

Entered - 11/19/99 - sb

00-~~2~~-1245

CT99L0763 - DIANNE C. MITCHELL

CLAIM OF: ADRIAN HAYWOOD,

through his attorney,
John C. Forbes, Jr.

1355 Peachtree Street
Suite 1000

Atlanta, Georgia 30309

For damages alleged to have been sustained
as a result of a vehicular accident on October
26, 1999 at Central Avenue and Mitchell
Street.

THIS ADVERSED REPORT IS
APPROVED

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

ADVERSED REPORT CONSENT AGENDA

COM. *Public Safety*

DATE *8/15/2000*

CHM. *C.T. Martin*

Rosalind Rubens Newell

John C. Forbes, Jr.

APPROVED
SEP 05 2000

CERTIFIED
SEP 5 2000

CERTIFIED
SEP 05 2000

Rosalind Rubens Newell
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 18, 2000

John C. Forbes, Jr.
Attorney at Law
1355 Peachtree Street
Suite 1000
Atlanta, GA 30309

00-R-1245

RE: Adrian Haywood

Dear Attorney Forbes, Jr. :

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 January 03, 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. 99L0763

Date: July 28, 2000

Claimant /Victim ADRIAN HAYWOOD

BY: (Atty) John C. Forbes, Jr.

Address: 1355 Peachtree Street, Suite 1000, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ Bodily Injury \$ 4,281.00

Date of Notice: 11/15/99 Method: Written, proper X Improper

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

Date of Occurrence 10/26/99 Place: Central Avenue and Mitchell Street

Department Police Division:

Employee involved James R. Ashe Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle ran a red light and collided with the claimant's vehicle. However, the claimant 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 07-2800

Committee Action: Adverse to CC on 9/15/00 Council Action

154017

Mitchell

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Today's Date: 11-11-99

ENTERED - 11-19-99 - SB
99L0763 - DIANNE MITCHELL

15 1999

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ Pending property and/or \$ Pending bodily injury for which I contend the City is liable.

1. Date of incident: 10-26-99 2. Time of Incident: 8:45 PM 3. Police called: Yes No
(month/day/year)

4. Location of incident (including street address): Central @ Mitchell -- Atlanta Georgia

5. Name of your insurance company: USA A Policy No. 2037402

6. State what and how incident occurred: Mr. Haywood's 83 Buick was East Bound on Mitchell, going thru a green light. broadside by police cruiser on the pass side of 83 Buick -- No Sirens for Police Cruiser

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 83 Buick 1983 UNK Adrian Haywood
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: 93 FORD Crown Victoria City of Atlanta
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: ON Police Report
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature] as ^{claims} adjuster
Signature of Claimant for Adrian Haywood

Adrian Haywood
(Print Claimant's Name)

336 Nicole Court
(Address)

Jonesboro GA 30238-3001
(City, State and Zip Code)

CLAIM TEAM RECEIVED

770 478 1339 4042415000
(Work Number) (Home Number)
HOME WORK

00-1245 NOV 09 1999

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
NV Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1007
00-R-1309

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1102	40. 00-R-1235
2. 00-O-1143	41. 00-R-1245
3. 00-O-1207	42. 00-R-1246
4. 00-O-1295	43. 00-R-1247
5. 00-O-1303	44. 00-R-1248
6. 00-O-1313	45. 00-R-1249
7. 00-O-1124	46. 00-R-1250
8. 00-O-1125	47. 00-R-1251
9. 00-O-1126	48. 00-R-1252
10. 00-O-1127	49. 00-R-1253
11. 00-O-1128	50. 00-R-1254
12. 00-O-1133	51. 00-R-1255
13. 00-O-1196	52. 00-R-1256
14. 00-O-1298	53. 00-R-1257
15. 00-O-1122	54. 00-R-1258
16. 00-O-1300	55. 00-R-1259
17. 00-R-1198	56. 00-R-1260
18. 00-R-1230	57. 00-R-1261
19. 00-R-1290	58. 00-R-1262
20. 00-R-1312	59. 00-R-1263
21. 00-R-1316	60. 00-R-1264
22. 00-R-1265	
23. 00-R-1266	
24. 00-R-1267	
25. 00-R-1268	
26. 00-R-1270	
27. 00-R-1314	
28. 00-R-1229	
29. 00-R-1233	
30. 00-R-0886	
31. 00-R-1236	
32. 00-R-1237	
33. 00-R-1238	
34. 00-R-1239	
35. 00-R-1240	
36. 00-R-0241	
37. 00-R-1242	
38. 00-R-1243	
39. 00-R-1244	