

Entered - 12/01/00 - sb
CL00L0718 - DIANNE C. MITCHELL

CLAIM OF: **HERTZ CORPORATION**
P. O. Box 268920
Oklahoma City, OK 73126

01-*K*-0688

CONSENT AGENDA

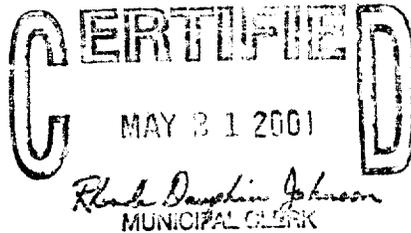
For damages alleged to have been sustained as a result of vehicular accident on June 10, 2000 at Peachtree and 6th Streets.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



APPROVED MAY 31 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 24, 2001

Hertz Corporation
Attn: Billy Samuel
P.O. Box 268920
Oklahoma City, OK 73126

01-R-0688

Dear Mr. Samuel:

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 May 21, 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. 00L0718

Date: April 10, 2001

Claimant /Victim HERTZ CORPORATION

BY: (Atty)(Ins. Co.)

Address: P. O. Box 268920, Oklahoma, OK 73126

Subrogation: Claim for Property damage \$ 1,275.26 Bodily Injury \$

Date of Notice: 11/28/00 Method: Written, proper X Improper

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

Date of Occurrence 06/20/00 Place: Peachtree and 6th Streets

Department Fire Services Division:

Employee involved Jerome A. Burney Disciplinary Action: No Action Taken

NATURE OF CLAIM: While responding to an emergency call, the driver of the City vehicle struck the claimant's vehicle in the process of avoiding a third vehicle. 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 X Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 05-22-01

Committee Action: Council Action

Hertz

M. Mitchell
11/28/00
DM

The Hertz Corporation
P.O. Box 268920
Oklahoma City, OK 73126

07/21/2000

CITY OF ATLANTA

ATTN: MICHAEL WILLIAMS
170 10TH STREET
ATLANTA

GA 30308- -

ENTERED - 12-1-00 - SB
00L0718 - DIANNE MITCHELL

RE: OUR CASE NUMBER: 01-2000-08854-00
DATE OF LOSS: 06/10/2000
ACCIDENT LOCATION: ATLANTA, GA
DRIVER OF YOUR VEHICLE: ATLANTA FIRE DEPT

Our investigation of this matter indicates that the Hertz vehicle was damaged as a result of the above noted loss.

Please furnish us with the name, address and policy number of your insurance carrier, unless you intend to settle this claim without involving your insurance coverage. If you choose not to refer this matter to your insurer, we hereby make claim against you in the amount on the attached invoice.

Please make your check payable to "The Hertz Corporation," indicate our case number, and forward payment in the enclosed envelope.

Please contact the undersigned if you have questions or require additional information.

Very truly yours,

BILLY SAMUEL
RECOVERY SPECIALIST
1-800-654-5667 Ext.1985

Enclosures
T2A

01-*R*-0688

President Pro Tem Bond Presided

RCS# 2865
5/21/01
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y 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-0721
01-O-0752
01-O-0753
01-O-0494
01-O-0712
01-R-0763
01-R-0765

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-0582
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
21. 01-O-0568
22. 01-O-0569
23. 01-O-0616
24. 01-O-0638
25. 01-O-0643
26. 01-O-0665
27. 01-O-0716
28. 01-O-0759
29. 01-R-0667
30. 01-R-0669
31. 01-R-0670
32. 01-R-0656
33. 01-R-0675
34. 01-R-0676
35. 01-R-0725
36. 01-R-0744
37. 01-R-0750
38. 01-R-0758
39. 01-R-0456
40. 01-R-0654

**ITEMS ADOPTED
ON CONSENT
AGENDA**

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

**ITEMS ADVERSED
ON CONSENT
AGENDA**

61. 01-R-0685
 62. 01-R-0686
 63. 01-R-0687
 64. 01-R-0688
 65. 01-R-0689
 66. 01-R-0690
 67. 01-R-0691
 68. 01-R-0692
 69. 01-R-0693
 70. 01-R-0694
 71. 01-R-0695
 72. 01-R-0697
 73. 01-R-0761
 74. 01-R-0762
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