____

6. State what and how incident occurred: See police report

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: Mitsubishi 98 510NEW Robert Castaldo
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Ford Chris Bunch ATI P D
(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.

Larkin V. Campbell, OP MGR
Signature of Claimant Payless Car Rental

Larkin Campbell, OP MGR
Payless (Print Claimant's Name) Car Rental

1931 Roosevelt Hwy
(Address)

College Park, Ga 30339
(City, State and Zip Code)

404 768-2120 Same
(Work Number) (Home Number)

00-R-0808

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>