

Entered -4-23-01 - sb  
CL 01L0251 - GWENDOLYN BURNS

01- R-1253

CLAIM OF:

**CATHERINE PHILLIPS**  
3301 North Camp Creek Parkway, #D-5  
Atlanta, Georgia 30331

For property damages alleged to have been sustained from a sewer  
back up on March 14, 2001 at 3301 North Camp Creek Parkway,  
#D-5.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL SEP 04 2001

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 04 2001

CHAIR: C. + Martin

[Signature]

[Signature]

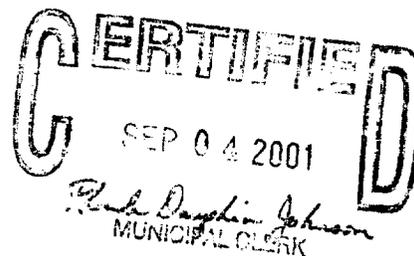
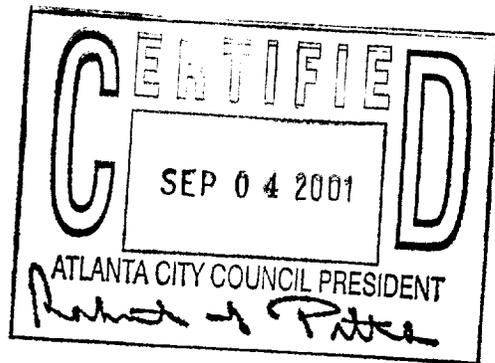
Cela Henderson

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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**

September 7, 2001

Catherine Phillips  
3301 North Camp Creek Parkway  
#D-5  
Atlanta, Georgia 30331

**01-R-1253**

Dear Ms. Phillips:

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 September 4, 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. 01L0251

Date: August 2, 2001

Claimant /Victim CATHERINE PHILLIPS
BY: (Atty) (Ins. Co.)
Address: 3301 North Camp Creek Parkway, #D-5, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 1,800.00 Bodily Injury \$
Date of Notice: 4/12/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/14/01 Place: 3301 North Camp Creek Parkway, #D-5
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages to her residence from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the December 27, 2000 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X 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 Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 08-02-01
Committee Action: Council Action

2 pages

BURNS rec/19/10  
Today's Date: April 3, 2001

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

RE: CLAIM FOR DAMAGES

RECEIVED

APR 12 2001  
AK

ENTERED - 4-23-01 - SB  
0110251 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3,800.61 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: March 14, 2001 2. Time of Incident: over night 3. Police called: No  
(month/day/year) Yes No

4. Location of incident (including street address): 3301 N Campcreek Pkwy D-5 Atlanta, Ga 30331

5. Name of your insurance company: None Policy No. N/A

6. State what and how incident occurred: Back up sewage. Apartment building flooded with back up sewage on March 14, 01. Mr. Jarman from the city of Atlanta have picture of damages.

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: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement 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.

Catherine Phillips  
Signature of Claimant

Catherine Phillips  
(Print Claimant's Name)

3301 N Campcreek Pkwy # D-5  
(Address)

Atlanta, Ga 30331  
(City, State and Zip Code)

N/A 404-344-8371  
(Work Number) (Home Number)

Mrs. Catherine Phillips  
3301 N' Campcreek Pkwy D-5  
Atlanta, Georgia 30331  
April 03, 2001

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
CITY HALL  
55 Trinity Avenue, S.W  
Atlanta, Georgia 30315

RE: CLAIM FOR DAMAGES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages.  
On March 14, 2001 my apartment building flooded with back up sewage water flooding all downstairs.  
And for the second time on March 16, 2001. Causing damage to three piece black laquer ellajay the bottom  
Of the ellajay was completely destroyed. Glass shelf are still intact. four piece living room suit group has  
sewer water damage all around the bottom the love seat is coming apart at the bottom appears to be  
mildew brand new bath room carpet. a five shelf dining room hutch. telephone six 3- easy touch model  
2100 Classic Favorite 1- Curtis alarm clock telephone model T-180 1-Genuine Bell Favorite (Red)  
I have several medical condition that have cost problem in breathing and the stress from living in  
this condition for ten days I have had two heart attack (in the last six months this is too much stress.

P.S ALSO WATER DAMAGE ON THE BOTTOM OF A PANASONIC BIG SCREEN TELEVISION  
JUST THE FRAME. TV STILL PLAYING AT THIS TIME.

T.V

THANK YOU VERY MUCH

Mrs. Catherine Phillips

*Catherine Phillips*

GREENBRIAR DUTCT COLONY TOWNHOUSES

01- R-1253

RCS# 3092  
9/04/01  
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE  
1253

Public Safety Consent Agenda except #15

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE