

Entered - 12/27/99 - sb
CL99L0866 - GWENDOLYN BURNS

CLAIM OF: WILLIAM DENT ACRREE,
through his attorney,
David A. Sleppy
P. O. Box 689
Cornelia, Georgia 30531

For damages alleged to have been sustained as a result
of a vehicular accident on June 29, 1999 at 2118
Defoors Ferry Road.

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

FAVORABLE REPORT

COM. *William Sleppy*

DATE *7/17/2000*

CHM. *C. T. Martin*

John A. ...

...

...

BE IT RESOLVED by the Council of the City of
Atlanta that the action of the Department of Law be
approved in authorizing payment to WILLIAM DENT
ACRREE, through his attorney, David A. Sleppy the
sum of \$1,000.00 in full settlement and satisfaction of
all claims, past, present and future, of every kind and
character for damages alleged to have been sustained as
a result of a vehicular accident on June 29, 1999 at
2118 Defoors Ferry Road as is more particularly set
forth in the within claim; said sum taken from and
charged to account 1A01/529017/T31001, Settlement
of Suits and Claims, Department of Law.

CONSENT AGENDA

APPROVED

JUL 26 2000

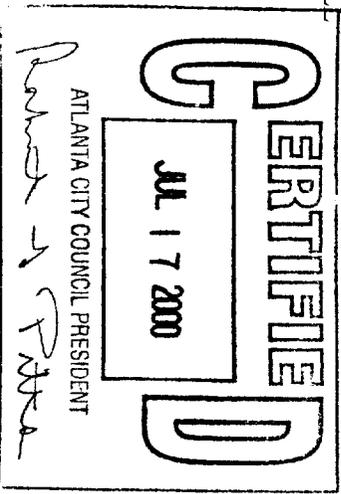
WITHOUT SIGNATURE
BY OPERATION OF LAW

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

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

ADOPTED BY
JUL 17 2000

COUNCIL





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1058

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **William Dent Acree, through his attorney, David A. Sleppy** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as **a result of a vehicular accident on June 29, 1999 at 2118 Defoors Ferry Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

JULY 17, 2000

JULY 26, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0866

Date: June 30, 2000

Claimant /Victim WILLIAM DENT ACREE
BY: (Atty) David A. Sleppy
Address: P. O. Box 689, Cornelia, Georgia 30531
Subrogation: Claim for Property damage \$ Bodily Injury \$ 2,881.00
Date of Notice: 12/20/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/29/99 Place: 2118 Defoors Ferry Road
Department Police Division:
Employee involved Jarvis Jackson Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle, responding to a suspicious person call at the gas station located at the above listed address, struck the claimant's vehicle as he entered the parking lot. The claimant suffered personal injuries in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report 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 Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted

[Handwritten signature of Gwendolyn Burns]

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: [Handwritten signature] Concur/date 06-30-00
Committee Action: Council Action

CATHEY & STRAIN

ATTORNEYS AT LAW

6 IRVIN STREET

P. O. BOX 689

CORNELIA, GEORGIA 30531

DENNIS T. CATHEY
EDWARD E. STRAIN, III
DAVID A. SLEPPY

TELEPHONE 706-778-2601
TELECOPIER 706-776-2899

Reeves
12/20/99
DM

December 17, 1999

ENTERED - 12-27-99 - SB
99L0866 - MIKE REEVES

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
and VIA HAND DELIVERY**

Hon. William Campbell
Mayor, City of Atlanta
City Hall
Suite 2400
55 Trinity Avenue, S.W.
Atlanta, GA 30335

SUSAN LANGFORD
~~Ms. Clifford E. Hardwick, IV~~
City Attorney
City Hall Tower
68 Mitchell Street, S.W.
Suite 4100
Atlanta, GA 30335-0332

Ms. Olivia Parks Woods, or successor
Municipal Clerk
Atlanta City Hall
Suite 2700
55 Trinity Avenue, S.W.
Atlanta, GA 30335

**Re: Vehicular collision at 2118 DeFours Ferry, Atlanta, GA
Date: June 29, 1999
City of Atlanta, Fulton County, Georgia
Our Client: William Dent Acree
Driver of City Vehicle: Jarvis Jackson
Subject Matter: Ante Litem Notice of Claim/Written
Demand Pursuant to O.C.G.A. §36-33-5**

Dear Sir or Madam:

This office has been retained to represent William Dent Acree with regard to personal injuries and property damage incurred as a result of a vehicular collision which occurred at 2118 DeFours Ferry, Atlanta, Georgia, on June 29, 1999, at 8:15 p.m. in the City of Atlanta, Fulton County, Georgia. This will serve as formal ante litem notice pursuant to O.C.G.A. §36-33-5 of his claim. A copy of the Georgia Uniform Motor Vehicle Private Property Accident Report is attached hereto for your file. On the above date, Officer Jarvis Jackson was responding to a call at 2118 DeFours Ferry and driving a vehicle owned by the City of Atlanta. Officer Jackson turned into the parking lot and struck the vehicle being driven by William Dent Acree. It is our contention that Jarvis Jackson, acting within the scope and course of his employment as an agent and employee of the City of Atlanta was negligent in failing to keep a proper lookout, failing to maintain control of his vehicle, and in failing to exercise reasonable care and diligence. It is

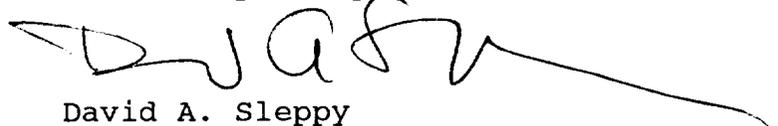
Hon. William Campbell
Mr. Clifford E. Hardwick, IV
Ms. Olivia Parks Woods
Page 2
December 17, 1999

further our contention that the negligent acts of Jarvis Jackson are imputable to the City under the doctrine of respondeat superior and that the city is, therefore, vicariously liable for his acts.

As a direct and proximate result of the negligence of Jarvis Jackson, Mr. Acree sustained neck, back and spinal injuries. His vehicle sustained property damage. He has incurred medical expenses in the approximate amount of \$2,881.00, and continues to incur medical expenses, has been unable to perform his job resulting in lost wages, and has experienced mental and physical pain and suffering, past, present and future as a result of his physical injuries and other damages. Because his injuries are not yet resolved, and because he continues to be treated and has not yet reached maximum medical improvement, we are unable to make a monetary claim in a definite amount at this time. However, if the City is, in fact, only insured in the amount of \$1,000 for this incident, please consider this our demand that the City pay its \$1,000 limits of coverage so that we may pursue this claim with Mr. Acree's UM carrier.

Please make note of this ante litem notice and the claim we are submitting on behalf of William Dent Acree. Please have a representative of your office contact me at your earliest convenience to discuss this matter further.

Yours very truly,

A handwritten signature in black ink, appearing to read 'DAS', with a long horizontal flourish extending to the right.

David A. Sleppy

DAS/kmc

Enclosure

cc: Mr. W. Dent Acree

