

Entered - 07/18/00 - sb
CL00L0435 - DIANNE C. MITCHELL

CLAIM OF: **ANDREW SO**
3283 Clearview Drive
Marietta, Georgia 30060

01- R -0275

For damages alleged to have been sustained as a result of a vehicular accident on May 6, 2000 at Boulevard Drive and Hamilton Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert, Greg, DCA*

APPROVED MAR 05 2001

ADVERSE REPORT

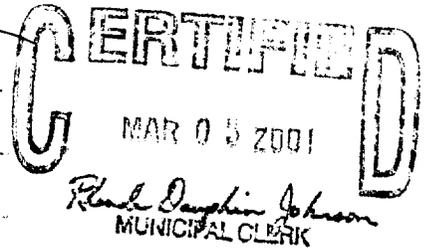
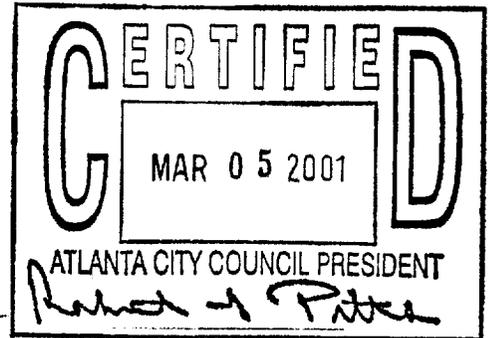
COM. *P.S. & A*

DATE *2/27/01*

CHM. *C. T. M. A.*

Michael

Clara Henderson





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

March 14, 2001

Andrew So
3283 Clearview Drive
Marietta, GA. 30060

01/R-0275

Dear Mr. So:

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 March 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.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0435

Date: February 12, 2001

Claimant /Victim ANDREW SO

BY: (Atty) _____

Address: 3283 Clearview Drive, Marietta, Georgia 30060

Subrogation: Claim for Property damage \$ _____ Bodily Injury \$ Not stated

Date of Notice: 06/23/00 Method: Written, proper X Improper _____

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

Date of Occurrence 05/05/00 Place: Boulevard Drive, SE and Hamilton Avenue, SE

Department Public Works Division: Solid Waste Services

Employee involved Carl M. Aaron Disciplinary Action: No Action Taken

NATURE OF CLAIM: The claimant alleges that the driver of the City vehicle changed lanes improperly and collided with the claimant's vehicle causing him to be injured. However, the claimant has failed to furnish proof of his damages to substantiate his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver X Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

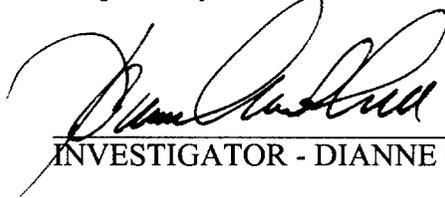
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

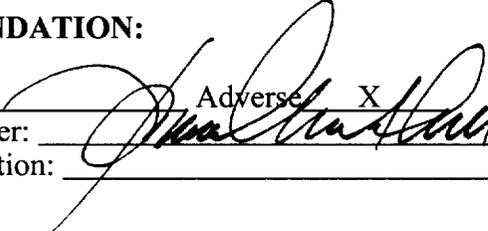
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 02 12 01

Committee Action: _____ Council Action _____

Mitchell

07/18/00

[Signature]

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
68 Mitchell Street, S.W.
Atlanta, GA 30335

RE: CLAIM FOR DAMAGES

TODAY'S DATE: _____

Dear Sir:

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

ENTERED - 7-18-00 - SB

00LO435 DIANNE MITCHELL

- 1. Date of incident: May 20 2000 2. Police called (yes) (No)
- 3. Location of incident: Boulevard
- 4. Name of your insurance company GEICO Policy # 6834830
- 5. State what and how incident occurred: I was driving southbound on the right hand lane on Boulevard DR. A short distance after the Atlanta Zoo, my car was hit at the left rear end by an Atlanta City Sanitation truck

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! (use other side if necessary) (OVER)

7. The registered owner must make the claim for vehicle damages. Complete the following and attached two (2) estimates of repair.

Your vehicle: TOYOTA-AVALON (XLS) '97 702JEK ANDREW SO
(make) (year) (tag#) (driver's name)

City vehicle: International Carl Aaron Public Works
(make) (driver's name) (department)

8. Witness: _____
(name) (address) (phone)

9. The acknowledgment of this claim in no way waives the Governmental 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).

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

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

Andrew So (SEAL)
Andrew So (claimant)
3283, Clearview Drive (address)
Marietta, Georgia 30060 (city) (state) (zip)
(770) 432-8191
(home) (phone) (work)

RCS# 2689
3/05/01
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

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 | Y Thomas | ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 01-O-0240 01-R-0307 01-R-0346 |
| Y Starnes | Y Woolard | NV Martin | Y Emmons | |
| Y Bond | Y Morris | B Maddox | Y Alexander | |
| Y Winslow | Y Muller | Y Boazman | NV Pitts | |
| | | | | |

CONSENT

**ITEMS ADOPTED ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT AGENDA**

1. 01-O-0179
2. 01-O-0348
3. 00-O-1657
4. 01-O-0355
5. 01-O-0152
6. 01-R-0190
7. 01-R-0349
8. 01-R-0351
9. 01-R-0290
10. 01-R-0304
11. 01-R-0305
12. 01-R-0369
13. 01-R-0370
14. 01-R-0297
15. 01-R-0300
16. 01-R-0298
17. 01-R-0299
18. 01-R-0251
19. 01-R-0252
20. 01-R-0253
21. 01-R-0254
22. 01-R-0255
23. 01-R-0256
24. 01-R-0257
25. 01-R-0258
26. 01-R-0259
27. 01-R-0260
28. 01-R-0261
29. 01-R-0262
30. 01-R-0263
31. 01-R-0264
32. 01-R-0265
33. 01-R-0266
34. 01-R-0267
35. 01-R-0268
36. 01-R-0269
37. 01-R-0291
38. 01-R-0292

39. 01-R-0270
 40. 01-R-0271
 41. 01-R-0272
 42. 01-R-0273
 43. 01-R-0274
 44. 01-R-0275
 45. 01-R-0276
 46. 01-R-0277
 47. 01-R-0278
 48. 01-R-0279
 49. 01-R-0280
 50. 01-R-0281
 51. 01-R-0282
 52. 01-R-0283
 53. 01-R-0284
 54. 01-R-0285
 55. 01-R-0286
 56. 01-R-0287
 57. 01-R-0288
 58. 01-R-0289
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