

Entered - 01/19/01 - sb
CL01L0041 - DIANNE C. MITCHELL

CLAIM OF: KEITH W. LUNDSTREM
6960 Hunters Branch Drive
Atlanta, Georgia 30328

01-R-0560

For damages alleged to have been sustained as a result of the theft of claimant's vehicle on March 21, 2000 from the South Economy Parking Lot, Atlanta Airport.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT
COM. Public Safety
DATE 4/12/01
CHM. C. T. Johnson
Theresa Johnson
Colay Johnson

CERTIFIED
MAY 07 2001
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAY 07 2001
Theresa Johnson
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL MAY 07 2001



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

May 15, 2001

Keith W. Lundstream
6960 Hunters Branch Drive
Atlanta, GA 30328

01-R-0560

Dear Mr. Lundstrem:

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 May 7, 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. 01L0041

Date: March 29, 2001

Claimant /Victim KEITH W. LUNDSTREM

BY: (Atty)(Ins. Co.)

Address: 6960 Hunters Branch Drive, Atlanta, Georgia 30328

Subrogation: Claim for Property damage \$ 3,591.02 Bodily Injury \$ 11,408.98

Date of Notice: 01/09/01 Method: Written, proper X Improper

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

Date of Occurrence 03/21/00 Place: South Economy Parking Lot, Atlanta Airport

Department Aviation Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his vehicle was stolen from a parking lot at the Atlanta Airport, the parking lot is leased to the Parking Company of America. The claim has been forwarded to the City's insurance carrier, AIG Aviation, who has tendered the claim to the Parking Company of America.

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 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 13-27-01

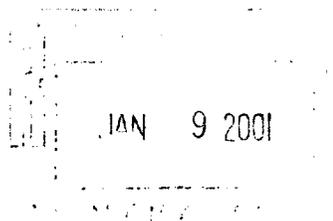
Committee Action Council Action

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: January 8, 2001

M. Mitchell
01/18/01
DM



Dear Municipal Clerk:

ENTERED - 1-19-01 - SB
01L0041 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3591.02 property and/or \$ 11408.98 bodily injury for which I contend the City is liable.

Case # 090 881385

1. Date of incident: 3/21/00 (month/day/year) 2. Time of Incident: _____ 3. Police called: Yes No
4. Location of incident (including street address): Hartsfield Int'l Airport Parking Slot 75D
5. Name of your insurance company: State Farm Policy No. 148 5897 026110
6. State what and how incident occurred: See attached

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: Olds Cutlass 1984 481 MBA Keith W. Lundstrom
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: _____
(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.

Keith W. Lundstrom
Signature of Claimant

Keith W. Lundstrom
(Print Claimant's Name)

6960 Hunters Branch Dr.
(Address)

Atlanta Ga 30328
(City, State and Zip Code)

770-859-6508 770-399-9702
(Work Number) (Home Number)

Keith W. Lundstrom
6960 Hunters Branch Dr. NE
Atlanta, Georgia 30328

STATEMENT OF CLAIM

My car was stolen from Atlanta's Hartsfield International Airport on March 21, 2000. The Parking Co. of America's gross negligence allowed my vehicle to be taken though I possessed the parking ticket, and the Parking Co.'s security system identified the perpetrators ticket as a mismatch. My claim against the Parking Co. of America includes: 1. Reimbursement for tangible damages and expenses 2. Reimbursement for loss of use of vehicle. 3. Damages for aggravation

On March 23, 2000 I spent four hours with the Parking Co. of America and Detective Hannah of the APD establishing the fact that my car had been stolen. I had parked my car in slot 75D on March 20, 2000. My car was stolen from slot 75D on March 21, 2000. The perpetrators presented a mismatched ticket to the parking attendant on March 21, 2000. When the mismatched ticket was presented to the parking attendant the parking lot security procedures noted a problem. My vehicle had been in slot 75D much longer than the ticket presented by the perpetrators. My car had been in the lot overnight, however the mismatched ticket presented by the perpetrators showed the car had been in the lot less than an hour. The parking lot inventories cars daily by matching the license plate with the slot number. The cashier subsequently notified her superior that an improper ticket had been presented, however there was a breakdown in the interrogation procedures. Typically the interrogation of the vehicle occupants in the event of a mismatched ticket is conducted by the shift manager, but in this instance the senior cashier was in charge and made the decision to release my car wrongfully.

