

Entered -08/01/00 - sb
CL 00L0470 - GWENDOLYN BURNS

CLAIM OF: **JOAN ALLEN**
through her attorney,
Lecora Bowen & Associates
1851 Hawthorne Avenue
College Park, Georgia 30337

00-R -1504

For bodily injuries alleged to have been sustained as a result of a slip and fall incident on the sidewalk located at Cone Street and Lucky Street on January 28, 2000.

THIS ADVERSED REPORT IS APPROVED

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

REPORT
Public Safety
9/26/00
vc Clea Harrison
Markus B
City Clerk

CERTIFIED
OCT 2 2000
Darin M. Jarvis
COUNCIL PRESIDENT PROTEM

CERTIFIED
OCT 02 2000
Rhonda Daphnie Johnson
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL OCT 02 2000

CCISSENT AGENDA



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

October 10, 2000

Lecora Bowen & Associates
Attorneys at Law
1851 Hawthorne Ave.
College Park, GA 30337

00-R-1504

RE: Joan Allen

Dear Attorney Bowen:

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 October 02, 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. 00L0470

Date: August 13, 2000

Claimant /Victim JOAN ALLEN
BY: (Atty) (Ins. Co.) LECORA BOWEN & ASSOCIATES
Address: 1851 Hawthorne Avenue, College Park, Georgia 30337
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 8/1/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/28/00 Place: Cone Street & Lucky Street
Department PUBLIC WORKS Division STREET
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries as a result of walking on a sidewalk that was under construction and left in an unsafe condition. An investigation determined that an outside contractor performed work at the incident location. Claimant has been advised of same and her claim has been forwarded to the contractor for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police 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 X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 09-14-00
Committee Action: Council Action

Lecora Bowen & Associates, P.C.

1851 Hawthorne Avenue
College Park, Georgia 30337
(404) 761-8818
(404) 761-4701 (facsimile)

BURNS
08/01/00
[Signature]

Lecora Bowen, Esq.
Jeanette Spivey, Esq.

Joy Vaughan
Claims Specialist

Diann Shepherd
Office Manager
Paralegal

ENTERED - 8-1-00 - SB
00LO470 - GWEN BURNS

July 28, 2000

Mayor Bill Campbell
City of Atlanta
55 Trinity Avenue
Suite 2400
Atlanta, Georgia 30335

Re: Our Client: Joan Allen
Date of Loss: January 28, 2000
Location: Cone & Lucky Streets, Atlanta, Georgia
Notice: Notice Pursuant to O.C.G.A. 36-33-5 (b)

VIA COURIER AND FACSIMILE

Dear Mayor Campbell:

We represent Joan Allen who was injured on January 28, 2000 at Cone & Lucky Streets in the City of Atlanta. On January 28, 2000, at approximately 11:00 a.m., Ms. Allen stepped onto a sidewalk that was under construction by Juneau and/or Flagler Construction. There were no barriers at the location to put her on notice of the sidewalks uneven condition.

Ms. Allen's ankle was fractured as a result on the failure to warn of the public of the unsafe condition. We enclose a copy of her medical records and bills for your review. Therefore, Ms. Allen demand damages for past, present and future pain and suffering in the amount of THIRTY THOUSAND (\$30,000.00) DOLLARS.

Thank you for your consideration of this issue.

Sincerely,

[Signature]
Lecora Bowen

LB/hs

00- R -1504

RCS# 2255
10/02/00
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1390 00-O-1567 00-R-1480 00-R-1571 00-R-1574
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

RCS# 2286
10/02/00
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
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ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1390
00-O-1567
00-R-1480
00-R-1571
00-R-1574

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1393	37. 00-R-1470	50. 00-R-1504
2. 00-O-0758	38. 00-R-1471	51. 00-R-1505
3. 00-O-1341	39. 00-R-1472	52. 00-R-1506
4. 00-O-1453	40. 00-R-1476	53. 00-R-1507
5. 00-O-1326	41. 00-R-1477	54. 00-R-1508
6. 00-O-1327	42. 00-R-1481	55. 00-R-1509
7. 00-O-1328	43. 00-R-1497	56. 00-R-1510
8. 00-O-1329	44. 00-R-1498	57. 00-R-1511
9. 00-O-1301	45. 00-R-1499	58. 00-R-1512
10. 00-O-0263	46. 00-R-1500	59. 00-R-1513
11. 00-O-0979	47. 00-R-1501	60. 00-R-1514
12. 00-O-1311	48. 00-R-1502	61. 00-R-1515
13. 00-O-1418	49. 00-R-1503	62. 00-R-1516
14. 00-O-1566		63. 00-R-1517
15. 00-O-1417		64. 00-R-1518
16. 00-O-1114		65. 00-R-1519
17. 00-O-1561		66. 00-R-1520
18. 00-R-1486		67. 00-R-1521
19. 00-R-1490		68. 00-R-1522
20. 00-R-1524		69. 00-R-1523
21. 00-R-1525		
22. 00-R-1572		
23. 00-R-1483		
24. 00-R-1484		
25. 00-R-1552		
26. 00-R-1310		
27. 00-R-1466		
28. 00-R-1467		
29. 00-R-1469		
30. 00-R-1563		
31. 00-R-1549		
32. 00-R-0977		
33. 00-R-1297		
34. 00-R-1495		
35. 00-R-1461		
36. 00-R-1464		