

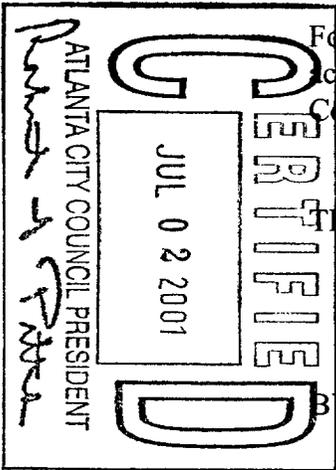
Entered - 06/04/01 - sb
CL01L0341 - DIANNE C. MITCHELL

01- R -0936

CLAIM OF: FRANCISCO IZAGUIRRE,
through his attorney,
Bob Berlin
401 Cherry Street
Suite 602
Macon, Georgia 31201-3347

For damages alleged to have been sustained as a result of a vehicular
accident on August 26, 1999 at the South River Water Reclamation
Center.

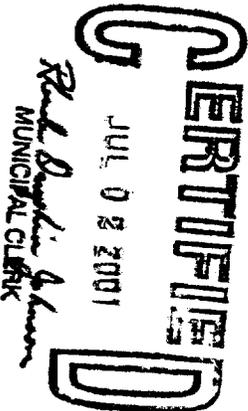
THIS ADVERSED REPORT IS APPROVED



BY:

Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CITY COUNCIL JUL 02 2001



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/26/01

CHAIR: *W. C. T. Parks*

Mark Stork

Clara Morrison

W. C. T. Parks



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

July 2, 2001

Attorney Bob Berlin
401 Cherry Street
Suite 602
Macon, Georgia 31201-3347

01-R-0936

RE: Francisco Izaguirre

Dear Attorney Berlin:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on July 2, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0341

Date: June 12, 2001

Claimant /Victim FRANCISCO IZAGUIRRE
BY: (Atty) Bob Berlin
Address: 401 Cherry Street, Suite 602, Macon, Georgia 31201-3347
Subrogation: Claim for Property damage \$ 4,591.62 Bodily Injury \$
Date of Notice: 06/01/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/26/99 Place: South River Water Reclamation Center
Department Public Works Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his vehicle was damaged due to a vehicular accident with a City vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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 X 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

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-13-01
Committee Action: Council Action

RECEIVED JUN 1 2001

BERLIN AND HODGES, P.C.

Attorneys at Law

ROBERT A. BERLIN
FRED H. HODGES, JR.

401 CHERRY STREET
SUITE 602

MACON, GEORGIA 31201-3347

TELEPHONE (478) 745-7931

FACSIMILE (478) 745-8939

CERTIFIED MAIL
May 30, 2001

ENTERED - 6-4-01 - SB
01L0341 - DIANNE MITCHELL

City of Atlanta
Law Department
Claims Department
68 Mitchell Street
Atlanta, GA 30303

Mitchell
06/01/01
[Signature]

RE: Allstate Insurance Company
vs. City of Atlanta
Our Insured Francisco Izaguirre
Our Claim No. 4094680446
D/L 08-26-99
Our File No. 12877-B
Your Insured City Vehicle: Tandem Truck, no driver
Waste Water Services
Location Employee Parking Lot-South River Water
Reclamation Center

Gentlemen:

We represent Francisco Izaguirre. You are responsible for damages because of an incident which occurred on August 26, 1999, in which an employee negligently parked a vehicle owned by the City of Atlanta. Said vehicle came out of gear and rolled into our insured's vehicle. My client has paid for these damages.

The value of these unliquidated damages has been determined to be \$4,591.62, and we hereby demand payment of that sum immediately. You will be responsible for interest on this sum at the rate of 12% per annum from the date of the first demand. This demand for unliquidated damages and for pre-judgment interest is being made pursuant to O.C.G.A. §51-12-14.

It is our client's intention to pursue this claim if no reasonable arrangements are made for payment of this amount within the next ten (10) days.

Please contact my paralegal, Cheryl, to discuss this case.

Thank you.

BERLIN AND HODGES, P. C.

01-R -0936

[Signature]
Bob Berlin

RCS# 2964
7/02/01
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

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

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B 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-0819

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED
ON CONSENT AGENDA**

26. 01-R-0936
 27. 01-R-0937
 28. 01-R-0938
 29. 01-R-0939
 30. 01-R-0940
 31. 01-R-0941
 32. 01-R-0942
 33. 01-R-0943
 34. 01-R-0944
 35. 01-R-0945
 36. 01-R-0946
 37. 01-R-0947
 38. 01-R-0948
 39. 01-R-0949
 40. 01-R-0950
 41. 01-R-0951
 42. 01-R-0952
 43. 01-R-0953
 44. 01-R-0954
 45. 01-R-0955
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