

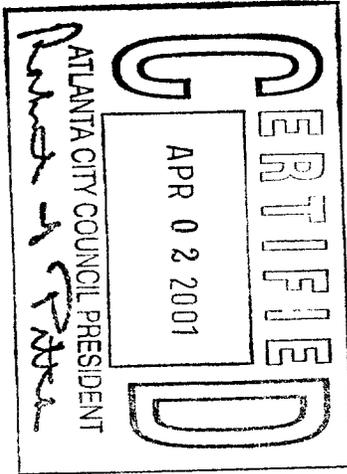
Entered - 07/14/00 - sb
CL00L0422 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL STARR MIDDLETON**
776 Magnolia Way
Apt. 208
Atlanta, Georgia 30314

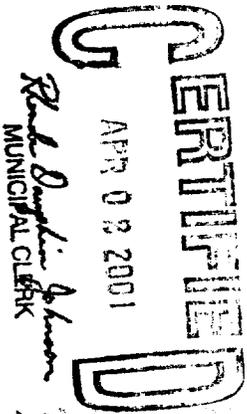
01-R-0509

For damages alleged to have been sustained as a result of a personal injury due to stepping in to an open manhole on June 21, 2000 at 100 Edgewood Avenue.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 03/29/01 BY 60322 UCBAW

COMM. P.S.L.A.

3/29/01

Cleta Stinson
Michael...
...
...



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

April 18, 2001

Michael Starr Middleton
776 Magnolia Way
Apartment 208
Atlanta, Georgia 30314

01-R-0509

Dear Mr. Middleton:

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 April 02, 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. 00L0422

Date: March 15, 2001

Claimant /Victim MICHAEL STARR MIDDLETON

BY: (Atty)(Ins. Co.)

Address: 776 Magnolia Way, Apt. 208, Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated

Date of Notice: 07/05/00 Method: Written, proper X Improper

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

Date of Occurrence 06/21/00 Place: 100 Edgewood Avenue

Department Public Works Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he was injured when he stepped into an open manhole in the sidewalk. However, the claimant has failed to provide information necessary to substantiate his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral X

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 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 03-15-01

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 6-30-00

M Mitchell
07/12/00
DM

Dear Municipal Clerk:

ENTERED - 7-14-00 - SB
00LO422 - DIANNE MITCHELL

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

1. Date of incident: 06/21/00 (month/day/year) 2. Time of Incident: 1:45 pm 3. Police called: Yes No

4. Location of incident (including street address): United Way building 100 Edgewood Ave Atlanta, GA 30303

5. Name of your insurance company: AETNA US Healthcare Policy No. BB083A

6. State what and how incident occurred: Exiting from steps from United Way building onto sidewalk and stepped on a covered manhole with no indications of construction, near or around vicinity, I stepped into manhole approximately 3ft on right leg into water. The manhole plate bit my shin as I fell down. I went to Grady hospital for treatment.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: NA
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: NA
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Juan C. Shy 474 Sherwood Oaks Rd 770-774-1347
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign 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).

11. This claim should be mailed immediately to the address shown above.

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

Michael Starr Middleton
Signature of Claimant

Michael Starr Middleton
(Print Claimant's Name)

776 Magnolia Way Apt 208
(Address)

Atlanta, GA 30314
(City, State and Zip Code)

404/616-9996 404/222-0199
(Work Number) (Home Number)

01-R-0509

RCS# 2775
4/02/01
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Unanimous

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0345
01-O-0526
01-R-0541

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED
ON CONSENT AGENDA**

33. 01-R-0509
 34. 01-R-0510
 35. 01-R-0511
 36. 01-R-0512
 37. 01-R-0513
 38. 01-R-0514
 39. 01-R-0515
 40. 01-R-0516
 41. 01-R-0517
 42. 01-R-0518
 43. 01-R-0519
 44. 01-R-0520
 45. 01-R-0521
 46. 00-R-1361
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