

00-R-1034

Entered - 01/13/00 - sb
CL001.0023 - DIANNE C. MITCHELL

CLAIM OF: JERRY G. FICKLIN
2886 Brownsmill Road
Atlanta, Georgia 30354

For damages alleged to have been sustained as a
result of property damage on January 3, 2000 at
2886 Brownsmill Road.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED REPORT

COM P.S. 4.1.A

DATE 7/11/00

CONSENT AGENDA

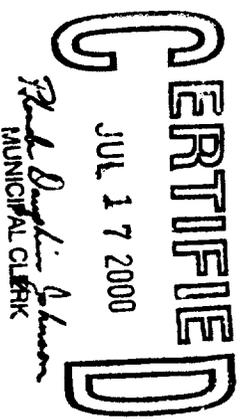
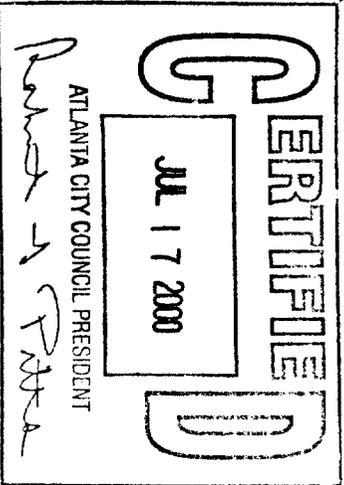
ADVERSED BY JUL 17 2000
CITY COUNCIL

C. T. Parks

Rosalind Rubens Newell

James

Henry Dwyer





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

Jerry G. Ficklin
2886 Brownsmill Rd
Atlanta, GA 30354

00-R-1034

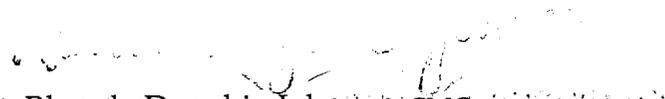
Dear Mr. Ficklin:

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. 00L0023

Date: June 22, 2000

Claimant /Victim JERRY G. FICKLIN
BY: (Atty) (Ins. Co.)
Address: 2886 Brownsmill Road, Atlanta, Georgia 30354
Subrogation: Claim for Property damage \$ 949.00 Bodily Injury \$
Date of Notice: 01/07/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/03/00 Place: 2886 Brownsmill Road
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his property was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems in the sewer line prior to the call from the claimant. 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 06-22-00
Committee Action: Council Action

00-R-1034

RECEIVED
JAN 7
NEW YORK

Reeves
01/12/00
Dr

Atlanta, Georgia 30335

Dear Municipal Clerk:

ENTERED - 1-13-00 - SB
00L0023 - MIKE REEVES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 949.00 property and /or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 1-3-2000 (month/day/year). 2. Time of Incident: 7am-6pm 3. Police called: CALL the city
Yes No

4. Location of incident (including street address): 2886 Browns Mill Rd

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: The main sewage was clogged with grease, the city sewage line was backed up, which cause 3 feet of sewage water in each room of my down stairs

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: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Clarence Royal 2880 Browns Mill Rd, SE (404)311-9112
(Name) (Address) (Telephone Number)

10. The acknowledgement 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.

Jerry G. Ficklin
Signature of Claimant

Jerry G. Ficklin
(Print Claimant's Name)

2886 Browns Mill Rd
(Address)

ATLANTA GA 30354
(City, State and Zip Code)