

01-R-0816

Entered - 12-28-00 - sb
CL - 01L0027 ALEXIS HOLMES

CLAIM OF: **MIN SU SEO AND YEON SOOK KANG-SEO**
805 Chatburn Lane
Duluth, Georgia 30097

For damages alleged to have been sustained as a result of a vehicular
accident on September 9, 2000 at Pryor Street.

THIS ADVERSE REPORT IS APPROVED

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

ADVERSE BY
CITY COUNCIL JUN 04 2001

CERTIFIED
JUN 04 2001
ATLANTA CITY COUNCIL PRESIDENT
Richard A. Pitts

CERTIFIED
JUN 04 2001
Rhonda Douglas Johnson
MUNICIPAL CLERK

Public Safety
5/29/01
C. T. Mack
Michael B...
...
Clara Hunsler



CITY OF ATLANTA
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

June 19, 2001

Min Su Seo And Yeon Sook Kang- Seo
805 Chatburn Lane
Duluth, Georgia 30097

01-R-0816

Dear Mr. & Mrs. Seo:

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 June 4, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0027

Date: 2/13/01

Claimant /Victim MIN SU SEO AND YEON SOOK KANG-SEO
(Atty) (Ins. Co.)
Address: 805 Chatburn Lane, Duluth, Georgia 30097
Subrogation: Claim for Property damage \$ 3,093.32 Bodily Injury \$
Date of Notice: 12/28/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/9/00 Place: Pryor Street
Department Police Division
Employee involved Officer D.L. Pitts Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The claimant's vehicle sustained damages when the driver of a City vehicle backed up and hit the front of her vehicle. However, the claimants filed a claim with their insurance company, and their insurance company has filed a subrogation claim with the City.

INVESTIGATION:

Statements: City employee Claimant Others X Written Oral X
Pictures Diagrams Reports: Police 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 X Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 05 77-01
Committee Action: Council Action

Holmes
12/28/00

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: 12/04/00

Dear Municipal Clerk:

ENTERED -
01L0027 - ALEXIS HOLMES

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: 9/9/2000 2. Time of Incident: 8:30 pm 3. Police called: Yes No
(month/day/year)

4. Location of incident (including street address): underground parking line on phych st. ATL GA 30303

5. Name of your insurance company: All state Policy No. 615053375 03/20

6. State what and how incident occurred: I was slowly pulling out from the parking lot and tried to turn right. (Note: the street is oneway/right side only). I checked left and right side to make sure there was no car coming my way. As soon as I let go of the brake, a police car, backing up from right side, hit my ^(passenger side) Right frontal side of my car.

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:	<u>BMW 318 I</u>	<u>1994</u>	<u>837 MP5</u>	<u>Yeon Sook Kang - Sec</u>
	(Make)	(Year)	(Tag Number)	(Driver's Name)
City vehicle:	<u>Officer David L. Bitts</u>			
	(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.

Yeon Sook Kang
Signature of Claimant

01-R-0816

Yeon Sook Kang - Sec
(Print Claimant's Name)

305 Chatburn Ln
(Address)

Duluth GA 30097
(City, State and Zip Code)

404) 525-3534 770) 622-0005
(Work Number) (Home Number)

4) 295-0005

RCS# 2912
6/04/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

Unanimous

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0653
01-O-0663
01-O-0664
01-O-0835
01-R-0181
01-R-0851

CONSENT

06/04/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED
ON CONSENT AGENDA**

21. 01-R-0796
 22. 01-R-0797
 23. 01-R-0798
 24. 01-R-0799
 25. 01-R-0800
 26. 01-R-0801
 27. 01-R-0802
 28. 01-R-0803
 29. 01-R-0804
 30. 01-R-0805
 31. 01-R-0806
 32. 01-R-0807
 33. 01-R-0808
 34. 01-R-0891
 35. 01-R-0810
 36. 01-R-0811
 37. 01-R-0812
 38. 01-R-0813
 39. 01-R-0814
 40. 01-R-0815
 41. 01-R-0816
 42. 01-R-0817
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