

CLAIM OF: **JAMES ROGERS**

through his attorney

RUSSELL J. BURNETT, P.C.

The Burnett Building

881 Ponce De Leon Avenue, NE

Atlanta, GA 30306

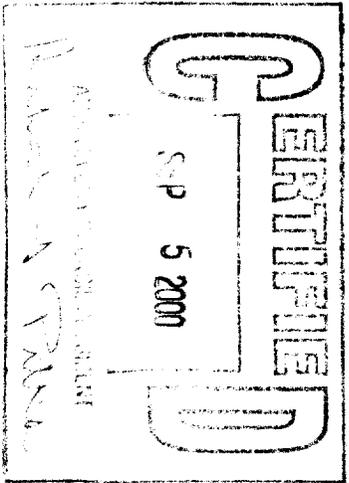
For damages alleged to have been sustained as a result of a vehicular accident on December 14, 1998 at Northwest Drive & James Jackson Parkway.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

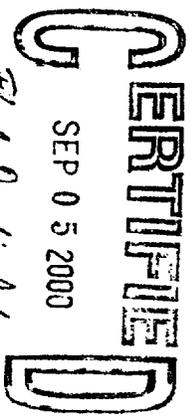


COM: *Public Safety*

DATE: *8/15/2000*

CHD: *C. T. Mark*

[Handwritten signatures]



ADVERSED BY CITY COUNCIL SEP 05 2000



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

Russell J. Burnett, P.C.
Attorney at Law
881 Ponce DeLeon Ave., NE
the Burnette Building
Atlanta, Ga 30306

00-R-1256

RE: James Rogers

Dear Attorney Burnett:

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. 99L0746

Date: August 3, 2000

Claimant /Victim JAMES ROGERS
BY: (Atty) (Ins. Co.) RUSSELL G. BURNETT, P.C.
Address: The Barnett Building, 881 Ponce de Leon Avenue, NE, Atlanta, Georgia 30306
Subrogation: Claim for Property damage \$ 5,068.40 Bodily Injury \$
Date of Notice: 11/4/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/14/98 Place: Northwest Drive & James Jackson Parkway
Department POLICE Division
Employee involved Fredderick L. Hudson Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when it was struck by a City vehicle that failed to stop at a stop sign. However, the issues of this claim have been resolved in a previously filed claim. (See duplicate claim #99L0011)

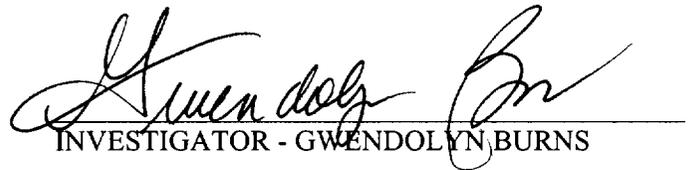
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

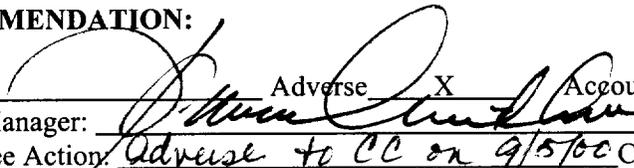
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

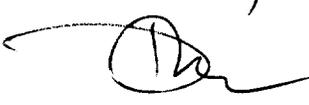
Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 08-04-00
Committee Action: Adverse to CC on 9/5/00 Council Action

RUSSELL G. BURNETT, P.C.
ATTORNEY AT LAW
THE BARNETT BUILDING
881 PONCE DE LEON AVENUE, N.E.
ATLANTA, GEORGIA 30306
(404) 872-4252
TELECOPIER (404) 872-5763

3UKRS
11/04/99


October 19, 1999

ENTERED - 11-17-99 - SB
99L0746 - GWEN BURNS

Officer Frederick L. Hudson
4395 Snapfinger Lake Drive
Decatur, Georgia 30034

Re: Damages to James Rogers' Vehicle

Dear Officer Hudson:

You may recall seeing me at court on January 18, 1999 in connection with the collision in which you were involved with James Rogers. I represent Mr. Rogers, who is seeking the funds to have his car repaired. The City has offered him only \$1,000.00, claiming that it is immune from suit in this matter.

Mr. Rogers has no uninsured motorist coverage to cover the difference. He has two estimates to repair the damage: \$4,049.45 and \$5,068.40.

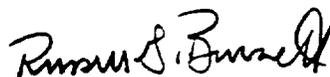
I am sure that this is a hardship on you, as it is on Mr. Rogers. Perhaps you may know of a repair facility that will do the work at a reduced rate because they want to help you out in this situation. I think Mr. Rogers would be willing to consider using such a shop, with the proviso that he is happy with the final result.

I also think Mr. Rogers would be willing to accept the \$1,000.00 from the city in conjunction with your payment of the balance of the cost of repairing his vehicle, saving you \$1,000.00.

I am writing at this point because I don't want to initiate a lawsuit against you, saddling you with the additional costs associated with suit, without trying to resolve the matter informally.

Please get in touch with me to discuss resolving this matter.

Sincerely,



Russell G. Burnett

RGB gns

cc: James Rogers

00- -1256

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	