

Entered - 5-27-99- sb
CL 99L0337 - ALEXIS HOLMES

01-R -1362

CLAIM OF: **MABLE BROWN**
3627 Forest Park Road
Apartment #2
Atlanta, Georgia 30354

For alleged damages sustained as a result of tripping and falling on cracked sidewalk on April 2, 1999 at Peachtree and Tenth Streets.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

**Standing committees
AGENDA**

ADVERSED BY
CITY COUNCIL SEP 17 2001

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
Richard A. Pitts

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01

Sherry Dosey
[Signature]
[Signature]
[Signature]
[Signature]

C. T. [Signature]

CERTIFIED
SEP 17 2001

[Signature]
DEPUTY MUNICIPAL CLERK



**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 19, 2001

Mable Brown
3627 Forest Park Road Apartment #2
Atlanta, Georgia 30354

01-R-1362

Dear Ms. Brown:

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 17, 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. 99L0337

Date: 8/8/01

Claimant /Victim MABLE L. BROWN

BY: (Atty)

Address: 3627 Forest Park Road Apartment #2 Atlanta, Georgia 30354

Subrogation: Claim for Property damage \$ Bodily Injury \$ 150,000.00

Date of Notice: 5/26/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 4/2/99 Place: Peachtree and Tenth Streets

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages when she tripped and fell on badly cracked sidewalk. However, the claimant has filed a lawsuit in the State Court of Fulton County to resolve the issues raised in her claim.

INVESTIGATION:

Statements: City employee Claimant Other X Written X 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 X

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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 08-14-01

Committee Action: Council Action

RCS# 3123
9/17/01
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1362

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

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

MULTIPLE