

Entered - 04/10/00 - sb
CL00L0221 - DIANNE C. MITCHELL

00-R-1919

CLAIM OF: **STEVE HORSLEY**,
through his attorney,
Russell T. Deutschman
1355 Peachtree Street
Suite 1000
Atlanta, Georgia 30309

For damages alleged to have been sustained as a result of a vehicular
accident on December 6, 1999 at East N.L.V.R., Atlanta Airport.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RAG/DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL DEC 04 2000

ADVERSED REPORT
Public Safety
11/28/00
C. to Martin
J. Young
Michael B.

CERTIFIED
DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT
Richard A. Pitts

CERTIFIED
DEC 04 2000
Renee Douglas Johnson
MUNICIPAL CLERK



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

December 13, 2000

Russell T. Deutschman
Attorney at Law
1355 Peachtree Street
Suite 1000
Atlanta, GA 30309

00-R-1919

RE: Steve Horsley

Dear Attorney Deutschman:

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 December 4, 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. 00L0221

Date: November 13, 2000

Claimant /Victim STEVE HORSLEY
BY: (Atty) Russell T. Deutschman
Address: 1355 Peachtree Street, Suite 2000, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ 21,000.00
Date of Notice: 04/04/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/06/99 Place: East N.L.R.V., Atlanta Airport
Department Aviation Division:
Employee involved Benny Lee High Disciplinary Action:

NATURE OF CLAIM: The electrical system of the de-icer boom on the City vehicle malfunctioned causing the boom to swing out from the vehicle and strike the vehicle the claimant was driving causing him to be injured. However, the claimant has rejected the City's settlement offer.

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 X 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 Y Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 11-14-00
Committee Action: Council Action

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

1355 PEACHTREE STREET
THE PEACHTREE, SUITE 1000
ATLANTA, GEORGIA 30309
(404) 875-0900
FAX (404) 872-7562

Mitchell
04/07/00
DM

KENNETH S. NUGENT
JOHN T. RUFF
WILLIAM D. HOLMAN *
JOHN C. FORBES, JR.
RUSSELL T. DEUTSCHMAN
ADAM W. DEEVER
TERI D. PODUVAL
BARBARA BARNETT CLARIDGE ♦
WENDY A. HEANEY
M. BRIAN CLEMENTS
MICHAEL G. ORR
AHKIBAH KHAN

ENTERED - 4-10-00 - SB
00L0221 - DIANNE MITCHELL

OFFICES
THROUGHOUT
GEORGIA

March 28, 2000

* ALSO ADMITTED IN TENNESSEE
♦ ADMITTED IN ALABAMA

VIA CERTIFIED MAIL 7099 3400 0002 7293 6014

Mr. Rob D. Pitts
President of the Council City of Atlanta
55 Trinity Avenue, S. W.
Atlanta, GA 30335

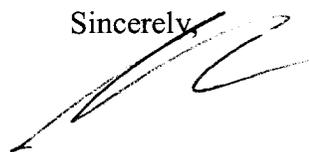
RE: Our Client : Steve Horsley
Your Insured : City of Atlanta Dept. of Aviation
Date of Accident : 12/6/1999
Our File No. : 216548
Place of Occurrence : East NLVR - Atlanta Airport
Time of Occurrence : 18:48

Dear Sir:

Our firm represents Steve Horsley for personal injuries sustained as a result of the referenced accident. Enclosed is a copy of the police report on private property for your file. The collision, as well as Mr. Horsley's injuries, were the result of the negligence of Benay Lee High driver of a City of Atlanta Department of Aviation vehicle.

This notice is sent pursuant to O.C.G.A. Section 36-33-5. Please direct all future correspondence to the above address. Thank you.

Sincerely,



Russell T. Deutschman
Attorney at Law
For the Firm

Cc: Benjamin DeCosta
General Manager Aviation

00-R-1919

RTD/dbg

Enclosures

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1289	36. 00-R-1959	64. 00-R-1816
2. 00-O-1680	37. 00-R-1882	65. 00-R-1817
3. 00-O-1792	38. 00-R-1985	66. 00-R-1818
4. 00-O-1797	39. 00-R-1943	67. 00-R-1819
5. 00-O-1003	40. 00-R-1945	68. 00-R-1820
6. 00-O-1228	41. 00-R-1946	69. 00-R-1821
7. 00-O-1795	42. 00-R-1947	70. 00-R-1822
8. 00-O-1796	43. 00-R-1948	71. 00-R-1823
9. 00-O-1860	44. 00-R-1949	72. 00-R-1824
10. 00-O-1616	45. 00-R-1951	73. 00-R-1825
11. 00-O-1853	46. 00-R-1970	74. 00-R-1826
12. 00-O-1801	47. 00-R-2016	75. 00-R-1827
13. 00-O-1963	48. 00-R-1901	76. 00-R-1828
14. 00-O-1965	49. 00-R-1902	77. 00-R-1829
15. 00-R-1788	50. 00-R-1903	78. 00-R-1830
16. 00-R-1886	51. 00-R-1904	79. 00-R-1831
17. 00-R-1953	52. 00-R-1905	80. 00-R-1832
18. 00-R-1955	53. 00-R-1906	81. 00-R-1833
19. 00-R-2009	54. 00-R-1907	82. 00-R-1834
20. 00-R-2010	55. 00-R-1908	83. 00-R-1836
21. 00-R-2011*	56. 00-R-1909	
22. 00-R-1890	57. 00-R-1910	
23. 00-R-1937	58. 00-R-1911	
24. 00-R-1938	59. 00-R-1912	
25. 00-R-1939	60. 00-R-1913	
26. 00-R-1940	61. 00-R-1914	
27. 00-R-1988	62. 00-R-1915	
28. 00-R-2006	63. 00-R-1916	
29. 00-R-2013		
30. 00-R-1887		
31. 00-R-2015		
32. 00-R-1957		
33. 00-R-1958		
34. 00-R-1877		
35. 00-R-2008		

* President Pitts
recused himself.