

Entered -9-24-99 - sb
CL 99L0604 - GWENDOLYN BURNS

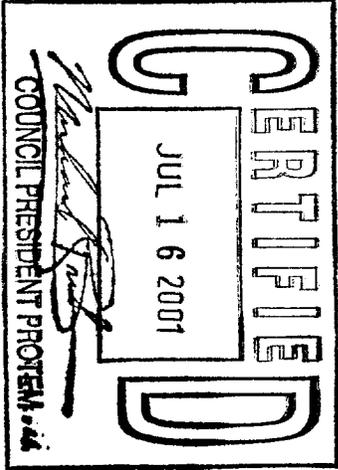
01- R-1039

CLAIM OF:

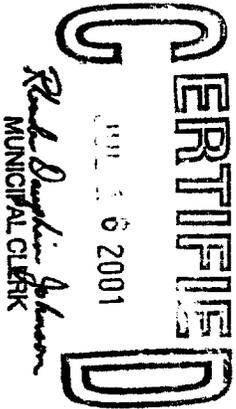
ERBY WALKER
4284 Kimball Road, SW
Atlanta, Georgia 30331

For damages alleged to have been sustained from an automobile accident on August 23, 1999 at 5320 Campbellton Road, SW.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY CONSENT AGENDA



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 07/10/01
CHAR C. T. Martin

[Signature]
[Signature]

ADVERSED BY
CITY COUNCIL
JUL 16 2001



**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 26, 2001

Erby Walker
4284 Kimball Road, S W
Atlanta, Georgia 30331

01-R-1039

Dear Mr. Walker:

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 July 16, 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. 99L0604

Date: June 27, 2001

Claimant /Victim ERBY WALKER
BY: (Atty) (Ins. Co.)
Address: 4289 Kimball Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 1,684.00 Bodily Injury \$
Date of Notice: 9/1/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/23/99 Place: 5320 Campbellton Road, SW
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his parked vehicle was struck by a city sanitation vehicle. However, the claimant has failed to pursue his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
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
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned X

Respectfully submitted,

[Handwritten Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-28-01
Committee Action: Council Action

BURNS
09/15/99
Dm

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
68 Mitchell Street, S.W.
Atlanta, GA 30335

RE: CLAIM FOR DAMAGES

TODAY'S DATE: August 24, 1999
ENTERED - 9-24-99 - \$B
99L0604 - GWEN BURNS

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 1684.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

- Date of incident: August 23 1999 (month day year) 2. Police called (yes) (No)
- Location of incident: A. Philph Randolph Elementary School Campbellton Rd
- Name of your insurance company State Farm Policy # 6536012-E2011
- State what and how incident occurred: My daughter, Anissa was picking my grandchildren up from school (she was at a stand still) the garbage truck hit the right side of the truck and didn't stop. (use other side if necessary)
- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages. Complete the following and attached two (2) estimates of repair.

Your vehicle: Ford F150 1993 282 MCZ Erby Walker
(make) (year) (tag#) (driver's name)

City vehicle: _____
(make) (driver's name) (department)

8. Witness: Kumbana Thompson 4480 Tell Road S.W. (404) 344-9666
(name) (address) (phone)

9. The acknowledgment of this claim in no way waives the Governmental 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).

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT!

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

Erby Walker (SEAL)
(claimant)
4289 Kumball Road S.W.
(address)
Atlanta, Georgia 30331
(city) (state) (zip)
(404) 349-1166
(home) (phone) (work)

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y 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	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
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35. 01-R-1028
36. 01-R-1107

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46. 01-R-1038
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 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
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