

Entered - 06/04/01 - sb  
CL01L0340 - DIANNE C. MITCHELL

01- R -0937

CLAIM OF: **LEONARD RYANS,**  
**through his attorney,**  
**David M. Sobell**  
**1720 Peachtree Street, NW**  
**Suite 929**  
**Atlanta, Georgia 30309**

For damages alleged to have been sustained as a result of a fall on  
March 31, 2001 at 148 Bell Street.

THIS ADVERSED REPORT IS APPROVED

BY: *Robert N. Godfrey*  
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

ADVERSED JUL 02 2001

**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/26/01

CHAIR: *C. T. King*

*Sherry D. Wells*

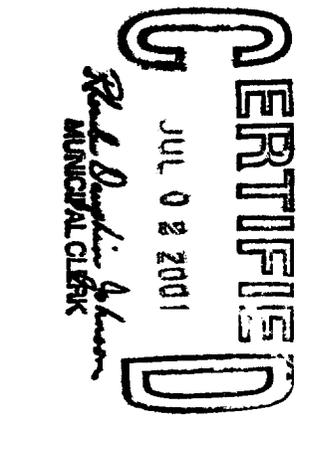
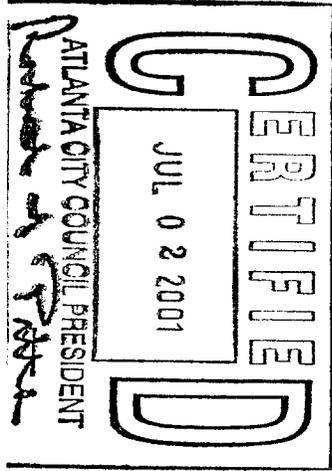
*Debra M. ...*

*W. ...*

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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 David M. Sobell  
1720 Peachtree Street, N W  
Suite 929  
Atlanta, Georgia 30309

01-R-0937

RE: Leonard Ryans

Dear Attorney Sobell:

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. 01L0340

Date: June 12, 2001

Claimant /Victim LEONARD RYANS
BY: (Atty) David M. Sobell
Address: 1720 Peachtree Street, NW, Suite 929, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 05/23/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/31/01 Place: 148 Bell Street
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was injured when he fell while ascending the stairs leading to his apartment. The investigation determined that the property where this incident occurred is owned and operated by the Atlanta Housing Authority. The Atlanta Housing Authority is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue this matter directly with the Atlanta Housing Authority.

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 Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X 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

Law

**SOBELL & FOY**  
**A PROFESSIONAL CORPORATION**  
ATTORNEYS & COUNSELORS AT LAW  
1720 PEACHTREE STREET, N.W.  
SUITE 929  
ATLANTA, GEORGIA 30309

*M. Sobell*  
*05/01/01*  
*DS*

TELEPHONE  
(404) 873-4488  
FACSIMILE  
(404) 873-4490

DAVID M. SOBELL\*  
JOHN M. FOY

Monday, May 21, 2001

\*ALSO ADMITTED IN AL

VIA CERTIFIED MAIL  
City of Atlanta  
c/o Mayor Bill Campbell  
55 Trinity Avenue  
Suite 2500  
Atlanta, GA 30335

ENTERED - 6-4-01 - SB  
01L0340 - DIANNE MITCHELL

U.S. DEPT. OF JUSTICE  
RECEIVED  
MAY 22 2001  
5/29/01

Re: **Notice of Claim**  
Our Client(s): Ryans, Leonard  
Negligent Party: Atlanta Housing Authority  
Date of Loss: 3/31/01  
Location: 148 Bell Street Apt. # 120 Atlanta, GA 30312  
Negligent/Intentional Conduct: Failure to Maintain regular repair to light fixtures after written notification  
Injury: Right shoulder, right ankle, right knee, and back

Dear Mayor Campbell:

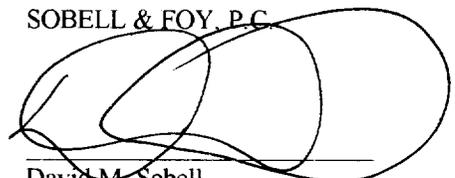
This letter shall provide notice to the city of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. On or about 3/31/01, our client, Leonard Ryans, was injured while ascending the stairs to his apartment. He provided your insured written notification of the lighting problem, but your insured failed to repair the problem. Consequently, Mr. Ryans was injured as a result of this negligence

Mr. Ryan has injuries to his right shoulder, right ankle, right knee, and back. You will notified the extent of his injuries and the amount of his medical expenses as they become available.

By this letter, we are requesting that this claim be submitted to the City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

SOBELL & FOY, P.C.



David M. Sobell  
Attorney at Law

DMS/blm

01-R -0937

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

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07/02/01 Council Meeting

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**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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