

Entered - 12/13/99 - sb  
CL99L0850 - DIANNE C. MITCHELL

CLAIM OF: MARTA  
2424 Piedmont Road  
Atlanta, Georgia 30324

For damages alleged to have been sustained as a  
result of a vehicular accident on July 10, 1999 at  
North Avenue and Boulevard.

# ADVERSE REPORT

COM. *Public Safety*

DATE *6-27-00*

CHM. *P. J. Mena*

*[Signature]*

*[Signature]*

THIS ADVERSED REPORT IS  
APPROVED

BY: *[Signature]*  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

**CERTIFIED**  
JUL 5 2000  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

ADVERSED BY  
CITY COUNCIL JUL 05 2000

**CERTIFIED**  
JUL 05 2000  
*[Signature]*  
MUNICIPAL CLERK



## 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

MARTA  
Attn: Marc Walthour  
2424 Piedmont Road  
Atlanta, GA 30324

00-R-0941

Dear Mr. Walthour:

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 July 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. 99L0850

Date: June 15, 2000

Claimant /Victim MARTA
BY: (Atty) (Ins. Co.)
Address: 2424 Piedmont Road, Atlanta, Georgia 30324
Subrogation: Claim for Property damage \$ 15,330.00 Bodily Injury \$
Date of Notice: 12/07/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence July 10, 1999 Place: 2909 Campbellton Road, SW
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges its vehicle was damaged due to a vehicular accident with a City of Atlanta police vehicle. The investigation determined that the police officer was en route to an emergency call, both siren and blue lights were in operation and that the driver of the claimant's vehicle failed to yield right-of-way to an emergency vehicle.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

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

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Advers X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-15-00
Committee Action: Council Action

October 18, 1999

ENTERED - 12-13-99 - SB  
99L0850 - MIKE REEVES



**marta**

Atlanta Police Department  
1 CNN Center  
Atlanta, GA 30303

*Reeves  
12/07/99*

Claim #: 0-4143-A06-15  
Date of Accident: 07/10/99  
Claimant: Brian Fisher  
Your Driver: Paul Finch

Dear Claims Department:

Our investigation reveals that your driver is responsible for the above-referenced accident.

Please let this serve as formal notice of any and all subrogation rights which MARTA may have in workers' compensation and/or tort related claims as provided by Georgia Law.

The undersigned will be responsible for handling the workers' compensation subrogation claim. Please acknowledge receipt of this correspondence. Should you have any questions, please feel free to contact me at (404) 848-4952.

Sincerely,

*Marc Walthour*

Marc Walthour  
Disability Adjuster III  
404-848-4952

00- R-0941

**Metropolitan  
Atlanta  
Rapid Transit  
Authority**

2424 Piedmont Road  
Atlanta, Georgia 30324  
(404) 848-5000  
[www.itsmarta.com](http://www.itsmarta.com)

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

Atlanta City Council

Regular Session

\*\*\_\*\_\*\_\*\*\*\*

Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

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

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<b>07/05/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
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	