



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 26, 2000

Kenneth S. Nugent
Attorney at Law
1355 Peachtree Street
Suite 1000
Atlanta, Ga 30309

00-R-1607

RE: Michael Billings

Dear Attorney Nugent:

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

CO-R-1607

ADOPT

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. 00L0572

Date: September 21, 2000

Claimant /Victim MICHAEL BILLINGS
BY: (Atty) Kenneth S. Nugent
Address: 1355 Peachtree Street, Suite 1000, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 09/14/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 12/10/99 Place: 1234 Moreland Avenue, SE
Department Public Works Division: Waste Water Services
Employee involved Kevin Edwards Disciplinary Action:

NATURE OF CLAIM: The claimant, a City employee, alleges that while riding as a passenger in a City vehicle he was injured when the driver of a privately owned vehicle failed to yield right-of-way upon entering the roadway and collided with the City vehicle. The claimant's exclusive remedy with the City is through his Workers' Compensation benefits. The claimant's attorney has been advised of the above. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

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 X 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 09-21-00
Committee Action: Council Action

KENNETH S. NUGENT, P.C.
ATTORNEYS AT LAW

KENNETH S. NUGENT
JOHN T. RUFF
WILLIAM D. HOLMAN *
JOHN C. FORBES, JR.
RUSSELL T. DEUTSCHMAN
ADAM W. DEAVER
TERI D. PODUVAL
BARBARA BARNETT CLARIDGE ♦
WENDY A. HEANEY
M. BRIAN CLEMENTS
MICHAEL G. ORR
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M. D. Deaver
O. A. Deaver
OFFICES
THROUGHOUT
GEORGIA

* ALSO ADMITTED IN TENNESSEE
♦ ALSO ADMITTED IN ALABAMA
+ ADMITTED IN SOUTH CAROLINA

September 7, 2000

ENTERED - 9-14-00 - SB
00L0572 - DIANNE MITCHELL

VIA CERTIFIED MAIL

City of Atlanta
Ste. 4100, City Hall Tower
68 Mitchell St., S.W.
Atlanta, GA 30335-0332

RE: Client : Michael Billings
Insured : Bureau of Water Waste
Policy No. : self insured
Date of Accident : 12/10/1999
Our File No. : 216559

Dear Sir/Madam:

Our firm represents Michael Billings for personal injuries sustained as a result of the referenced accident.

Please advise us if your insured carries medical payments coverage, loss wage coverage and uninsured motorist coverage, and if so, your limits of said coverage.

Pursuant to O.C.G.A. 33-3-28, you are instructed to provide your insurance coverage information within 60 days of the date of the receipt of this letter.

We look forward to working with you in this matter.

Sincerely,

Kenn Nugent
Kenneth S. Nugent, Esq.

KSN/amm
Encl.

00- -1607

Entered - 09/14/00 - sb
CL00L0572 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL BILLINGS**,
through his attorney,
Kenneth S. Nugent
1355 Peachtree Street
Suite 1000
Atlanta, Georgia 30309

00- R -1607

For damages alleged to have been sustained as a result of a vehicular
accident on December 10, 1999 at 1234 Moreland Avenue, SE.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Regular Report Agenda

ADVERSE REPORT

copy P.S. & L.A.

10/16/00

Elda Trisler

[Signature]
[Signature]

ADVERSED BY OCT 16 2000

CERTIFIED
OCT 16 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
OCT 16 2000
Renee Daughlin Johnson
MUNICIPAL CLERK