

Entered - 06/22/00 - sb
CL00L0380 - DIANNE C. MITCHELL

00-*ip*-1168

CLAIM OF: MARTA
2424 Piedmont Avenue
Atlanta, Georgia 30324-3330

For damages alleged to have been sustained
as a result of a vehicular accident on October
22, 1999 at Cascade Avenue and Dolphin
Drive.
CONSENT AGENDA

THIS ADVERSED REPORT IS
APPROVED

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

ADVISED REPORT
Walter S. Sibley
8/1/2000

C. T. Martin
Richard D. Bond
Walter S. Sibley
John D. ...
James Hill

CERTIFIED
AUG 7 2000
M. ...

CERTIFIED
AUG 07 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

ADVERSED REPORT
CITY OF ATLANTA
AUG 07 2000

August 28, 2000

MARTA
Attn: Sharon Tucker
2424 Piedmont Ave.
Atlanta, GA 30324-3330

00-R-1168

Dear Ms. Tucker:

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. 00L0380

Date: July 6, 2000

Claimant /Victim MARTA

BY: (Atty) (Ins.Co)

Address: 2424 Piedmont Avenue, Atlanta, Georgia 30324-3330

Subrogation: Claim for Property damage \$ 22.20 Bodily Injury \$

Date of Notice: 06/20/00 Method: Written, proper X Improper

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

Date of Occurrence 10/22/99 Place: Cascade Avenue and Dolphin Drive

Department FIRE Division:

Employee involved Willie Williams Disciplinary Action:

NATURE OF CLAIM: The driver of the City vehicle sideswiped the claimant's vehicle causing minor damages in the above amount. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired to receipt of the claim.

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 X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent X 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 070600

Committee Action: Council Action



Mitchell
06/29/00
DM

June 8, 2000

ENTERED - 6-22-00 - SB
00LO380 - DIANNE MITCHELL

City of Atlanta
Department of Law
Suite 4100
City Hall Tower
68 Mitchell Street
Atlanta, GA 30335-0332

Claim # : 0-5039F01
Date of Accident: 10-22-99
Claimant: City of Atlanta Driver: Willie Williams

Dear Claims Manager:

Enclosed please find the following documents in support of MARTA's property damage claim in the above-referenced matter.

- I Police Report: Enclosed
- II Repair costs to bus: #3269

Please forward to MARTA your check in the amount of \$22.20 in payment of MARTA's property damage claim. When payment is made to MARTA for the property damage, please do not place full release language on the check. MARTA will only accept property damage checks with property damage only release language. All other checks will be returned.

Sincerely,

Sharon Tucker
Claims Adjuster II

00- R-1168