

00-R-1027

Entered 12-1-98-sb
CL 98L0791 - DOBBS JORDAN

CLAIM OF: MS. LOUISE GATES
554 MEATH DRIVE, SW
ATLANTA, GEORGIA 30310-1555

For personal injuries alleged to have been sustained
as a result of a slip and fall on or about October 27, 1998,
at 968 Ralph David Abernathy Blvd.

THIS ADVERSED REPORT IS
APPROVED

BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL JUL 17 2000

ADVERSED REPORT

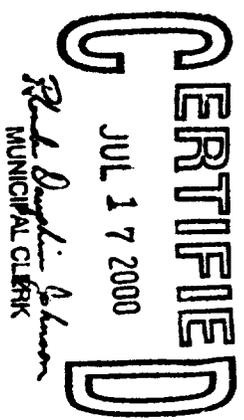
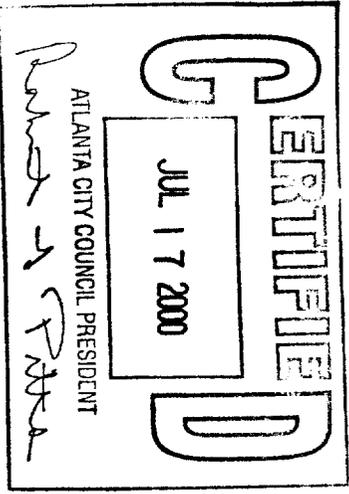
COM. *R.S. 4A*

DATE *7/11/00*

CITY *C. T. Marks*

Celia P. ...

Henry D. ...





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 28, 2000

Ms Louise Gates
554 Meath Dr., SW
Atlanta, Ga 30310-1555

00-R-1027

Dear Ms. Gates:

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 17, 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. 98L0791

Date: June 26, 2000

Claimant /Victim Louise Gales
BY: (Atty) (Ins. Co.)
Address: 554 West Meath Drive, SW, Atlanta, Georgia 30310-1555
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 11-19-98 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 10-27-98 Place: 968 Ralph David Abernathy Boulevard
Department unknown Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that while walking on a city sidewalk she stepped into a water main / sewer access hole injuring her leg, foot and hip. The claimant has abandoned her claim.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral X
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 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 City Negligent Joint Claim Abandoned X

Respectfully submitted,

[Signature]
INVESTIGATOR - DOBBS JORDAN

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-28-00
Committee Action: Council Action

THURSTON LAW OFFICES

PEACHTREE CENTER - HARRIS TOWER

233 PEACHTREE STREET, N.E.

SUITE 2705

ATLANTA, GEORGIA 30303

TELEPHONE: (404) 523-6960

ENTERED - 12-1-98 - SB

98L0791 - ANTHONY OATIS

Oct 13
11/23/98

RECEIVED NOV 19 1998

CURTIS A. THURSTON, JR.
DIRECT DIAL: (404) 523-0983

November 17, 1998

E-MAIL: LAWCHIP@AOL.COM
FACSIMILE: (404) 522-2770

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

The Honorable William Campbell
Mayor, City of Atlanta
55 Trinity Avenue, S.W.
Atlanta, Georgia 30305

RE: Claims of Ms. Louise Gates

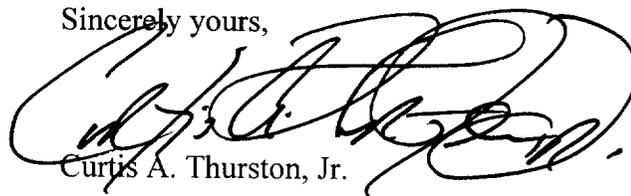
Dear Mayor Campbell:

This is a formal notice to the City of Atlanta, pursuant to O.C.G.A. § 36-33-5, and any other notice requirements, of the following claim for personal injuries and medical expenses on behalf of Ms. Louise Gates:

On October 27, 1998 as Ms. Gates was walking on a sidewalk in the City of Atlanta, at or about across the street from 968 R.D. Abernathy Blvd., she was injured about her leg, foot and hip as she stepped into a water main/sewer access hole that did not have a cover on it. The hole was filled with debris and leaves, which was also strewn about the sidewalk, thus camouflaging the uncovered hole. This injury was due to the negligence of the City of Atlanta in maintaining a dangerous condition and in failing to post reasonable, visible and adequate warning of the danger of injury, a danger of which the City had superior knowledge.

Best regards.

Sincerely yours,



Curtis A. Thurston, Jr.

CAT:jc

cc: Ms. Louise Gates

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