The car was recovered on April 16, 2000, twenty-six days after it had been stolen. No one from the Parking Company contacted me during this time period, nor did they return any of my phone calls. I received a denied claim from the Parking Co.'s insurance company on March 31, 2000. I had never submitted a claim, and was still trying to figure out who was liable at that time. Until Miguel Southwell, Acting Assistant General Manager of Hartsfield Airport became involved on May 26, 2000 the Parking Co. did not return calls. I sent letters to the airport on May 31, 2000, June 17, 2000, and August 3, 2000 copies of which are enclosed. I left phone messages on June 28, 2000, July 6, 2000 July 10, 2000 and July 12, 2000. On July 12, 2000 Mr. Southwell informed me that my case was reviewed by the legal department and the insurance company would resolve the claim. Traveler's Insurance company sent me a copy of their denial letter on August 8, 2000. My letter of August 3, 2000 details all my attempts to contact them.

1a. Items stolen from the car:

| | |
|---|-----------------|
| Navy Blazer | \$149.79 |
| Equipment tool box (flashlights, jack, tire pressure gauge, army knife) | \$ 75.00 |
| Garage door opener | \$36.74 |
| Toll money | approx. \$12.00 |
| Checkbook (see list under #3) | |

1b. Car repair after recovery

| | |
|---|----------|
| Wilbur's (car impounded) | \$ 65.00 |
| Replace radiator, thermostat, change antifreeze | \$550.49 |
| Burn holes in upholstery (not repaired) | |
| Door dings (not repaired) | |
| Car detail wash and wax | \$100.00 |
| New Tires | |

Power Steering

- 1c. Identity Fraud
 - Charles Schwab NSF fee \$ 25.00
- 2. Loss of vehicle for 26 days \$1718.00
 - Loss of vehicle during repair (14 days) \$ 859.00
 - Hertz rental (estimate for an Olds Cutlass comparable at airport)
- 3. Aggravation \$11408.98
 - Checkbook stolen from car glove compartment
 - \$3200.00 fraudulent checks written
 - Time to fix credit bureau and change checking account
 - Refinance house to pay for another car
 - Ga. Revenue bad check notice, penalties and fees

President Pro Tem Bond Presided

RCS# 2838
5/07/01
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

| | | | |
|------------|-----------|-----------|-------------|
| NV McCarty | Y 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
01-O-0610

CONSENT

05/07/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 00-O-0264
2. 01-O-0603
3. 01-O-0604
4. 01-O-0612
5. 01-O-0529
6. 01-O-0608
7. 01-O-0623
8. 01-O-0624
9. 01-O-0593
10. 01-O-0482
11. 01-O-0548
12. 00-O-2056
13. 01-R-0575
14. 01-R-0576
15. 01-R-0577
16. 01-R-0578
17. 01-R-0579
18. 01-R-0580
19. 01-R-0648
20. 01-R-0581
21. 01-R-0574
22. 01-R-0594
23. 01-R-0595
24. 01-R-0617
25. 01-R-0491
26. 01-R-0571
27. 01-R-0572
28. 01-R-0602
29. 01-R-0565
30. 01-R-0644
31. 01-R-0552
32. 01-R-0553
33. 01-R-0554
34. 01-R-0555
35. 01-R-0556

**ITEMS ADVERSED
ON CONSENT AGENDA**

36. 01-R-0557
 37. 01-R-0558
 38. 01-R-0559
 39. 01-R-0560
 40. 01-R-0561
 41. 01-R-0562
 42. 01-R-0563
 43. 01-R-0564
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