

Entered - 08/01/00 - sb
CL00L0450 - DIANNE C. MITCHELL

CLAIM OF: **GARY A. AND CYNTHIA L. MARSHALL**
200 Peyton Place
Apt. E-1
Atlanta, Georgia 30311

00-R -1512

For damages alleged to have been sustained as a result of vehicular damage by Atlanta police officers on June 28, 2000 at Ralph David Abernathy Road.

THIS ADVERSED REPORT IS APPROVED

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

ADVISED REPO
CCM Public Safety
DATE *9/26/00*
VCH *Celia Dawson*
Markus B.S.
Ally Wood

CERTIFIED
OCT 2 2000
Dani M. Starnes
COUNCIL PRESIDENT PROTEM

CERTIFIED
OCT 02 2000
Rhonda Daughin Johnson
MUNICIPAL CLERK

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL OCT 02 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

October 9, 2000

Gary A. & Cynthia L. Marshall
200 Peyton Place
Apartment E-1
Atlanta, GA 30311

00-R-1512

Dear Mr. & Mrs. Marshall:

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 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.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0450

Date: September 5, 2000

Claimant /Victim GARY A. AND CYNTHIA L. MARSHALL

BY: (Atty)(Ins. Co.)

Address: 200 Peyton Place, Apt. E-11, Atlanta, Georgia 30311

Subrogation: Claim for Property damage \$ 290.20 Bodily Injury \$

Date of Notice: 07/24/00 Method: Written, proper X Improper

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

Date of Occurrence 06/28/00 Place: Ralph David Abernathy Road

Department Police Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that their vehicle was damaged by Atlanta police officers while apprehending a suspect. The City is immune from liability as set forth in O.C.G.A. §§36-33-1 and 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report 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 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

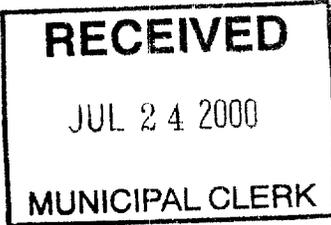
RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 09-05-00

Committee Action: Council Action

Mitchell
07/27/00
DM



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

RE: CLAIM FOR DAMAGES

Today's Date: _____

ENTERED - 8-1-00 - SB
0010450 - DIANNE MITCHELL

Dear Municipal Clerk:

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

1. Date of incident: 6/28/2000 2. Time of Incident: 2:00 PM 3. Police called: Yes No
(month/day/ year)

4. Location of incident (including street address): _____

5. Name of your insurance company: ACCEPTANCE INSURANCE CO. Policy No. UPCF000059192

6. State what and how incident occurred: WE WERE PARK AT THE GROCERY STORE PARKING LOT. THE UNDERCOVER POLICE HAD A DRUG BUST POLICEMAN WAS WRECKING THE VEHICLE AGAINST OUR CAR DOWN TO THE GROUND & SENT AND STRETCH OUR CAR UP

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: 99 Chevy Cavalier 165 GARY + CYNTHIA MARSHALL
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment 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. GARY A. MARSHALL

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

CYNTHIA L. MARSHALL
(Print Claimant's Name)

Danny Marshall + Cynthia Marshall 200 PEYTON PLACE, Apt. E-11
Signature of Claimant (Address)

ATLANTA, GA. 30311
(City, State and Zip Code)

00-R -1512

(Work Number) 404-696-5244
(Home Number)

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

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
ABSENT 2

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ITEM (S) REMOVED FROM
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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		