

Entered - 08/26/99 - sb
CL99L0584 - DIANNE C. MITCHELL

CLAIM OF: RON PARKER AND ANGELA BUTTS, on behalf of their son, CAMERON PARKER, through their attorney, J. M. Raffauf
1064 Wachovia Building
315 West Ponce de Leon Avenue
Decatur, Georgia 30030

For damages alleged to have been sustained as a result of personal injuries on July 5, 1999 at East Lake Park.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSE REPORT

COM *Public Safety*

DATE *6/27/00*

CHG. *Gr F. Master*

[Signature]

CERTIFIED
JUL 5 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

ADVERSED BY
CITY COUNCIL JUL 05 2000

CERTIFIED
JUL 05 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

00-R-0921



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 18, 2000

J.M. Raffauf
Attorney at Law
315 West Ponce de Leon Ave.
1064 Wachovia Building
Decatur, GA 30030

00-R-0921

RE: Ron Parker and Angela Butts, on behalf
of their son Cameron Parker

Dear Attorney Raffauf:

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 July 5, 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0584

Date: June 5, 2000

Claimant /Victim RON PARKER AND ANGELA BUTTS, on behalf of their son, CAMERON PARKER
BY: (Atty) J. M. Raffauf
Address: 1064 Wachovia Building, 315 West Ponce de Leon Avenue, Decatur, Georgia 30030
Subrogation: Claim for Property damage \$ Bodily Injury \$ 10,000.00
Date of Notice: 08/26/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/05/99 Place: East Lake Park
Department Parks, Recreation and Cultural Affairs Division: Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege their son was injured when he fell off of the monkey bars at the park. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

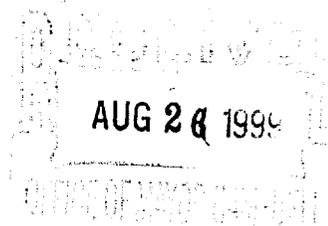
Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-05-00
Committee Action: Council Action

Reeves
09/07/99
J.M. RAFFAUF
ATTORNEY AT LAW
1064 WACHOVIA BUILDING
315 W. PONCE DE LEON
DECATUR GA 30030
(404) 373-0112

Certified, Return/Receipt Requested

August 25, 1999

Mayor Bill Campbell
Atlanta City Hall
68 Mitchell St. SW
Atlanta GA 30335



Re: Ron Parker & Angela Butts (Cameron Parker DOB: 11/2/91)

Dear Mayor Campbell:

This will serve as notice pursuant to O.C.G.A. § 36-11-1 of the claim of Ron Parker and Angela Butts, on behalf of their son, Cameron Parker. Please be informed that I represent the Plaintiffs in this matter.

Please be advised that their son was injured on or about July 5, 1999, when his arm was broken while he was playing on the monkey bars at East Lake Park, Atlanta, DeKalb County, Georgia. The child was participating in a summer camp sponsored by the City of Atlanta's East Lake Recreation Center. The child suffered personal injuries, pain and suffering, and mental and emotional stress.

The operation and maintenance of playground equipment so designed as to be dangerous to life or health is a nuisance for which an action against a municipality may be maintained. Porter v. City of Gainesville, 147 Ga. App. 274, 248 SE2d 501 (1978). In this case there was improper surfacing, inadequate fall zone, protrusion and entanglement hazards, trip hazards, lack of supervision and the use of equipment not recommended for playgrounds.

The injured parties demand compensation for damages in excess of \$10,000 for the injuries as well as other compensatory and punitive damages.

Sincerely,

J.M. Raffauf

cc: Susan Pease Langford, City Attorney
Larry Wallace, Chief Operating Officer
Bill Gary, Atlanta Parks & Recreation & Cultrual Affairs

00-R-0921

RCS# 2057
7/05/00
1:38 PM

Atlanta City Council

Regular Session

**_**

Consent Agenda pgs. 1-13

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Adopt

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

NV McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
B Emmons
B Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0982
00-O-0996
00-R-0954
00-R-0981
00-R-0999

**_**

07/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-0882	38. 00-R-0914
2. 00-O-0815	39. 00-R-0915
3. 00-O-0986	40. 00-R-0916
4. 00-O-0987	41. 00-R-0917
5. 00-O-0988	42. 00-R-0918
6. 00-O-1002	43. 00-R-0919
7. 00-O-0574	44. 00-R-0920
8. 00-O-0972	45. 00-R-0921
9. 00-O-0818	46. 00-R-0922
10. 00-R-0990	47. 00-R-0923
11. 00-R-0992	48. 00-R-0924
12. 00-R-0993	49. 00-R-0925
13. 00-R-0885	50. 00-R-0926
14. 00-R-0884	51. 00-R-0927
15. 00-R-0883	52. 00-R-0928
16. 00-R-0880	53. 00-R-0929
17. 00-R-0814	54. 00-R-0930
18. 00-R-0957	55. 00-R-0931
19. 00-R-0961	56. 00-R-0932
20. 00-R-0998	57. 00-R-0933
21. 00-R-0887	58. 00-R-0934
22. 00-R-0888	59. 00-R-0935
23. 00-R-0889	60. 00-R-0936
24. 00-R-0997	61. 00-R-0937
25. 00-R-0892	62. 00-R-0938
26. 00-R-0955	63. 00-R-0939
27. 00-R-0984	64. 00-R-0940
28. 00-R-1000	65. 00-R-0941
29. 00-R-0908	66. 00-R-0942
30. 00-R-0909	67. 00-R-0943
31. 00-R-0910	68. 00-R-0947
32. 00-R-0911	69. 00-R-0948
33. 00-R-0912	70. 00-R-0949
34. 00-R-0913	71. 00-R-0950
35. 00-R-0944	72. 00-R-0951
36. 00-R-0945	
37. 00-R-0946	