

Entered - 01/02/01 - sb
CL01L0010 - DIANNE C. MITCHELL

01-R-0139

CLAIM OF: **RICHARD NEUHAUS,**
through his attorney,
Carlos A. Peniche
6430 Richmond, Suite 410
Houston, Texas 77057

For damages alleged to have been sustained as a result of a personal injury at the Airport on December 10, 1999.

THIS ADVERSED REPORT IS APPROVED

ADVERSED BY
CITY COUNCIL FEB 05 2001

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Coyle DCA*

REPORT
Public Safety
DATE *1-30-01*
COUNCIL MEMBER
Cleta Henry
Henry

CERTIFIED
FEB 05 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert N. Coyle

CERTIFIED
FEB 05 2001
Robert N. Coyle
MEMBER



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

February 15, 2001



55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Carlos A. Peniche
Attorney at Law
6430 Richmond
Suite 410
Houston, Texas 77057

01-R-0139

RE: Richard Neuhaus

Dear Attorney Peniche:

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 February 05, 2001. 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. 01L0010

Date: January 16, 2001

Claimant /Victim RICHARD NEUHAUS
BY: (Atty) Carlos A. Peniche
Address: 6430 Richmond, Suite 410, Houston, Texas 77057
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 12/19/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/10/99 Place: Atlanta Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was injured when he was disembarking from a Delta airplane. However, 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 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 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 Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 01-16-01
Committee Action: Council Action



RCS# 2577
2/05/01
2:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-14

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y 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-2069
01-O-0083
01-R-0074
01-R-0092
01-R-0093

CONSENT

ITEMS ADOPTED ON CONSENT
AGENDA

ITEMS ADVERSED
ON CONSENT AGENDA

1. 00-O-1856
2. 01-O-0091
3. 01-O-0094
4. 01-O-0065
5. 01-O-0090
6. 01-O-0097
7. 01-O-0109
8. 00-R-2105
9. 01-R-0078
10. 01-R-0153
11. 01-R-0102
12. 00-R-0729
13. 01-R-0071
14. 01-R-0077
15. 01-R-0114
16. 01-R-0115
17. 01-R-0116
18. 01-R-0117
19. 01-R-0118
20. 01-R-0145
21. 01-R-0149
22. 01-R-0073
23. 01-R-0101
24. 01-R-0147
25. 01-R-0119
26. 01-R-0120
27. 01-R-0122
28. 01-R-0123
29. 01-R-0124
30. 01-R-0125
31. 01-R-0126
32. 01-R-0127
33. 01-R-0128
34. 01-R-0129
35. 01-R-0130
36. 01-R-0146

37. 01-R-0131
 38. 01-R-0132
 39. 01-R-0133
 40. 01-R-0134
 41. 01-R-0135
 42. 01-R-0136
 43. 01-R-0137
 44. 01-R-0138
 45. 01-R-0139
 46. 01-R-0140
 47. 01-R-0141
 48. 01-R-0142
 49. 01-R-0143
 50. 01-R-0144
-