00- R -1047

Entered - 06/12/00 - sb
CL00L0351 - DIANNE C. MITCHELL

CLAIM OF: ROBERT THOMAS,
through his attorney,
Kenneth S. Nugent
1355 Peachtree Street
Suite 1000
Atlanta, Georgia 30309

For damages alleged to have been sustained as a result of a vehicular accident on May 11, 2000 at 332 Ponce de Leon Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY CITY COUNCIL JUL 17 2000

ADVERSE REPORT
COM P.S.L.A
DATE 7/11/00
CHAIR E. T. Mart
Cleta Winslow
Jim Cannon
Sherry Dorsey

CERTIFIED
JUL 17 2000
ATLANTA CITY COUNCIL PRESIDENT
Robert J. Potts

CERTIFIED
JUL 17 2000
Rhonda Dauphin Johnson
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

August 1, 2000

Kenneth S. Nugent
Attorney at Law
1355 Peachtree Street
Suite 1000
Atlanta, GA 30309

**00-R-1047**

**RE:** Robert Thomas

Dear Attorney Nugent:

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 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**.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0351 Date: June 26, 2000

Claimant /Victim ROBERT THOMAS
BY: (Atty) Kenneth S. Nugent
Address: 1355 Peachtree Street, Suite 1000, Atlanta, Georgia 30309
Subrogation: _____ Claim for Property damage $ _____ Bodily Injury $ not stated
Date of Notice: 06/09/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/11/00 Place: 332 Ponce de Leon Avenue
Department Public Works Division: Sanitary Services
Employee involved Michael Garrett Disciplinary Action: _____

NATURE OF CLAIM: The claimant, a City employee, alleges he was injured while riding in a City vehicle that was involved in a vehicular accident with a third party. As a City employee, the claimant's exclusive remedy for recovery against the City is through his Workers' Compensation benefits. The claimant's attorney has been advised to pursue this claim through Workers' Compensation.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X 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,

INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 06-26-00
Committee Action: _____ Council Action _____

FORM 23-61

**KENNETH S. NUGENT, P.C.**
ATTORNEYS AT LAW

1355 PEACHTREE STREET
THE PEACHTREE, SUITE 1000
ATLANTA, GEORGIA 30309
(404) 875-0900
FAX (404) 872-7562

Mitchell
06/09/00

KENNETH S. NUGENT
JOHN T. RUFF
WILLIAM D. HOLMAN *
JOHN C. FORBES, JR.
RUSSELL T. DEUTSCHMAN
ADAM W. DEAVER
TERI D. PODUVAL
BARBARA BARNETT CLARIDGE ♦
WENDY A. HEANEY
M. BRIAN CLEMENTS
MICHAEL G. ORR
AHKIBAH KHAN

OFFICES THROUGHOUT GEORGIA

* ALSO ADMITTED IN TENNESSEE
♦ ADMITTED IN ALABAMA

**ENTERED - 6-12-00 - SB**
**00L0351 - DIANNE MITCHELL**

June 5, 2000

VIA CERTIFIED MAIL

City of Atlanta
Ste. 4100,City Hall Tower
68 Mitchell St., S.W.
Atlanta, GA 30335-0332

| | | |
|---|---|---|
| RE: | Client's | : Michael Garrett, Frosolonoso Wells, Robert Thomas |
| | Insured | : City- Atlanta/Sanitation |
| | Policy No. | : |
| | Date of Accident | : 5/11/2000 |
| | Our File No. | : 218646 |

Dear Sir/Madam:

Our firm represents Michael Garrett for personal injuries sustained as a result of the referenced accident.

Please advise us if your insured carries medical payments coverage, loss wage coverage and uninsured motorist coverage, and if so, your limits of said coverage.

Pursuant to O.C.G.A. 33-3-28, you are instructed to provide your insurance coverage information within 60 days of the date of the receipt of this letter.

We look forward to working with you in this matter.

Sincerely,

Ken S Nugent

Kenneth S. Nugent, Esq.

LRE/lre
Encl.

00- R -1047