

Entered - 06/22/00 - sb
CL00L0387 - DIANNE C. MITCHELL

00-1170

CLAIM OF: CYNTHIA WOOTEN,

through her attorney,
Jeffrey Flynn
Suite 414
1447 Peachtree Street, NE
Atlanta, Georgia 30309

For damages alleged to have been sustained
as a result of a personal injury due to a fall on
May 21, 2000 at 3501 Bankhead Highway.

CONSENT AGENDA

THIS ADVERSED REPORT IS
APPROVED

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

ADVERSED REPORT

Confidential Safety

8/11/2000

C. T. Martiny

Michael V. ...
Case # ...
Erny ...

ADVERSED BY
CITY CLERK AUG 07 2000

CERTIFIED
AUG 7 2000
Michael V. ...

CERTIFIED
AUG 07 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

August 29, 2000

Jeffrey Flynn
Attorney at Law
1447 Peachtree Street, NE
Suite 414
Atlanta, GA 30309

00-R-1170

RE: Cynthia Wooten

Dear Attorney Flynn:

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. 00L0387

Date: July 6, 2000

Claimant /Victim CYNTHIA WOOTEN
BY: (Atty) Jeffrey Flynn
Address: Suite 414, 1447 Peachtree Street, NE, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ 500,000.00
Date of Notice: 06/19/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/21/00 Place: 3501 Bankhead Highway
Department None Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when she fell into a hole at the above location. The investigation determined that this property is owned and operated by the Atlanta Housing Authority. The Atlanta Housing Authority is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue this 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 07-06-00
Committee Action: Council Action

PITTS/CAMPBELL

June 15, 2000

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Previously, a tree was planted on the sight, but was moved to another location. The hole was covered over by the employees of the Housing Authority. Later, Ms. Wooten was welcoming a house guest, when the ground gave way and both the women fell into the hole and onto the ground.

Ms. Wooten reported the incident the manager of the apartment complex and request an investigation and correction of the hole. Employee of the Housing Authority came and filled the hole.

The amount of the loss is in excess of \$500,000.00, due to the severe trauma of her broken foot, pending physical therapy, lost of income due to disability and pain and suffering, as a direct result of the above-referenced incident.

Sincerely,



Jeffrey Flynn
Attorney at Law

JF/khm