

Entered -08-07-01 - sb
CL 01L0502 - GWENDOLYN BURNS

CLAIM OF:

MARY PINSON
1187-B Oakland Lane
Atlanta, Georgia 30310

01- R -1406

For property damages alleged to have been sustained when a police officer accidentally caused a shelf to fall to the floor during the execution of a search warrant on June 11, 2001 at 1187-B Oakland Lane.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL SEP 17 2001

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

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01

Sherry Spence
Ward
Sherry

C. To Martin

CERTIFIED
SEP 17 2001

faulkner
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

Mary Pinson
1187- B Oakland Lane
Atlanta, Georgia 30310

01-R-1406

Dear Ms. Pinson:

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. 01L0502

Date: August 17, 2001

Claimant /Victim MARY PINSON
BY: (Atty) (Ins. Co.)
Address: 1187-B Oakland Lane, Atlanta, Georgia 30310
Subrogation: Claim for Property damage \$ 500.00 Bodily Injury \$
Date of Notice: 8/03/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 6/11/01 Place: 1187-B Oakland Lane
Department POLICE Division
Employee involved J. R. Butler Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages in her home during the Police Department's execution of a search warrant when a police officer knocked over her brass shelf causing it to fall to the floor and break the contents inside. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

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 Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 10-27-01
Committee Action: Council Action

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1406

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