

Entered - 06/12/00 - sb

00-R-1362

CL00L0342 - DIANNE C. MITCHELL

CLAIM OF: BERNARD GAINES

150 Gate Park Crossing

Apt. 301-W

Atlanta, Georgia 30331

For damages alleged to have been sustained as a result of a vehicular accident on May 26, 2000 at 150 Peyton Place.

THIS ADVERSED REPORT IS APPROVED

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

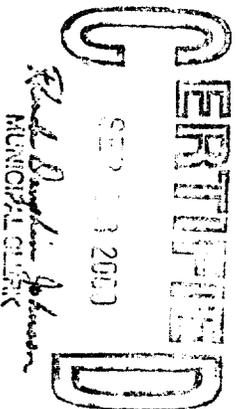
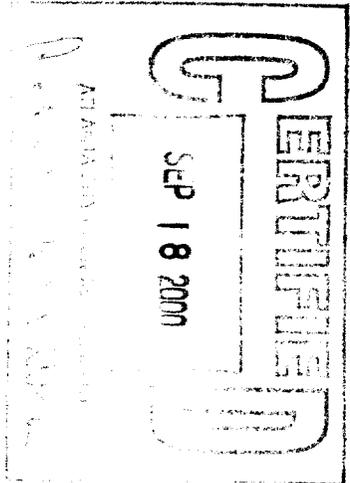
ADVISED REPC

COMM. Public Safety

9/18/00

*City Clerk*  
*Michael R. Bell*

*Dwight Stewart*  
*Robert J. Jones*  
*Robert J. Jones*



ADVERSED CITY COUNCIL SEP 18 2000

September 28, 2000

Bernard Gaines  
150 Gate Parl Crossing  
Apartment 301-W  
Atlanta, GA 30331

**00-R-1362**

Dear Mr. Gaines:

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 September 18, 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. 00L0342

Date: August 23, 2000

Claimant /Victim BERNARD GAINES

BY: (Atty)

Address: 150 Gates Park Crossing, Apt. 301-W, Atlanta, Georgia 30331

Subrogation: Claim for Property damage \$ 2,171.95 Bodily Injury \$

Date of Notice: 06/01/00 Method: Written, proper X Improper

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

Date of Occurrence 05/26/00 Place: 150 Peyton Place

Department PRCA Division:

Employee involved Alan B. Maffett Disciplinary Action: Reprimand

NATURE OF CLAIM: The driver of the City vehicle backed into the claimant's vehicle causing damages in the above amount. However, the claimant has elected to receive payment for his damages through his insurance carrier.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report X 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 Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. X 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 08-23-00

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA  
CLERK OF COUNCIL  
City Hall  
55 Trinity Street, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

*M. Mitchell*  
06/09/00

Today's Date: 5-26-2000

06-09-00 P 5:22

ENTERED - 6-12-00 - SB  
00L0342 - DIANNE MITCHELL

JUN 1

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,176.95 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

- 1. Date of incident: 5-26-00  
(month/day/year)
- 2. Police called:  Yes  No
- 3. Location of incident: Gate Park Crossing Park Lock
- 4. Name of your insurance company: Met Life Auto Policy No. 065-99-0931-0
- 5. State what and how incident occurred: My car park, city truck back into it

- 6. 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!
- 7. 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:	<u>Cadillac</u> (make)	<u>91</u> (year)	<u>276 MBH</u> (tag number)	<u>Bernard Gaines</u> (driver's name)
City vehicle:	<u>91 GMC</u> (make)	<u>Alan Maffett</u> (City driver's name)	<u>Park's</u> (department/bureau)	
- 8. Witness: NONE  
(name) (address) (telephone number)
- 9. The acknowledgement of this claim in no way waives the Governmental 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).
- 10. This claim should be mailed immediately to the address shown above.

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

*Bernard Gaines*  
Bernard Gaines  
(claimant's name)  
150 Gate Park Crossing Apt 301-W  
(address)  
Atl., Ga.  
(city and state)  
4-897-6608 4-696-2476  
(work number) (home number)

00- 1362

RCS# 2218  
9/18/00  
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1321  
00-R-1322  
00-R-1388  
00-O-1435

**CORRECTED COPY**

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234	41. 00-R-1352	51. 00-R-1357
2. 00-O-1007	42. 00-R-1353	52. 00-R-1358
3. 00-O-1015	43. 00-R-1397	53. 00-R-1359
4. 00-O-1427	44. 00-R-1398	54. 00-R-1360
5. 00-O-1429	45. 00-R-1399	55. 00-R-1362
6. 00-O-1432	46. 00-R-1400	56. 00-R-1363
7. 00-R-1387	47. 00-R-1401	57. 00-R-1364
8. 00-R-1392	48. 00-R-1402	58. 00-R-1365
9. 00-R-1395	49. 00-R-1403	59. 00-R-1366
10. 00-R-1452	50. 00-R-1404	60. 00-R-1367
11. 00-R-1340		61. 00-R-1368
12. 00-R-1323		62. 00-R-1369
13. 00-R-1433		63. 00-R-1370
14. 00-R-0560		64. 00-R-1371
15. 00-R-0561		65. 00-R-1372
16. 00-R-1454		66. 00-R-1373
17. 00-R-1299		67. 00-R-1374
18. 00-R-1308		68. 00-R-1375
19. 00-R-1334		69. 00-R-1376
20. 00-R-1335		70. 00-R-1377
21. 00-R-1338		71. 00-R-1378
22. 00-R-1394		72. 00-R-1379
23. 00-R-1331		73. 00-R-1380
24. 00-R-1330		74. 00-R-1381
25. 00-R-1332		75. 00-R-1382
26. 00-R-1333		76. 00-R-1383
27. 00-R-1337		77. 00-R-1384
28. 00-R-1339		78. 00-R-1385
29. 00-R-1419		79. 00-R-1386
30. 00-R-1426		80. 00-R-1405
31. 00-R-1342		81. 00-R-1406
32. 00-R-1343		82. 00-R-1407
33. 00-R-1344		83. 00-R-1408
34. 00-R-1345		84. 00-R-1409
35. 00-R-1346		85. 00-R-1410
36. 00-R-1347		86. 00-R-1411
37. 00-R-1348		87. 00-R-1412
38. 00-R-1349		88. 00-R-1413
39. 00-R-1350		
40. 00-R-1351		