

Entered - 07/06/00 - sb
CL00L0401 - DIANNE C. MITCHELL

00-*2*-1160

CLAIM OF: GEORGE BROOKS
380 East Lake Boulevard, SE
Apt. 513
Atlanta, Georgia 30317

For damages alleged to have been sustained
as a result of personal injury on an elevator at
the East Lake Meadows High-rise Apartment
complex on December 31, 1999. **CONSENT AGENDA**

THIS ADVERSED REPORT IS
APPROVED

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

ADVERSE REPORT

City Public Safety

8/1/2000

C. F. Martin

George Brooks
George Brooks
George Brooks

CERTIFIED
AUG 7 2000
Rosalind Rubens Newell

CERTIFIED
AUG 07 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL
AUG 07 2000

August 28, 2000

George Brooks
380 East Lake Blvd., SE
Apartment 513
Atlanta, GA 30317

00-R-1160

Dear Mr. Brooks:

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 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.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0401

Date: July 18, 2000

Claimant /Victim GEORGE BROOKS

BY: (Atty)

Address: 380 East Lake Boulevard, SE, Apt. 513, Atlanta, Georgia 30317

Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated

Date of Notice: 06/27/00 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/31/99 Place: East Lake Meadows High-rise Apartments

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was injured when the elevator at the above location dropped suddenly. The investigation determined that the Atlanta Housing Authority is the owner of the subject property. The Atlanta Housing Authority is a separate legal entity from the City of Atlanta. The claimant has been advised to pursue his claim with the Atlanta Housing Authority.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

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 X 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 07-18-00

Committee Action: Council Action

GEORGE BROOKS
380 East Lake Boulevard, S.E.
Apartment 513
Atlanta, GA 30317

Mitchell
06/29/00


June 26, 2000 06-27-00 A10:42 IN

ENTERED - 7-6-00 - SB
00L0401 - DIANNE MITCHELL

The Atlanta City Council
300 City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

HAND DELIVERED

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

Re: Ante Litem Notice - George Brooks
Vs. City of Atlanta
Date of Incident: 12/31/99

TO WHOM IT MAY CONCERN:

This shall serve as my Ante Litem Notice to the City of Atlanta as required by O.C.G.A. §36-33-5.

On the 31st day of December, 1999 I was riding in the north elevator at the East Lake Meadows High Rise Apartments located at 380 East Lake Boulevard, S.E., Atlanta, Georgia when the elevator dropped suddenly resulting in my sustaining personal injuries.

The City of Atlanta was negligent in failing to exercise ordinary care and diligence to keep the elevator within the apartment complex in a reasonably safe condition for the use of its tenants and invitees. The City's failure to exercise such ordinary care and diligence was the proximate cause of my injuries.

As a result of my fall, I have sustained injuries to my back, neck, hip and knee. As a result of my injuries, I have incurred medical expenses and have undergone great pain and suffering.

You are hereby notified of my intention to file a claim and a lawsuit against the City of Atlanta alleging the aforementioned theory of liability and seeking recovery for the aforementioned damages.

Should you have any questions regarding this claim, please feel free to contact me at your convenience.

Sincerely yours,

George Brooks 6-26(2)
George Brooks

00- R-1160