01-R-1050

Entered - 04/09/01 - sb
CL01L0218 - DIANNE C. MITCHELL

CLAIM OF: **ARTHUR R. DUGGER**
1250 West Marietta Street, NW
Atlanta, Georgia 30318

CERTIFIED
JUL 16 2001
COUNCIL PRESIDENT PROTEM

For damages alleged to have been sustained as a result of a vehicular accident on February 28, 2001 at 1250 West Marietta Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

CERTIFIED
JUL 16 2001
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL JUL 16 2001

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE 07/10/01
CHAIR C. T. Martin

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

Arthur R. Dugger
1250 West Marietta Street, N W
Atlanta, Georgia 30318

01-R-1050

Dear Mr. Dugger:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **01L0218** Date: June 19, 2001

Claimant /Victim **ARTHUR R. DUGGER**
BY: (Atty)(Ins. Co.)
Address: 1250 West Marietta Street, NW, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage $ **17,500.00** Bodily Injury $ _____
Date of Notice: 05/01/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/28/01 Place: 1250 West Marietta Street, NW
Department PRCA Division: _____
Employee involved John Nash Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle lost control of same, left the roadway and collided with the claimant's building causing damages in the above amount. The claimant has rejected the City's settlement offer and has elected to receive payment for his damages through his insurance carrier.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver X Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected X Compromise settlement _____
Repair/replacement by Ins. Co. X Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 06/19/01
Committee Action: _____ Council Action _____

FORM 23-61

404-658-7082 Stacy

Mitchell 04/09/01

RE: CLAIM FOR DAMAGES

Today's Date 4-4-01

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

ENTERED – 4-9-01 – SB
01L0218 – DIANNE MITCHELL

Dear Municipal Clerk

This is to notify the City of Atlanta that I have suffered damages in the amount sum of $ Approx $17,500 property and/or $ Ø bodily injury for which I contend the City is liable.

1. Date of incident: 2/28/01 (month/day/year)
2. Time of Incident: 10:58 a.m.
3. Police called: ✓ Yes ___ No
4. Location of incident (including street address): 1250 West Marietta St. NW Atlanta
5. Name of your insurance company: The Hartford Policy No. 20 SBA K08198
6. State what and how incident occurred: vehicle owned by City of Atlanta ran into the front of my building.

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: n/a (Make) Building (Year) ___ (Tag Number) ___ (Driver's Name)

City vehicle: 2000 Chev VIN 9023 (Make) John Nash (City Driver's Name) D.P.R.C.A. (Department/Bureau)

9. Witness: n/a (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.

Arthur R Dugger
Signature of Claimant

ARTHUR R DUGGER
(Print Claimant's Name)

1250 W. MARIETTA ST.
(Address)

ATLANTA, GA. 30318
(City, State and Zip Code)

404-794-3344
(Work Number) (Home Number)

01-R-1050

COUNCIL PRESIDENT PROTEM MICHAEL BOND PRESIDED

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	37. 01-R-1029	73. 01-R-1069
2. 01-O-0722	38. 01-R-1030	74. 01-R-1070
3. 01-O-0855	39. 01-R-1031	75. 01-R-1071
4. 01-O-0890	40. 01-R-1032	76. 01-R-1072
5. 01-O-0891	41. 01-R-1033	77. 01-R-1073
6. 01-O-0980	42. 01-R-1034	78. 01-R-1104
7. 01-O-0924	43. 01-R-1035	
8. 01-O-1086	44. 01-R-1036	
9. 01-O-1090	45. 01-R-1037	
10. 01-O-0731	46. 01-R-1038	
11. 01-O-0917	47. 01-R-1039	
12. 01-R-1013	48. 01-R-1040	
13. 01-R-1014	49. 01-R-1044	
14. 01-R-1015	50. 01-R-1045	
15. 01-R-1016	51. 01-R-1046	
16. 01-R-1007	52. 01-R-1047	
17. 01-R-1009	53. 01-R-1048	
18. 01-R-1012	54. 01-R-1049	
19. 01-R-1005	55. 01-R-1050	
20. 01-R-1006	56. 01-R-1051	
21. 01-R-1011	57. 01-R-1052	
22. 01-R-1109	58. 01-R-1053	
23. 01-R-1017	59. 01-R-1054	
24. 01-R-1077	60. 01-R-1055	
25. 01-R-1080	61. 01-R-1056	
26. 01-R-1019	62. 01-R-1057	
27. 01-R-1020	63. 01-R-1058	
28. 01-R-1021	64. 01-R-1059	
29. 01-R-1022	65. 01-R-1060	
30. 01-R-1023	66. 01-R-1061	
31. 01-R-1024	67. 01-R-1062	
32. 01-R-1025	68. 01-R-1063	
33. 01-R-1026	69. 01-R-1064	
34. 01-R-1027	70. 01-R-1066	
35. 01-R-1028	71. 01-R-1067	
36. 01-R-1107	72. 01-R-1068	