

Entered - 08/14/01 - sb
CL01L0510 - DIANNE C. MITCHELL

CLAIM OF: **JACQUELINE COOPER,**
through her insurance carrier,
Progressive Insurance
P. O. Box 89440
Cleveland, Ohio 44101-6440

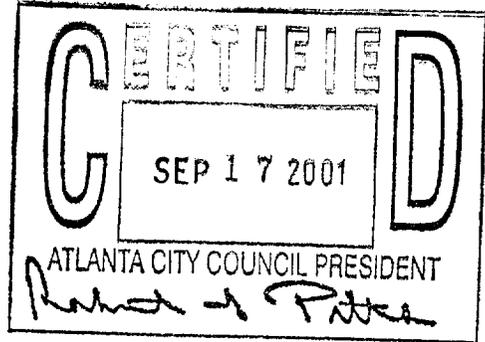
01-R-1378

For damages alleged to have been sustained as a result of a vehicular
accident on June 1, 2001 at 23 Claire Drive, SW.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT SEP 17 2001



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*

CHAIR: *9/17/01 C.T. Martin*

[Signature]

[Signature]



[Signature]
DEPUTY MUNICIPAL CLERK



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

October 2, 2001

Progressive Insurance
Insurance Carrier
Attn: Renee Knop
P.O. Box 89440
Cleveland, Ohio 44101-6440

01-R-1378

RE: Jacqueline Cooper

Dear Ms. Knop:

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 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. 01L0510

Date: August 16, 2001

Claimant /Victim JACQUELINE COOPER
BY: (Ins. Co.) Progressive Insurance Company
Address: P. O. Box 89440, Cleveland, Ohio 44101-6440
Subrogation: X Claim for Property damage \$ _____ Bodily Injury \$ 843.60
Date of Notice: 08/14/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/01/01 Place: 23 Claire Drive, SW
Department Public Works Division: Solid Waste
Employee involved Jesse Muhammad Disciplinary Action: _____

NATURE OF CLAIM: During a heavy rainfall the claimant was operating her vehicle without her headlights on and collided with the City vehicle as the driver of the same attempted to enter the roadway. The claimant's insurer is attempting to subrogate for benefits paid on medical bills incurred due to the above accident. Pursuant to O.C.G.A. §44-12-24, the subrogation of personal injury claims is not permitted. The claimant's insurer has been advised of the above.

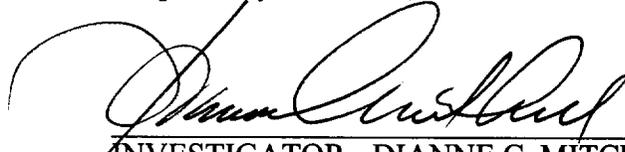
INVESTIGATION:

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

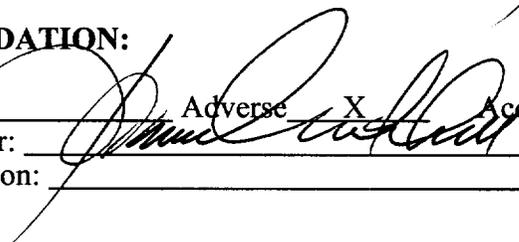
BASIS OF RECOMMENDATION:

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 X Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 08-16-01
Committee Action: _____ Council Action _____

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1378

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