



CITY OF ATLANTA
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 26, 2000

C. Ron Smith
Attorney at Law
P.O. Box 95406
Atlanta, GA 30347

00-R-1605

RE: Gladys Borders

Dear Attorney Smith:

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 26, 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**

RCS# 2337
10/16/00
8:35 PM

Atlanta City Council

Regular Session

MUTIPLE CLAIMS WITH FAVORABLE/Unfavor recommend
ITEMS 1-29
ADOPT

00-R-1605

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

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

MUTIPLE

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0384

Date: September 20, 2000

Claimant /Victim GLADYS BORDERS
BY: (Atty) C. Ron Smith
Address: P. O. Box 95406, Atlanta, Georgia 30347
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 06/19/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/21/00 Place: 921 Bankhead Highway
Department Police Division:
Employee involved David A. Villaroel Disciplinary Action: No Action Taken

NATURE OF CLAIM: The claimant alleges she was injured and her vehicle damaged in a vehicular accident with a City vehicle. However, the claimant's attorney has failed to furnish information necessary to substantiate this claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police 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. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned X

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 09-20-00
Committee Action: Council Action

MONTLICK & ASSOCIATES, P.C.
ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 310
P.O. BOX 95406 • ATLANTA, GEORGIA • 30347-0406
TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

Mitchell
06/19/00
DM

June 16, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

City of Atlanta Law Department
Attn: Dianne Mitchell
68 Mitchell Street, 14th floor
Suite 4100
Atlanta, GA 30335-0332

ENTERED - 6-22-00 - SB
00L0384 - DIANNE MITCHELL

RE: **ANTE LITEM NOTIFICATION**
Pursuant to O.C.G.A. § 36-33-5

Our Client: Gladys Borders
Date of Incident: May 21, 2000
Location: Ashby & Bankhead Highway

Dear Ms. Mitchell:

Please be advised that this firm represents the interests of Gladys Borders for injuries received as a result of an incident on May 21, 2000 with a City of Atlanta Police officer. This letter shall constitute ante litem notice pursuant to O.C.G.A. § 36-33-5.

FACTS

On the morning of May 21, 2000, Gladys Borders was at the intersection of Ashby & Bankhead Highway. She was sitting at a red light waiting for the light to change green for her to proceed across the intersection. After the light changed green, she began to proceed across the intersection when an Atlanta City Police Officer ran a red light and T-boned Ms. Borders.

LIABILITY

This incident occurred as a result of the City of Atlanta Police Officer's negligent failure to yield the right of way, negligent failure to stop at a red light, negligent failure to maintain a proper lookout, and failure to maintain control of his car. As a result of said negligence, the City of Atlanta Police Officer caused this collision and Ms. Borders' injuries. Pursuant to the Master Servant Doctrine and Respondeat Superior, the City of Atlanta is vicariously liable for said accident.

INJURIES

As a result of this incident, Ms. Borders sustained a severe laceration to her head, resulting in 12 staples. Ms. Borders also potentially sustained a concussion from this. She was treated at the hospital and released, however her treatment and medical expenses are continuing

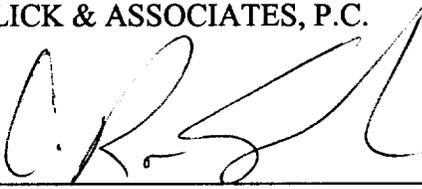
and are undetermined at this time. Upon my receipt of said records and bills, I will forward same to you.

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. § 36-33-5. If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY:



C. Ron Smith
Attorney at Law

LTR_1509:278999:ndlsdb
cc: Gladys Borders

Entered - 06/22/00 - sb
CL00L0384 - DIANNE C. MITCHELL

CLAIM OF: GLADYS BORDERS,
through her attorney,
C. Ron Smith
P. O. Box 95406
Atlanta, Georgia 30347

00- R-1605

For damages alleged to have been sustained as a result of a vehicular
accident on May 21, 2000 at 921 Bankhead Highway.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Regular Report Agenda

ADVERSE REPORT

ADVERSED BY CITY COUNCIL OCT 16 2000

COM. P.S. & L.A.

DATE 10/16/00

V-C Claudia Truesdale

[Signature]
[Signature]
[Signature]

