

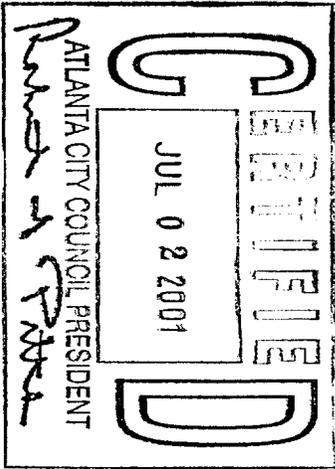
Entered - 04/02/01 - sb
CL01L0204 - DIANNE C. MITCHELL

01- R -0955

CLAIM OF: **R. B. MANAGEMENT SERVICES,**
through its insurance carrier,
Fireman's Fund Insurance Company
P. O. Box 18025
Tampa, Florida 33679

For damages alleged to have been sustained as a result of a sewer
back up on April 2, 2000 at 271 Spring Street.

THIS ADVERSED REPORT IS APPROVED



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

ADVERSED BY
CITY COUNCIL JUL 02 2001

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 6/26/01

CHAIR C. T. Martin

[Signature]

[Signature]

[Signature]





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

Fireman's Fund Insurance Company
P. O. Box 18025
Tampa, Florida 33679

01-R-0955

RE: R. B. Management Services

Dear Ms. Walker:

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. 01L0204

Date: June 15, 2001

Claimant /Victim R. B. MANAGEMENT SERVICES
BY: (Ins. Co.) Fireman's Fund Insurance Company
Address: P. O. Box 18025, Tampa, Florida 33679
Subrogation: Claim for Property damage \$ 44,046.45 Bodily Injury \$
Date of Notice: 03/14/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 04/02/00 Place: 271 Spring Street
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that its property was damaged due to the overflow of storm water caused by an uncapped pipe that was installed through the wall of its building. The investigation determined that the City Sewer Operations' crew did not install the pipe, but that the pipe may have been installed by a private contractor working on the building. Furthermore, 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 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 X Other X 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 06-15-01
Committee Action: Council Action



**Fireman's
Fund**

Fireman's Fund
Insurance Company

1 4 2001

M. J. Walker
03/27/01

[Signature]

March 8, 2001

CITY OF ATLANTA
MUNICIPAL CLERK
55 TRINITY AV., SW
ATLANTA, GA 30335-0332
ATTN.: LAW DEPT

ENTERED - 4-2-01 - SB
0110204 - DIANNE MITCHELL

RE: Insured: R B Management Services
Claim No.: 600 P 00 879048
Date of Loss: 4/2/00
Type of Loss: Water Damage
Amount of Loss: \$44,046.45

Dear Sir/Madame,

Fireman's Fund Ins. Cos. Provided Commercial Property insurance coverage for the above captioned insured. We have settled this loss in the amount captioned. By the terms of our policy our insured's right of recovery is assigned to us.

Our investigation indicates the City of Atlanta is responsible for this loss. Therefore we are looking to you for reimbursement. Attached please find our supporting documentation.

Should you have any questions please contact the undersigned adjuster at (800) 282-2711, ext. 3148.

Sincerely,

Brenda J. Walker

Brenda J. Walker, SCLA
Sr. Recovery Adjuster
Fireman's Fund Ins. Cos.

01-R-0955

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
01-0-0819**

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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