

August 28, 2000

CNA Personal Insurance
Insurance carrier
Attn: Robert Monastero
P.O. Box 908
Monmouth Junction, NJ 08852

00-R-1149

RE: Mary Ann Reeks

Dear Mr. Monastero:

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 August 07, 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. 99L0825

Date: July 19, 2000

Claimant /Victim MARY ANN REEKS
BY: (Ins. Co.) CNA Personal Insurance
Address: P. O. Box 908, Monmouth Junction, NJ 08852
Subrogation: X Claim for Property damage \$ 10,333.12 Bodily Injury \$
Date of Notice: 12/02/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/27/99 Place: Roswell and Wieuca Roads
Department Public Works Division: Street Operations
Employee involved Charles D. Smith Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The driver of the City vehicle rear ended the claimant's vehicle causing damages in the above amount. However, the claimant's insurance carrier has rejected the City's settlement offer.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver X 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 X Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 07-19-00
Committee Action: Council Action

CNA PERSONAL INSURANCE

PO Box 908 Monmouth Junction NJ 08852

Jordan
12/02/99
Dr

Robert Monastero

Recovery Specialist
Personal Lines Subrogation Center

Telephone 732-398-4169
800-260-1454 x4169
Facsimile 732-398-5009
robert.monastero@cna.com

November 2, 1999

CITY OF ATLANTA
RISK MANAGER FINANCE DEPT
68 MITCHELL ST SW
ATLANTA GA 30303

ENTERED - 12-6-99 - SB
99L0825 - DOBBS JORDAN

Your Policy: UNKNOWN
Your Insured: CITY OF ATLANTA DRIVER: CHARLES SMITH
Our Claim: P8087264BP
Our Insured: MARY ANN REEKS
Date of Loss: MAY 27, 1999
Location of Loss: ROSWELL RD AT WIEUCA RD ATLANTA GA
Insuring Company: GLENS FALLS INS CO

This letter is formal notice of our subrogation rights with regards to the above captioned matter. We have completed our investigation of the loss and have determined that your insured was the proximate cause..

The damage to our insured's vehicle amounts to \$10333.12. \$10083.12 of the total amount was paid by us and the balance of \$250.00 was paid by our insured. We are therefore presenting claim for the total damages.

All supporting documentation is enclosed. Thank you for your cooperation.

Very truly yours,



ROBERT MONASTERO

SUBRO-4/

00-*R*-1149

Any person who knowingly and with intent to defraud any insurance company or other person files a statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.